DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1901

REPORTED AND EDITED BY

HOLLAND BROS.

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FIRST SESSION—NINTH PARLIAMENT

OTTAWA
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1901

SENATORS OF CANADA

ALPHABETICAL LIST

1st SESSION, 9th PARLIAMENT, 1st EDWARD VII

1901

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
AIKINS, JAMES COX	Home	Toronto.
ALLAN, GEORGE WILLIAM	York	Toronto.
ARMAND, JOSEPH F	Repentigny	Montreal.
BAIRD, GEORGE T	Victoria	Perth Centre, N.B.
BAKER, GEORGE B	Bedford	Sweetsburg, Que.
BERNIER, THOMAS ALFRED	St. Boniface	St. Boniface, Manitoba.
BOLDUC, JOSEPH	Lauzon	St. Victor de Tring, Que.
BOUCHERVILLE, BOUCHER DE C. E., C.M.G.	Montarville	Boucherville, Que.
BOWELL, SIR MACKENZIE, K.C.M.G	Hastings	Belleville, Ont.
CARLING, SIR JOHN, K.C.M.G	London	London, Ont.
CARMICHAEL, JAMES W		New Glasgow, N.S.
CASGRAIN, JOSEPH P. B	DeLanaudière	Montreal.
CASGRAIN, CHARLES EUSÈBE	Windsor	Windsor, Ont.
CLEMOW, FRANCIS	Rideau	Ottawa.
COCHRANE, MATTHEW HENRY	Wellington	Hillhurst, Que.
COX, GEORGE A		Toronto, Ont.
DANDURAND, RAOUL	De Lorimier	Montreal.
DECHENE, A. M.	De la Durantaye	St. Roch des Aulnaies, Que.
DEVER, JAMES	Sr. M. St. John	St. John, N.B.
DICKEY, ROBERT B	Amherst	Amherst, N.S.
DOBSON, JOHN	Lindsay	Lindsay, Ont.
DRUMMOND, GEORGE A	Kennebec	Montreal.
ELLIS, J. V	St. John	St. John, N.B.
FERGUSON, DONALD	Queen's	Charlottetown, P.E.I.
FISET, JEAN BAPTISTE ROMUALD	Gulf	Rimouski, Que.
FORGET, LOUIS J	Sorel	Montreal.
FULFORD, GEORGE TAYLOR		Brockville, Ont.
GILLMOR, ARTHUR H		St. George, N.B.
GODBOUT, J	La Salle	St. François, Beauee, Que.
GOWAN, JAMES ROBERT, C.M.G	Barrie	Barrie, Ont.
HINGSTON, SIR WILLIAM H., Kt	Rougemont	Montreal.
JONES, L. M	Toronto	Toronto, Ont.
KERR, WILLIAM	Northumberland, O.	Cobourg, Ont.
KING, GEORGE GERALD	Queen's	Chipman, N.B.
KIRCHHOFFER, JOHN NESBITT	Selkirk	Brandon, Manitoba.
LANDERKIN, G	Grey, S.R.	Hanover, Ont.
LANDRY, A. C. P	Stadacona	Notre Dame de Quebec, Que.
LOUGHEED, JAMES ALEXANDER	Calgary	Calgary, N.W.T.
LOVITT, JOHN	Yarmouth	Yarmouth, N.S.
MACDONALD, ANDREW A	Charlottetown	Charlottetown, P.E.I.
MACDONALD, WILLIAM JOHN	Victoria, B.C.	Victoria, B.C.
MACKEEN, DAVID	Cape Breton	Halifax, N.S.
MASSON, LOUIS FRANÇOIS RODRIGUE	Mille Isles	Terrebonne, Que.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
McCallum, Lachlan	Monck	Stromness, Ont.
McDonald, William	Cape Breton	Little Glace Bay, N.S.
McHugh, G	Victoria, O.	Lindsay, Ont.
McKay, Thomas	Truro	Truro, N.S.
Mackay, R.	Alma	Montreal.
McLaren, Peter	Perth	Perth, Ont.
McMillan, Donald.	Alexandria	Alexandria, Ont.
McSweeney, Peter	Northumberland	Moncton, N.B.
Merner, Samuel	New Hamburg	Berlin, Ont.
Miller, William.	Richmond	Arichat, N.S.
Mills, David	Bothwell	Ottawa, Ont.
Montplaisir, Hippolyte	Shawinegan	Three Rivers, Que.
O'Brien, James	Victoria	Montreal.
O'Donohoe, John	Erie	Toronto.
Owens, William	Inkerman	Montreal.
Pelletier, Sir Alphonse, C.C.M.G.	Grandville	Quebec.
Perley, William Dell	Wolseley	Wolseley, N.W.T.
Poirier, Pascal	Acadie	Shediac, N.B.
Power, Laurence Geoffrey *(Speaker)*	Halifax	Halifax, N.S.
Primrose, Clarence	Pictou	Pictou, N.S.
Prowse, Samuel	King's	Murray Harbour, P.E.I.
Reid, James	Caribou	Quesnelle, B.C.
Scott, Richard William	Ottawa	Ottawa.
Shehyn, Joseph	Laurentides	Quebec.
Snowball, Jabez B	Chatham	Chatham, N.B.
Sullivan, Michael	Kingston	Kingston, Ont.
Templeman, William	New Westminster	Victoria, B.C.
Thibaudeau, Alfred A	De la Vallière	Montreal.
Thibaudeau, Joseph Rosaire	Rigaud	Montreal.
Vidal, Alexander	Sarnia	Sarnia, Ont.
Villeneuve, Joseph O	De Salaberry	Montreal.
Wark, David	Fredericton	Fredericton, N.B.
Watson, Robert	Portage la Prairie	Portage la Prairie, Manitoba.
Wood, Josiah	Westmoreland	Sackville, N.B.
Wood, A. T	Hamilton	Hamilton, Ont.
Yeo, John	East Prince	Port Hill, P.E.I.
Young, Findlay M	Killarney	Killarney, Manitoba.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FIRST SESSION OF THE NINTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON WEDNESDAY, THE SIXTH DAY OF FEBRUARY, IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

Ottawa, Wednesday, Feb. 6, 1901.

The Senate met at 2.30 p.m.

PRAYERS.

The members of the Senate were informed that a Commission under the Great Seal had been issued, appointing the Honourable Lawrence Geoffrey Power to be the Speaker of the Senate.

The said Commission was then read by the Clerk.

NEW SENATORS.

The following newly-appointed Senators were introduced:—

Hon. ANDREW TREW WOOD, of the city of Hamilton, Ont.

Hon. LYMAN MELVIN JONES, of the city of Toronto, Ont.

Hon. GEORGE MCHUGH, of the county of Victoria, Ont.

Hon. ROBERT MACKAY, of the city of Montreal, Que.

The House was adjourned during pleasure.

After some time the House was resumed.

The Honourable John Wellington Gwynne, one of the Justices of the Supreme Court of Canada, Deputy Governor, being seated at the foot of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,

It is the Deputy Governor's desire that they attend him immediately in this House.

Who being come,

The Speaker said,

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I have it in command to let you know that His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada until the Speaker of the House of Commons shall have been chosen according to law ; but, to-morrow, at the hour of three o'clock in the afternoon, His Excellency will declare the causes of his calling this Parliament.

The Deputy Governor was pleased to retire, and the House of Commons withdrew.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, Feb. 7, 1901.

The Speaker took the Chair at 2.30 p.m.

PRAYERS.

NEW SENATOR.

Hon. JOHN VALENTINE ELLIS, of the city of St. John, N.B., was introduced and took his seat.

The Senate was adjourned during pleasure.

After some time the Senate was resumed.

His Excellency the Right Trusty and Right Well-Beloved Cousin the Right Honourable Sir Gilbert John Elliot, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated on the Throne,

The Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,

It is His Excellency's pleasure they attend him immediately in this House.

Who being come with their Speaker,

The Hon. Louis Philippe Brodeur said:—

MAY IT PLEASE YOUR EXCELLENCY :

The House of Commons have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their King and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable interpretation.

The Honourable the Speaker of the Senate then said:—

Mr. SPEAKER :

I am commanded by His Excellency the Governor General to declare to you that he fully confides in the duty and attachment of the House of Commons to His Majesty's person and government ; and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded also to assure you, that the Commons shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.

THE SPEECH FROM THE THRONE.

His Excellency the Governor General was then pleased to open the Session by a Gracious Speech to both Houses :—

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

Since our last meeting the empire has been called on to lament the demise of her late Majesty Queen Victoria. The universal regret and sympathy with which the tidings of her decease have been received throughout the entire civilized world, afford the best testimony to the manner in which she has, at all times, discharged her duties, both as a woman and a sovereign, throughout her unprecedentedly long and glorious reign, and I will venture to add that in no portion of her vast territories were those sentiments more profoundly felt than in the Dominion of Canada.

You will, I am sure, take early action to express your sympathy with the Royal Family in their bereavement and your loyalty to the new sovereign.

The Canadian contingents to South Africa have nearly all returned, and it affords me a very great gratification to be able to assure you that the valour and good conduct of our Canadian soldiers have called forth the highest encomiums from the several commanders under whom they have served during the arduous contest.

The union of the several provinces of Australia into one confederation, upon lines closely resembling those on which our own Dominion has been established, marks another important step towards the consolidation of the outlying portions of the empire, and, I am well assured, will call forth your most sincere congratulations to the new commonwealth.

Acting on the advice of my ministers, I had, previously to the great grief which has fallen upon the nation, tendered an invitation on your behalf to His Royal Highness the Duke of Cornwall and York to conclude his intended visit to Australasia by one to the Dominion of Canada, and I am glad to be able to inform you that His

Royal Highness has been pleased to signify his acceptance of the same. I still hope that that visit may not be considered impossible. I have no doubt of the warmth of the welcome with which he will be received.

My government has learned with great satisfaction of the progress being made with the Pacific cable scheme, and I trust that nothing may occur to delay its early completion.

Last summer, I made a tour through Canada as far as Dawson City, and was everywhere received with unqualified proofs of devotion and loyalty. During my journey, I was, from personal observation, much impressed with the great activity displayed in the development of the mining and agricultural industries of the country, and with the substantial increase in its population. The thrift, energy and law-abiding character of the immigrants are a subject of much congratulation, and afford ample proof of their usefulness as citizens of the Dominion.

It gives me great pleasure to note the excellent display made by Canada at the Universal Exposition in Paris. The fine quality and varied character of Canadian natural and industrial products is evidenced by the number of awards won in nearly every class of the competition. It is a remarkable testimony to the effectiveness of our cold storage transportation facilities, that fresh fruit grown in Canada secured a large number of the highest awards. It is extremely gratifying to observe that, as a result of the display of Canadian resources, considerable foreign capital has found its way to Canada for investment and large orders from foreign countries have been received for Canadian goods.

The improvement of the St. Lawrence route continues to engage the very careful attention of my government. During the past year ship channels have been widened and deepened, additional lights and buoys have been provided and, in a short time, there will be telegraph and cable communication with Belle Isle. These additional securities will tend to make safer and more efficient than ever our great waterway between the lakes and the Atlantic.

I am glad to observe that the revenue and the general volume of trade continue undiminished, and even show a moderate increase over the very large figures attained during the past year.

Measures will be submitted to you for the better supervision of the export trade in food products, and also in connection with the Post Office, the Pacific cable and various other subjects.

Gentlemen of the House of Commons :

The accounts for the past year will be laid before you.

The Estimates for the succeeding year will likewise be placed upon the Table at an early date.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I commend to your earnest consideration the measures to be submitted to you, invoking the Divine blessings upon the important labours on which you are again entering.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, February 11, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. Secretary of State if there is any probability this session of my receiving the final return to the motion made in 1899, as to the sale of the school lands in Manitoba, the amount received from them, the amount on hand, the amount of interest, &c. I ask this early in the session, because I have seen in the newspapers that the government of Manitoba have been interviewing the ministers as to a claim, either to secure to that province the lands or whatever amount of money may be on hand, and if we are to deal with that question during the present session, it is important that we should have the particulars referred to in the motion carried by the House. The hon. Secretary of State will remember that a return was partially made out, and sent back to be completed up to the present time. It would be easy to have the return, so prepared, up to the present date. Will the hon. gentleman call the attention of the Minister of the Interior to the matter ?

Hon. Mr. SCOTT—I will call the attention of the Minister of the Interior to the subject, and endeavour to have the return here. I presume a good deal of it will be in the minister's report. I have not examined it.

THE ADDRESS.

MOTION.

The Order of the Day having been called :

Consideration of His Excellency the Governor General's speech on the opening of the first session of the ninth parliament.

Hon. Mr. ELLIS said : Permit me to ask your kind consideration while I proceed with the task, the pleasant task which I have undertaken to perform here to-day, that of moving an address of thanks to His Excellency the Governor General for the speech with which he was pleased to open this session of parliament. I am the more emboldened to ask that favour from the fact that I know great consideration is shown to members of this House who make their appearance here for the first time, and also there may be sympathetic recollections in the minds of hon. gentlemen of their own feelings, when they for the first time lifted up their voice in this Chamber, when the sound of their speech seemed strange to them, and when they struggled to give utterance to their sentiments. I can scarcely plead youth and inexperience, but I can plead the inexperience of which the years make us so conscious, when we enter for the first time upon the discharge of new duties and try untrodden paths. Before I make the formal motion, I should like to refer to one or two paragraphs in the speech of His Excellency. The first paragraph announces the death of the sovereign. I do not propose to enter upon any lengthy discussion of the sovereign as a constitutional ruler, because I am quite satisfied that that will be discussed on another occasion by gentlemen in this House who are much more capable of speaking upon those constitutional questions than I am. But it is impossible to refrain from making one or two observations with reference to the long reign which is now ended, undoubtedly the most glorious reign in the annals of England. The Queen has outlived two or three generations of statesmen. She came to the Throne at a time when there was a great—I would not perhaps use such a strong word as dissatisfaction—a great deal of agitation in England, and when some men thought that the period was in sight when the Crown might cease to be one of the estates of the realm. The Queen has passed away. The Crown is stronger in the affections of the people than it ever was. There is no question whatever as to the advisability of continuing the Crown and as to its remaining one of the great factors of the government of the country. I desire more especially to make reference to the sovereign herself as an individual, as one exercising power through her influence, rather than from the fact that she possessed authority. The Queen, during her reign, has endeared herself to her people, not only by her constitutional rule, not only by the fact that she recognized the men whom she selected as her advisers, but also because she entered into all the joys and into the spirit of her people in all the great matters which have so developed in the United Kingdom in the last sixty odd years. She was not only a sagacious and far-seeing monarch, but her judgments were strengthened by unparalleled experience. She was constantly strengthened by a strict sense of duty. The simplicity of her life, when she unbent herself in her domestic circle, appealed to the hearts of all, because every happy home in England and the world over recognized that the Queen, as an individual person, had the feelings of common humanity, and that she was, just in her own way, and in her own life, such a person as we might take to our own hearts, and as the people of England did take to their hearts. Her words of consolation, her messages of pity and tenderness, her expressions of kindly feeling for suffering people everywhere, bound her to countless hearts. Her sense of duty so high ; her rule so beneficial to the world, her good sense so potential, she will stand out always as a great ruler, and her influence will be felt for ages. It is difficult for us, I think, to realize the struggles which the sovereign may make for a quiet home—for such a life as we are able to lead in our own domestic circles. Shakespeare describes Henry V. on the battlefield of Agincourt, the night before the bat-

tle, when he went out among his soldiers to ascertain if possible the temper of his people towards him, and while discussing with some soldiers the conditions, he gives expression to the words which the great dramatic writer of England has put in this form :

> For, though I speak it to you, I think the King is but a man as I am, the violet smells to him as it doth to me, all his senses have but human conditions, and though his affections are higher mounted than ours, yet when they stoop, they stoop with like wing.

And as the discussion proceeded he said with even greater pathos :

> What infinite hearts ease must kings neglect that private men enjoy.

So the Queen of England, while filled at times with sorrow, while rarely, in the latter years of her life, experiencing what we might consider great joy, yet nevertheless, was constantly attentive to her duties, and she constantly grew in the affections of her people, because she was attentive to duty, and she passed away with the affection, not only of her own people, but with the affection and regret of all humanity, so far at any rate as it can be reached by our civilization. There is one thing, it seems to me, in the Queen's life, or rather in her later years, that was particularly striking, the way in which she carried herself through those years. Sometimes it may be that age grows selfish. I know that is the opinion of some who discuss age, and compare age with generous youth, but I am sure we can say of the Queen that in her messages to her people, in her visits to the bedside of her soldiers, in her messages of sympathy to the suffering, whether to the widowed mother or to the parents who had lost their children, she spoke from the ripe experience of years—she spoke from the knowledge that this life is a good life, if people help each other through it, and so I think, hon. gentlemen, that when the last moments came to her and she had to lay down her life, she passed away like one who goes to sleep, like one who, in the well-known words of an American poet, wraps the drapery of his couch about him, and lies down to pleasant dreams. She has left a legacy to the people of her own country which will not be forgotten. I have sometimes thought, as I have considered the character of the Queen, as I have thought of the age in which she lived, that when the incidents of this time shall have passed into dim forgetfulness—when history and tradition shall be so mixed up that it will be difficult to say which is which, the poets of that distant time will turn back to this age—turn to her life for the foundation of idyls, as Tennyson did, when he turned to the times of King Arthur. Her greatness as a monarch, her gentleness as a woman, her kindness to the poor in her Highland retreat, will furnish incidents which will point the morals of a future time. There is one other remark with regard to this which I should like to make. The times, of course, were propitious to such a Queen, and she took advantage of them and helped them. Never in the history of England, it seems to me, has England produced such statesmen as surrounded the Queen. I think in the Victorian age we have reached the very highest rank of men who desired to do their duty faithfully and well, that the statesmen of the Victorian age appear to be the most conscious of the high state to which statesmen should reach. They are the highest product, some of them, of civilization, since civilization began. I will not mention any names here. There were, I think, ten Prime Ministers in the time of Queen Victoria. There were other statesmen who sat around her council board and gave her good advice. After all, while it may be a high position to be the Prime Minister of England, or to sit at the council board, there is a limit at any rate when that position is reached, and no ambition and no plotting can carry men further than that. The statesmen of this time laid down their ambition and ideas so far as that goes, and I think English history will place them on the very highest pinnacle which civilization has erected. Then there is one other matter. We can sum up all the glories of the Victorian age, its great discoveries, the vast benefits which it has conferred, its moral opportunities, and what greater thing ever occurred, or what event ever occurred in the world like the death and burial of the Queen. When the Queen was crowned on the death of the former monarch, it took some time to get the information to the people of Canada. Now, the progress of civilization and its inventions have been so

great, that simultaneously the world knew it all, and simultaneously the world mourned on the death of the sovereign and on the occasion of her funeral. On the equator, within the Arctic circle, beneath the Southern Cross, and wherever the word could reach mankind, they all sorrowed for her, and the sorrow was sincere, because people felt not only that a great monarch had passed away, but one had gone who had exercised a good influence on mankind. I do not think I need proceed further on that point. I am quite sure that when the time comes we will express in proper phrase our sorrow at the death of the Queen; also to the new monarch our wishes that his reign may be long and prosperous. I feel, of course, that a eulogy of the monarch might seem like criticism, and I will only express the belief that, having been trained as he has been trained, accustomed to the public ceremonials of the nation as he has been, discharging the duties which he has discharged, very often under great difficulties, he will proceed with the work which was begun under his mother, and that the English monarchy will know no difference, that the happiness of the people will be extended, and that all the joyous anticipations which we have of the extension, not only of public liberty, but of public virtue, will proceed under Edward VII. Another paragraph in the address to which I desire to call attention has reference to the Canadian contingents in South Africa. His Excellency says that they have all returned, and that it affords much gratification to assure you of the valour and good conduct of our soldiers. We have all been participants in the work of dispatching the soldiers to South Africa, and we have all had a hearty welcome for them on their return. I have listened to many speeches which have been delivered with regard to their brave conduct on the field, and also with reference to the spirit which moved them to go. It seems to me, sometimes, that we miss the real spirit which animated our people in the movement which they made on South Africa. It is a sufficient form of words to say that because they thought the Queen and the Crown and the authority of the empire were in danger, they undertook the arduous task of going across the ocean to South Africa, and the more arduous and difficult and still more painful task of traversing the soil of that country. But it seems to me that what moved them was something more than that. The people saw in the attack which was made upon the authority of Britain in South Africa an impeachment of the principles of British liberty itself, and they rose, not because they thought there was danger, so much as because it became an undoubted duty to stand by those privileges and to show that we who were born and bred under the British authority, we who came here from the British nation, we who enjoyed the benefits of the Canadian constitution and the liberty of Canada, were fully aware of what those blessings were to us, and that in whatever part of the world they were assailed by men who owed allegiance to Britain, it was our duty to come to the front and to take up arms and stand by the Imperial authority. Therefore, I need not say that in all parts of the country, we have welcomed back our men. We have been delighted with the work they have performed, and we feel that if the occasion should arise—I hope it never may—that man for man we can hold our own against the world. Another paragraph in the address refers to the commonwealth of Australia. I trust that the government will see its way clear, at the inauguaration of the commonwealth of Australia, to have Canada represented in such way that the people of Australia will feel that we are in entire sympathy with them. I hope before parliament prorogues that it will seem good to the government to send an address to the Australian people, expressive of our satisfaction and gratification at the work they have accomplished. Our Dominion came into existence about eighty years or thereabouts after the American revolution, after the United States had sprung into existence, a descendant of Britain, a country which framed her constitution to a very large extent upon the British lines, modified no doubt by the feeling which was created in consequence of the unfortunate division which took place between the people, largely affected by the stubbornness of the king, still they were a British people. They formed their institutions upon lines which were intended to perpetuate liberty in

America. I think it is Longfellow who speaks of the heat in which the constitution, symbolized under the name of the ship of state, was forged; in what a fire and what a heat it was framed. So afterwards was the Dominion of Canada established, and we too, in the formation of our constitution, were influenced, not by external operations, but by internal operations, and our constitution has a cast, has a direction from the conditions which existed when that constitution was adopted. Still, it is well to remember that while, to a certain extent, we have remained attached to the Crown of England, we are a self-governing people; and now the colony of Australia has framed a constitution too, and that constitution in its form differs from ours and from the constitution of the United States from the fact that there are no difficult questions, there are no great problems involved in uniting the commonwealth of Australia at all. It is simply a business transaction, arising out of the growth of those colonies, out of their desire for a united form of self-government, and they have adopted a constitution which the mother country sat down with them to make, and which I am sure will be a constitution which will afford a pattern at least for others which may follow, because we expect to see a greater development yet.

Now, there are three nations—and I may use that form of expression—which have gone out from the mother country within a century or thereabouts. When the colonies of Australia were first established, the country of course was known to British sailors who had landed on the coast. The Queen of England was just a child—was just born. In the sixty years which have elapsed under her reign, the Australian colonies have grown until they are over four millions of people. They occupy a splendid country, and have a much larger trade than we have. I think in 1897 their trade with the mother country and the world amounted to five hundred and sixty millions of dollars, and they have started on a career the limitations of which no man can at this moment imagine, because, being an island continent, they must have a navy. They have eight thousand miles of sea-coast, and they will control the south Pacific seas. Further than that, all those democratic ideas which prevail among the middle classes of England and among the classes of England which have not reached the highest position in that country, the great ideas of democracy, of the public weal, have strongly permeated the Australian system the theory and the practice of government in the Australian colonies. In their arrangements for age pensions and in other ways they are far ahead of any other country to-day in legislation for the amelioration of the condition of mankind. We cannot look with any other feeling than one of profound interest on a colony which has sprung into existence in that manner. The late Queen sent to them for Governor General of their new commonwealth a gentleman who will rule well, Lord Hopetoun, and I think there opens before the world—I will not say a British dependency, but a British commonwealth which will carry out all those great ideas of advancement which the English people have been seeking to establish for the benefit of themselves and for the benefit of mankind generally. Therefore I think we should express to them our strong hope that they will succeed. I will not go into the political question. I observe that His Excellency the Governor General says that the constitution of the commonwealth of Australia is largely founded upon our own. That is so. At the same time, if hon. gentlemen desire to look into the matter more closely, they will find that the constitution of the Senate of Australia materially differs from that of the Dominion of Canada. I will not say that it is any improvement on ours, but at any rate it is a material advance along certain lines, and I have no doubt there are gentlemen in this Chamber who would approve of the Australian system. However, we send them our best wishes and our hopes for a great future. We hope all their ideas will be realized, and that on that island continent may be the homes of many people who will develop not only their own land, but all those southern lands which have required so much of the finishing touch of civilization.

I will pass to another matter. Another paragraph in the speech refers to the probable visit here of the Duke of Cornwall and York. There appears to be information conveyed in the paragraph that it may not

be possible to carry that out in consequence of the death of the Queen. I hope, however, that it will be accomplished. I hope that when the Royal Prince who now stands next to the Throne makes his visit to Australia, which I understand he intends to do, he will be able also to visit Canada. I am sure we would give him the heartiest welcome. No form of words could express the desire we would have that the Prince should come here. We all remember with special pleasure that Edward VII., now on the Throne, when he was a youth, visited this country. I remember him myself as a ruddy-cheeked lad, who saw all that could be seen in Canada with great enjoyment, and I have no doubt even now with cares of state around him, he may revert with pleasure to his experience in Canada. But his visit had the effect of interesting us in the mother country, and in making us feel that the people of England thought kindly of us. I need not say that the visit of the Duke of Cornwall would be an intense gratification to all our people.

I pass over the reference to the Pacific cable. I have do doubt that will be dealt with in good time. We are all anxious that there should be a Pacific cable, but the matter takes on so many phases, I am not quite sure as to whether I am informed as to what the present phase is.

His Excellency also refers to his visit to Dawson. He says :

> Last summer, I made a tour through Canada as far as Dawson City and was everywhere received with unqualified proofs of devotion and loyalty. During my journey, I was, from personal observation, much impressed with the great activity displayed in the development of the mining and agricultural industries of the country, and with the substantial increase in its population. The thrift, energy and law-abiding character of the immigrants are a subject of much congratulation and afford ample proof of their usefulness as citizens of the Dominion.

It is no doubt a great satisfaction to the people of the country that His Excellency has been able to make a visit of that kind, and to know that he saw the development of the mining industry of which he could speak from personal observation. We are all deeply interested in the development of British Columbia. We hope for a great deal from that country, because it appears to open up to us new and different paths of enterprise from those which we have in the east. His Excellency makes some observation with regard to the character of the immigrants whom he saw there. I presume his remarks refer to the immigrants in British Columbia. At another time there may, perhaps, be an opportunity to speak on the general question of immigration. No doubt it is a difficult question, because we do not now find it as easy to draw people to Canada from the United Kingdom as we did in years gone by. The fields have so extended and enlarged that people do not come to us in the numbers that they did years ago, but we must be gratified at the presence on our land of men of industry, of men of character, particularly of men who from whatever land they come, endeavour here to found happy homes and become permanent residents of the country, and we must also feel gratified that His Excellency saw proof of their fitness to be citizens of the Dominion.

There is a paragraph in the speech with reference to the display at Paris—that the people of Europe had an opportunity to see some of our manufactures, and also the fruits which we produce. Many of the hon. gentlemen here may never have had the opportunity of seeing some of the fruit-growing districts of Nova Scotia. There is no part of the world for its size, except it may be Tasmania, where such beautiful fruit is grown. It can be produced in unlimited quantities. The market for our fruit is being enlarged, and cold storage appliances have enabled us to carry our fruit to European markets much more easily than we did years ago, and we must all wish the greatest possible success to the efforts of the Minister of Agriculture to increase the establishment of cold storage facilities, so far at any rate as they apply to those products which we are able to sell abroad.

With regard to the improvement of the St. Lawrence canals, to which His Excellency referred, we all fully recognize the importance of that route. As the interior of the country is settled, as the population around the great lakes and upper regions of the St. Lawrence increases, the necessity is the greater for an increase also of the facilities to be given to the people to place their produce within easy reach of the buyer in the markets of the world. No doubt

it is an expensive operation which requires both money and the highest engineering skill, but we are making progress in that direction. Whether we are keeping pace with the progress of the country I am unable to say, but at any rate we are all desirous to help forward the desires and designs of the government in the establishment of that object.

His Excellency also makes an observation with regard to the revenue, and the general volume of trade in the country. I do not propose to occupy much further time, but I trust I do not violate any tradition or practice of this House if I make the observation that since parliament last assembled there was an election in the country, and that the gentlemen who had carried on the administration of the affairs of Canada during the preceding four years were continued in power, and not only has the expression of popular approval, been the expression of approval of the administration as a whole, but also the expression of approval of every individual minister, who was obliged to go to the people. There is no question that that is a fact of considerable importance, and it is a fact which the country cannot fail to recognize, and which I suppose we cannot fail to recognize here. We can only hope that, with the continuance of power entrusted to the government, with the confidence the people repose in them, they will prove themselves worthy of the positions they occupy, and will continue to discharge the public duties entrusted to them in a manner to meet the approval of parliament. As reference has been made to the trade of the country, I should like to call the attention of the House to some figures, not for any political purpose, but for the simple purpose of showing how great our trade has been for the past ten years. I have taken the figures for 1890 and 1900. I do not pretend to claim for the administration that they deserve any particular credit for all this great increase, because there is the natural growth and increase in the country, and upon that feature we may dwell with pleasure, but at any rate the government of the day have done their share in assisting in the development of trade, and to that extent at least we may give them credit. In the year 1890 the total value of the imports of Canada was $121,800,000, in round numbers. In 1900, the value of the imports was $189,600,000, an increase of $67,700,000, in the ten years, that is of the total import. The total value of imports entered for consumption in Canada in 1890 was $112,700,000, and in 1900 it had increased to $180,800,000, an increase in that period of $68,000,000 of dollars. Separating the dutiable and the free imports, I find that in 1890 the total value of the dutiable imports was $86,200,000. In 1900 it had increased to $112,900,00, an increase of $26,600,000. The free imports had gone up from $35,500,000 in 1890, to $76,600,000 in 1900, an increase of $41,000,000. The total value of dutiable goods entered for consumption was $77,100,000 in 1890, and in 1900 it amounted to $104,000,000, an increase of $27,200,000. The total free goods entered for consumption in 1890 was $35,600,000; in 1900 it had gone up to $76,400,000, an increase in that particular of $40,700,000. In regard to the exports, in 1890 they amounted to $96,700,000; in 1900 they reached $191,800,000, an increase of $105,000,000. The exports of home produce increased from $87,600,000 in 1890 to $170,600,000 in 1900, an increase of $83,000,000. The exports of foreign produce increased from $9,000,000 in 1890, to $21,000,000 in 1900, an increase of $12,000,000. The aggregate trade of the country in 1890, was $218,600,000. In 1900 it had gone up to $385,500,000, an increase of $162,900,000. The aggregate trade on the basis of home products exported and goods imported for consumption had gone from $203,400,000 to $351,400,000, an increase of $150,900,000. The revenue from all sources had increased from $39,800,000 in 1890, to $51,031,000 in 1900.

I refer to these figures to show that there is a rapid increase in the general trade conditions of the country, and that we may feel exceedingly gratified at this increase, showing that our country is making considerable progress, and that we may be fairly satisfied with the progress which we have made.

His Excellency is good enough to close his speech with a reference to the fact that he conveys to our consideration the measures he submits to us. It seems to me that we are met here at a notable and a noteworthy period. We have just placed our feet upon the threshold of the twentieth century in which we hope to see continued with ever expanding force the material blessings, the moral opportunities, which so rapidly de-

veloped in the century just closed. We meet under the rule of a monarch whose reign has scarcely begun, but under whose sway we hope to see the glories of the Victorian age enlarged and increased and extended until all mankind may recognize the advantages which we enjoy; and we are here a new parliament assembled for the first time to discharge those duties which are ours to discharge for this portion of the great empire which is immediately our own. A new century, a new king and a new parliament! In what hopes may we not indulge of a future for our country in which we shall perform an important part in enlarging the field of enterprise, in widening the bounds of freedom, in adding to the sum of human happiness, in giving effect to the aspirations of our people that all life in this land may be truthful, patriotic and noble. We may differ to some extent, we no doubt will differ to a considerable extent, as to the way in which our highest ideals may be realized; but in those differences, may we never forget that we have high ideals, that we are animated by pure motives, and that the many races and creeds which enjoy the benefits and blessings of Canadian life have one common object—to make this country a land of happy homes, a land of peace, a land of tolerance, a land of liberty in which, what we were, what our ancestors were, what they quarrelled over in the past, shall be remembered only in so far as they are helpful to enable us to live happily together now and to strive in pleasant unison or in friendly rivalry, for the successful development of those sterling virtues which come to us through all the races from which we have sprung, and upon which, we hope to build the strong walls of the national edifice.

In this Senate, removed to a considerable extent from the influence of popular passion and prejudice, but animated by a sincere desire to properly interpret and express the best judgment of the Canadian people, we may reasonably give effect to these sentiments and in this spirit, Mr. Speaker, I have the honour to move :

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

Hon. Mr. ELLIS.

To His Excellency the Right Honourable Sir Gilbert John Elliot, Earl of Minto and Viscount Melgund of Melgund, County of Forfair, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of parliament.

Hon. Mr. JONES—In rising to second the address which has been moved by the hon. gentleman from St. John, I would ask the indulgence of the House, which I am sure will be given to a young member, or rather, I should say, a new member of this House, and while I cannot ask it, as the mover did, on the ground of youth, I can certainly ask it on the ground of inexperience, and I am sure it will be granted. I could have wished that this duty had devolved on some one other than myself, but I appreciate the honour done me in allowing me to second the address. I have listened with great pleasure to the speech of the hon. the mover, and I am pleased to see that he seems to have left me but little to add to what he has said in making the motion. I hesitate to make any considerable remarks, knowing that I am speaking in the presence of learned gentlemen accustomed to public speaking, and who could so well have said what should be said on an occasion of this kind. The speech from the Throne, to which we are replying, differs from any previous speech in the history of Canada, especially on account of its official announcement to this House of the death of Her Majesty the Queen. With reference to this, I will not, I am sure, be misunderstood if I do not add at any length to the remarks which have already fallen from the mover, and the speeches which have been made over the country on various occasions that have offered, and the splendid address delivered in the House of Commons on Friday last by the hon. the prime minister, Sir Wilfrid Laurier, and so ably seconded and concurred in by the leader of the opposition. The address itself indicates the great sorrow that has fallen upon us, and

the trappings around and about us remind us of our great loss, and that we have no longer the Queen—a name familiar to us from childhood has been removed, and this House has, for the first time, met without a message from Her Majesty's representative. But she has given her name to a great age, and the Victorian era will never be forgotten so long as men shall speak. It has been truly said that if anything has dimmed the throne during all that long reign, it has been the brilliancy and splendour only of her own individuality. History has turned two important leaves—the Victorian era and the nineteenth century, running almost concurrently—and that worthy, that good, that beautiful life is no more. Her brilliant career is ended, but its usefulness in the British Empire and over the whole earth is felt now even as it has never been heretofore.

May we not look forward confidently in the belief that the influence of that splendid life, which has shed such lustre upon the British Empire for so many years, will continue to live in the world's memory, and from that greater height shine even more directly upon and ever exert its splendid influence over the people of the whole world.

Even in our sadness we rejoice that we have her son for our King. King Edward VII., now a man of mature years, grown into manhood under the direct personal influence of his Queen mother, we cannot but believe that he will be greatly influenced by his late mother.

He has already said that he will follow closely in her footsteps. And then too, we have still a Queen, the King's Queen, our Queen, a noble woman greatly endeared to the people of the whole empire, second only in the hearts of the nation to the late great Queen herself. Truly we are greatly blessed, and with heartfelt thankfulness we pledge our loyalty to King Edward VII.

We may hope that our relationship with foreign nations may by her death be made even more permanently satisfactory. This great sorrow brings the people of the great German Empire and the British Empire very close together. I could wish they would as between themselves agree that all differences should for all time be settled by arbitration, without force of arms, and if to these might be added the great nation to the south of us, and possibly others also, and that together they would agree to act on the offensive or defensive, in so far as may be necessary to preserve the peace of the world, possibly the great army and the tremendous navy now found necessary to maintain the supremacy and insure peace. might be lessened and combined with each other and thereby practically ensure the peace of the world for all time to come. Reference has been made to Canadian contingents in South Africa. We are reminded that most of our men who went to South Africa have returned. We are indeed proud of the men who went there. We are glad to know that they did their full duty. Glad to know that having gone, they took their full share in hardships, in the long marches, and in the battles that were fought. We greatly regret that so many of them can never return. The severe loss of life at Paardeberg alone, where more than 10 per cent of the contingent were killed or wounded, is to be greatly regretted. But we are proud to know that there, on the veldt, side by side, Canadian Scotchman, Canadian Englishman, French Canadian, and Irish Canadian, fought for Queen and country, and this fact ought to indicate to us, and tell us in the plainest terms that Canada as a nation, made up as it is of various peoples, is still entirely Canadian, and that no questions should arise as to the loyalty of any of our people. It has also brought out the fact that the women of Canada have done a splendid work in the absence of the contingent in looking after the interests and wants of the various companies that went to the war, and the friends at home have done a noble work. Reference has also been made by the mover to that clause referring to the consolidation of the provinces of Australia. It is very gratifying to Canadians to know that Australia, divided as it has been into five colonies, I think, in the past, is about to be consolidated and become one commonwealth. I have reason to know that there will be great advantages in trading with Australia under these altered conditions. There have been great difficulties in the past because of the various colonies differing in many important respects. Each colony had its own railway system, so that

it is practically impossible, if not actually impossible, for the railways connecting the different colonies, to carry freight and passengers, and have through shipments as we are enabled to do in Canada. On account of the differences in gauge and system, they have to transfer the goods and passengers at the border of each colony, and it has been very difficult to do business under these conditions. I have no doubt the creation of the commonwealth will lead to the consolidation of the tariff, and the adoption of a uniform gauge for the railways, and will develop their own trade greatly, giving the facilities for the development of trade between Canada and Australia, from which we will benefit largely. No doubt, from present indications, there will be, early in the life of the new commonwealth, a general tariff, probably not differing materially from the Canadian tariff.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. JONES—I hope that they will give that preference to Great Britain that Canada has seen fit to concede. I hope also that that preference will extend to Canada, and I am glad that we have already on our statute-books a law enabling the Canadian government to extend to Australia the same preferential advantages that we now offer to Great Britain and some of the other British colonies. In fact, at present, I think in the case of the colony of New South Wales, the preferential tariff is already in force. New South Wales, I may say, is practically a free trade colony. I understand that an invitation has been given to Canada to send representatives there. I sincerely trust that Canada will take advantage of this opportunity and do so, and I hope Sir Wilfrid Laurier, the prime minister, will see his way clear to represent Canada in connection with the opening of the first parliament of the commonwealth. It will be greatly in the interests of Canada if he will be able to do so. We congratulate Australia on its consolidation, and on its, to some extent, copying the Canadian parliament in its consolidation. I greatly hope, as is indicated in the speech from the Throne, that the Pacific cable, a necessary link in the carrying on of trade and commerce with Australia, will, in the near future, become an accomplished fact. Reference has also been made to the fact that His Royal Higness, the Duke of Cornwall and York, intends going to Australia to be present and open the first parliament. I have understood by the newspapers that, notwithstanding his bereavement, he will still go. I hope that he will, and I trust that the invitation that has been extended to him from Canada to come this way on his return will be accepted, and that he may see Canada, as he would have an excellent opportunity of doing, coming from the west and passing through to the east, from ocean to ocean. It is gratifying to know that in a visit of this kind the Duke of York will find it necessary to go all the way round the world. The British chain of colonies and possessions, anchored in Great Britain, will have reached the entire distance, and it is pleasing to know that Canada is one of the links, in fact the largest link in the British chain. Let us hope that in the near future the Duke of York may have an opportunity of paying a visit to South Africa, there to consolidate the several provinces or colonies into one grand commonwealth, whose people will be as happy and contented under the new conditions as Canada is, and as Australia will be. Reference is also made to the Paris exposition, and I am very pleased to say that, from personal knowledge, I have no doubt that that has been of great benefit to the manufacturing interests of Canada. I know that great advantages have accrued to Canadians from the exhibit made there, and I think hon. gentlemen who visited it found from Canada, not only in the natural products, in the fruits and grain, but in the manufactures, a very creditable display as compared with the surrounding displays. In this connection I am pleased to know that the government intend exhibiting at the Glasgow exhibition, an exhibition to open within two or three months, which will afford another excellent opportunity for the display of Canadian products, and will be greatly for the benefit of Canada. Reference is made to His Excellency's visit to the Yukon and North-west Territories, and seeing a large part of Canadian territory. It is gratifying to know that we have made very considerable progress in all the west, in mining as well as agriculture.

British Columbia has certainly grown very rapidly, and the North-west has developed in a way that is at least reasonably satisfactory. I find that in the returns for the five years from 1874 to 1879, there was an average of about thirty-six hundred entries per year for homesteads taken in Manitoba. For the ten years from 1880 to 1889, there was an average of about 23,000, and from 1890 to 1899, about 26,500, showing a fairly rapid increase in the growth of settlement in that province. In the last year I believe the immigration into Manitoba and the North-west Territories alone reached about 45,000 people. A very large number of these, one-third at least, came from the United States. It must be very gratifying to members of this House to know that so large a number of immigrants are coming to Canada, many of them returning to Canada who have been in the United States for a greater or less number of years. Rapid advancement has also been made in northern Ontario, as well as in the eastern provinces, in mining and agriculture. Reference is also made to the St. Lawrence river improvements. This brings prominently before us the question of transportation. To my mind there is no question of greater importance to the people of Canada than this. Much has been said in the last few years in this direction, and last autumn we were enabled to use, for the first time, a canal system affording a depth of water of 14 feet through the various canals of the St. Lawrence for the accommodation of larger vessels for transportation purposes. It is unfortunate that in past years so large a percentage of the exports of Canada have found their way across the ocean, not from Canadian ports, but from United States ports. As an illustration of this, I might point to the exports of a manufacturing institution of which I know something, and I find, in looking up the figures, that only about 15 per cent of the exports, amounting to several thousand cars, have gone out by Canadian ports. Going out by United States ports, the Canadian railways lose the advantage of the long haul to the seaboard, and our seaports lose the advantage of the export, and Canada the advantage of the credit of that export, while the United States gains thereby, because it adds to their export trade returns. I hope that the deepening of the canal system will prevent largely, if not entirely, the exports of our products at least by United States routes. With the enormous inland lake system, reaching twelve to fifteen hundred miles up into the heart of the country, and this with comparatively little obstruction in that long distance, it seems to me it ought to be possible for us to have a canal system adequate, not only for the carrying of the products of Canada, but for the carrying of the large amounts of products tributary to these waters from the other side, and that the exports passing down through the lake system should be reversed and go out over and through the St. Lawrence route largely, instead of via United States ports. I notice that the exports of grain and wheat alone from Manitoba and the North-west for the four years beginning with 1886 and ending with 1889, averaged 5,750,000 bushels per annum. From 1890 to 1894 inclusive, the average was 13,300,000 bushels per annum, and from 1895 to 1899, the last five years, except 1900, which I have not got, the average was 24,750,000 bushels, about four times the average per annum in the previous five years. If we can expect no more rapid increase in the future than we have had in the past, we must expect that at least one hundred million bushels per annum of wheat from Manitoba and the North-west alone will be exported within five years, and it is hoped that our own route will be so improved as to enable all of that to go through Canadian channels, instead of through a foreign country. I do not know whether the depth of canal is sufficient for that or not, but it does seem to me that this question may again have to be considered with a view of having sufficient depth and length to our canals and locks to permit ocean vessels to come up into the lakes and load their grain, their iron and their steel, at Toronto, Hamilton, Detroit, and all the ports to Fort William, because the products of the various iron and steel companies that are growing up in the country will, in addition to the natural products, in the very near future form a very large export trade in themselves. The iron and steel trade with Great Britain has fallen off in the last few years tremendously. Ought not Canada to supply

the deficiency in Great Britain ? Is it not situated better than any other country to supply that deficiency ? I think, within comparatively few years, it will be able to do so. I see no reason why Canada—there can be no reason why—located as eastern Canada is, at least one-third nearer to Great Britain than the principal ports of the United States, should not afford transportation, and Canada can produce the iron and steel as cheaply and as readily as any of the United States makers, and if so, we have reason to believe that the falling off in trade in Great Britain will, in the very near future, be entirely supplied by the enormous increase in this trade from Canada. Mr. Speaker, I have the honour to second the motion for the adoption of the address.

Hon. Sir MACKENZIE BOWELL—I am quite sure that every one who has listened to the two speeches which have just been delivered by the mover and seconder of the address, will, with myself, congratulate the House upon the valuable acquisitions to it. I listened with a great deal of pleasure and interest to the speech made by the mover. It was terse, dignified, and generally, to the point. As an old Liberal, supporting a semi-protectionist government, the hon. member from St. John (Mr. Ellis) can be excused for a few of his utterances on this occasion. Without wishing to appear egotistical, permit me to congratulate the House on the fact of having another addition to it from the fourth estate, for whom personally, and otherwise, I have very great respect. The seconder of the address occupies a somewhat different position to that of the mover. He is what might be termed a representative of the manufacturing class of the community, a very important one, more particularly from the standpoint of the late government who introduced a protective policy into the country, and I presume I shall not be offensive if I designate him a Liberal of the old school, of free trade opinions, but of strong protectionist ideas. He seems to occupy a somewhat incongruous position, but still in this age, when some parties are obliged to accept when in power that which they opposed vehemently when in opposition, there is a gratification in knowing that the mind of man is so constituted that he can bring within its folds both sides of a political question on which they might differ, and do differ, in the study of political economy. However, be that as it may, I am sure, from the remarks which the seconder made, that he has a deep interest in the manufacturing interests of this country, and very properly so, because under that policy, which some of us had the honour and privilege of inaugurating in this country, the particular industry with which he is connected has flourished to a wonderful extent—to such an extent that that which barely existed in 1878 has now become one of the largest exporting branches of the trade of the country. I congratulate the present government on not having interfered with the protective policy of the old government, so as not materially to interfere with the progress and advancement of that particular industry as well as with others. I shall not at the present moment refer at any length to the first portion of the speech from the Throne, which speaks of the death of Her Majesty the Queen. That duty for a short time will devolve upon me no doubt when the Minister of Justice submits a motion of condolence to the Royal Family and of congratulation to His Majesty Edward VII., on his accession to the Throne. Hence, I do not deem it appropriate to say now, that which I propose to say when that question arises. It would be only a repetition of what I shall then have to say.

I am fully in accord with the reference made to the valour of the Canadians who were sent to South Africa. It is true that we were not the first, but the last of the colonies who offered that assistance. Be that as it may, the Canadian volunteers who went to South Africa have proved that the same blood which coursed through the veins of their forefathers courses in theirs, and that wherever they were sent to do battle with the foe, they did it with credit to themselves and to the country from which they came. It is a pleasant thought to all of us that at Paardeberg, one of the severest battles fought during the war, a battle fought on the anniversary of that blot on the escutcheon of British history, the surrender at Majuba Hill, they wiped out that blot on the history of our country and established for themselves a name in history that will never be forgotten. I congratulate

them; and, speaking for my own section of the country, it is a still greater pleasure to know that, though there was no one part of Canada which sent a greater number of volunteers to South Africa than did that portion of Ontario in which I live, every one of them with the exception of one or two who were slightly wounded, returned to their homes as healthy as when they left. It is also a matter of regret that many of the Canadian contingent lost their lives either through sickness or through wounds received in battle. I congratulate our late Speaker on the valour displayed by his son when under fire. I sympathize deeply with the Minister of Militia in the loss of a son whom everybody, so far as I know, respected. He was represented to be a fine soldier, unequalled by any of those by whom he was surrounded, and I sympathize with the Minister of Militia in the loss he sustained of his only son. Others came home wounded, and it will be a long time before we forget the valour of our Canadian boys. They showed the same spirit which actuated our people in wars gone by, when this country was attacked by a foreign foe, that they were ready to lay down their lives in defence of Queen and country. My hon. friend referred to the commonwealth of Australia, the advance which has been made in what I might term the consolidation of the empire. It was my good fortune some years ago to visit Australia when this question of confederation was uppermost in the minds of all Australian statesmen. At that time, whenever it fell to my lot to address a public meeting, or a board of trade, or a chamber of commerce, the first intimation I would receive would be from the present premier of that country, Mr. Barton, to be sure and say something about confederation. 'You in Canada have experienced its benefits,' he would say, 'you know what it is to have the whole of the different provinces joined together, tell us something about it.' In a very humble way I attempted to do so. I pointed out to them the difficulties which presented themselves to Canadian statesmen at the time when they were considering the question of confederating the different colonies, difficulties which did not exist in Australia. They had no race difficulty in that country. They were not separated as we are in Canada. While we have a vast extent of country lying between the maritime provinces and Quebec and Ontario, and five or six hundred miles to the west of us which rendered it impossible to reach the eastern sections of the country during the winter seasons; they, with their five colonies laid close together, with nothing but imaginary lines dividing them except in the case of Tasmania, which required but a couple of days' sail on the sea to reach it. As the hon. gentleman (Mr. Jones) has pointed out, strange as it may seem to us, there were five different tariffs in force in Australia. Until lately New South Wales was a free trade country under Premier Reid. Victoria had a high protective tariff; Western Australia had another tariff; South Australia another; Queensland another, and Tasmania another. What was more singular was to find that the railways in Queensland were of a narrow gauge. In New South Wales, the railways were of the standard gauge. Passing on to Victoria they had the old wide gauge, so that in travelling from one colony to another, one had to change three or four times both freight and passengers. I have no doubt they will adopt in a very short time the policy which we adopted when we came into confederation when we changed the gauge of the Grand Trunk, and adopted the standard gauge of the continent. Singular as it may appear, the constitution given to the Australian colonies prevented any province from giving a tariff concession to another, without giving it to the whole world. In other words, Victoria could not put an article upon the free list from any of the colonies without doing the same for the whole world. That I admit has been changed, but when I was there discussing this question with them, I found the constitution provided that any concession made to Canada in the way of reciprocal trade, had to be given to the United States and to the whole world. I pointed out that we wanted reciprocal trade with them, on the question of fish and of lumber in particular, but if we gave them reciprocal advantages in Canada, or if we admitted the fruits and other products of their colonies into Canada in consideration of free entry of fish and lumber by them, we would have to compete with the United States, because the Australians were obliged to give the same terms to all other countries. Our neighbours, who have the same varieties

of fish and lumber on their western coast that we have in British Columbia, would be put on the same footing as ourselves. I said to them, 'you can readily understand that would be no advantage to us; we should be giving you free trade in these articles in Canada, while you, in extending reciprocity to us, would have to give it also to a foreign country, and until you petition the Imperial government to so amend your constitution as to give you the right of entering into reciprocal relations with your sister colonies, further negotiations are useless.' It is true they did take action, and all these difficulties were wiped out during the Queen's jubilee, and what has followed has been the union of the colonies so as to enable them in the future to do that which we have been endeavouring to accomplish in the past—have reciprocal relations between the sister colonies for the free exchange of our products. That is a policy which I think would suggest itself as being beneficial to all classes of the community. The tariff, I notice by a speech made a short time ago by the premier of that colony, is to be of a somewhat modified character. It will be, I am quite satisfied, to a greater or less extent of a protective character. He has also announced the fact that he is in favour of preferential trade with England, and hopes the time is not far distant when England will arrive at the conclusion that it is necessary to bind the colonies more closely to the empire by giving them some concessions in consideration of the preferences which we give them, and in that respect he takes the same line that some of the statesmen take in this country. I am not one of those who believe that England is so wedded to her free trade system as to refuse any concession to the colonies. Every year shows that the trade of other countries is making inroads upon that of England and she will be obliged ere long to adopt some other policy than that which has governed her for years past, and surely we as Canadians cannot object to having some concessions made to us when they arrive at that stage. The hon. the mover of the address intimated that the confederation of the different colonies of the empire had established what he might term three distinct nations; that is, the United States, Canada and the Australian colonies. I frankly confess that I do not like the expression, different nations. The confederation of the different colonies, to my mind, instead of establishing what we might term independant nations, is only bringing the whole British Empire closer together, uniting closer the mother country with her people in the colonies, and not as establishing separate or distinct nationalities. We have arrived at a period when we have all the privileges which can possibly be granted to a people under one sovereign, and the longer we live the closer we will be united together by this system of confederation. I hope to live long enough to see the South African colonies combined under one government similar to that which exists in this country, and in the Australian colonies, and then we shall have, not another nation, but another confederacy bound closer to the mother country than ever before.

Hon. Mr. ELLIS—The thought in my mind was rather a swarm from the hive, carrying out those great principles of British liberty and British ideas in the founding of nations.

Hon. Sir MACKENZIE BOWELL—I accept that interpretation of the hon. gentleman's language, but his utterance conveyed a different idea. I have heard so often of late, and particularly by the premier of this country, whenever he has made a speech, of our having created a nation and looking forward to the time, in the not very distant future, when we shall occupy a very different position to that which we now occupy towards the mother country. I have no sympathy with that feeling directly or indirectly. The older I grow the more I am convinced that we ought, in our own interests, in the interests of liberty and humanity, to be closer bound to the mother country than ever in the past, until the time arrives when in speaking of a British subject in any of the colonies, we do not refer to him as a colonist, carrying the idea that he occupies an inferior position in the empire. It will be quite sufficient to know that we are British subjects, and that these words alone are sufficient to convey the idea that we are a part and parcel of the greatest empire that ever existed, enjoying the same rights and privileges in Canada and Australia as if to the manor born. That is what I hope to see ultimately. Some of us, youngsters, like the mover of

the address and myself, may not live to see all this, but we can lay the foundation at least for that which we hope to see accomplished. It has been my good fortune to live under no less than four sovereigns. I do not expect to live long enough to see another sovereign ; but there are some in this House, who have lived long enough to be under George III., George IV., William IV., Victoria and Edward. I only hope that the venerable member of the House (Mr. Wark) whom I hope soon to see present may live to take his seat when he is beyond the century in age.

The Duke of Cornwall, or in fact any member of the Royal Family, will be welcome to Canada. I hope he may come. As the heir-apparent to the Throne now, the time may come—in all probability it will come—when he will have to assume the position his father now occupies, and nothing will so tend to expand his ideas as to the importance and magnitude of the empire over which he may be called to rule, as travelling through the different portions of it. Going round the world, seeing Australia, coming home by way of Canada through the great North-west will give him an idea of this Dominion and of Australia that canont be gained by reading or study. I speak from experience, when I say that no man can have any conception of what the empire is until he has visited a large portion of it, and nothing will tend to expand the mind of the heir-apparent in that direction so much as going through the Australian colonies and British North America.

The Pacific cable is referred to in the speech. I confess that a few days ago, when I saw a telegram purporting to have been sent by the Colonial Secretary to the Australian statesmen and governments, that delay was occurring owing to the further consideration of the subject by the Canadian government.

Hon. Mr. SCOTT—That is entirely wrong. There was no authority for that.

Hon. Sir MACKENZIE BOWELL—I am very glad to hear it, because I look upon that cable as a very important work in the interests of the empire.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I look upon that as a corollary, if I may so term it, of confederation. A cable round the world through British territory is absolutely necessary for the protection of Imperial interests at the present day, and every day makes it more important. There is one thing, however, to be considered in connection with this great scheme, and that is that it has been delayed too long.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The delay is causing a further expenditure in its construction, reaching, if I mistake not, into millions over and above that for which it was offered to be built when the late government, after the colonial conference, called for tenders. I do not hold the present government altogether blameless in connection with that delay. I do not think they pushed it with the vigour they should have shown at the time, but having taken the matter up and adopted the policy of the late government in connection with this cable, they have done, I believe, all they possibly could, more particularly when we consider the obstruction that was thrown in the way by the Eastern Extension Company, through the influence which they had in England. I see that a Bill is to be introduced by the Postmaster General changing the law which is now upon the statute-book, and which, I presume, has for its object the increased cost which we will have to pay owing to the extra expense that will be incurred in laying this cable. The hon. gentleman nods his head, I suppose in acquiescence. I regret that the contract is in the hands of the parties to whom it has been awarded. I think it would have been much better, in the interests of the cable, and of the empire. if the laying of that cable had been in the hands of independent contractors of whom there are either three or four quite capable of doing it, in England, than in the hands of the construction company which is a part and parcel of the Eastern Extension Company, who have obstructed and prevented the completing of that line for the last fifteen or twenty years. However, if they have signed the contract, I take it for granted that the commission which will be appointed by the Imperial, the Canadian, and the Australian

governments, will have sufficient force of character to hold the contractors to their agreement, and compel them to fulfil its terms. I am not socialistic enough to adopt all the theories that have been advanced with reference to the ownership by government of railways, telegraphs and other conveniences of that kind, but I must make an exception of this cable. The reason why I think it should be owned by the government is, that it will be of inestimable value if difficulties should occur between Great Britain and other countries. They should have full possession of it in order to prevent, as far as possible, any information being given to others than those to whom it is sent. Had the cable to South Africa been in possession of the Imperial government during the last year, I venture the assertion that they would have saved enough money, in the cabling done, to have almost paid for the laying of a new cable. Governments have adopted that principle. which, I think, is the correct one, for the reasons I have given, and I hope it will be successful.

I am very glad to know that His Excellency the Governor General has visited the North-west. It is not the first time that His Excellency has been there. He was in the North-west with General Middleton, when the difficulties arose there, and did his duty as a soldier. His visit to the Yukon must have been a benefit, not only to himself, but to the government. We have nothing, however, in the address which indicates there was any dissatisfaction with the mode of governing that country when His Excellency was there, nor are we told that he was presented with a bill of grievances. Probably we may, before parliament rises, know what has been done to remove those grievances, and to dispel the dissatisfaction which he found to exist in that country, as represented by the addresses which were presented to him. We can scarcely expect, however, and perhaps it would be too much for me to ask if that matter has been considered. We shall find that out before the session ends, in all probability. Be that as it may, it is gratifying to know that the outcome of the wealth of that country is growing larger every day, and as people become acquainted with the mode and manner of extracting the wealth from the soil, just so in proportion will they succeed and just so far will it be gratifying to those in the older provinces.

I shall say very little about the Paris exposition. Most of us will be better prepared, when the Auditor General's Report is before us, to discuss the subject. The question will arise then as to whether the cost in connection with that exposition is commensurate with the benefit which we are to receive. With reference to the St. Lawrence route, I can only infer, from what the address says about it, that they intend to assist in the development of trade by that route by subsidizing steamers, by adding to the cold storage accommodation by which our goods can be taken to the old country in a safer and more perfect state. I can only repeat here what I had the pleasure of stating at a county fair in the province of Quebec in the county of the hon. Minister of Agriculture himself. I congratulated him on what he was doing, and I do so now, and I told his people there —it might have been considered perhaps a little interference—that just so long as he adhered to and carried out the policy inaugurated by the late government in establishing and extending the cold storage, just so long would he be legislating in the interests of the country. And not only that, but many other things in which they have followed in the wake of their predecessors; and as long as they adhere to that, of course we must congratulate them, and that accounts in a great measure for the progress and prosperity of the country at the present day. I shall not indulge in any remarks about the figures which my hon. friend has given. I have a somewhat vivid and distinct recollection, however, that in 1878, when the Conservative party came into power and trade began to boom and surpluses followed year after year, that we were condemned in unmeasured terms for collecting more from the people than the actual requirements of the country, and that we should act in accordance with the principles which had been laid down and which governed English statesmen when they had a surplus, to cut down the taxes. Every paper that we pick up and read, and every speech that we hear from the head of the government to their supporters, is a boast of the great surpluses which they

are enjoying. I do not object to that, providing the money is properly expended, but when I look at the other item in the address to which the hon. gentleman did not refer, that the estimates would be laid before parliament, I noticed that there was an omission. A statement which is usually contained in the address from the Throne has been omitted, and that statement was that the estimates were prepared with a due regard to economy, and would be laid before parliament for their approval. I do not know but that the gentleman who prepared that address had in his mind's eye the declaration made by the Minister of Public Works, when he was accused and the government were accused of expending too lavishly the money of the country. 'Ah' he said, 'it is true we have been expending money, but wait till you see us next year.' The year has passed, and the elections have given them another lease of power, and when the estimates are brought down I suppose we shall come to the conclusion that the gentlemen opposite were serious in leaving out the stereotyped phrase that the estimates had been prepared with a due regard to economy. The hon. gentleman who moved the address very properly said that he did not give the government credit for all the prosperity and extension of trade which had taken place during the last decade, or the last five years. He was then playing the part of the gentleman who used to condemn the former government for having surpluses and when they used to boast of the trade increasing through the national policy which had been placed upon the statute-book, and a policy which we believe, and I believe still, did more to add to the progress of this country than anything else; we were then told we had nothing to do with it. All the world was prospering just as well as Canada. So it is to-day. While Canada has advanced marvellously in her trade in all portions of the country, she has been exceedingly lucky, if I may use the expression—fortunate would perhaps be better—in having, until last year, first-class harvests. If hon. gentlemen look at the figures of the United States they will see that their trade has increased, proportionately to ours, in a much greater degree than has that in Canada, but none of us attribute that to the administrative ability of the United States statesmen. There are cycles of time, every ten or fifteen years as time rolls round, when trade booms, and at other times it becomes depressed. The hon. gentlemen were in exactly the same fortunate position when they came into power and the tide of trade began to turn, as it did with the Conservatives in 1878. They had been in power some years and times changed and depression of trade set in, not only in Canada but in every section of the world, and when the hon. gentlemen succeeded to power that trade turned again and trade boomed as the hon gentleman from St. John has stated to the House, and I can only hope that it may continue. I have no hope that, for the sake of turning them out of power, we shall have such a depression of trade as existed in 1874, 1875 and 1876, and which existed in 1894-5-6. Every Canadian must rejoice at the prosperity which has taken place of late, and can only hope that it may continue. The measures referred to in the speech from the Throne, are very few in number. What they intend to do with the post office we are not told. The hon. gentlemen who moved and seconded the address would have done well if they had asked some information upon that very important point—so that they could have informed the House what they intend to do, and what the reference to the post office indicates. Are we to have an extension of the delivery system in the rural districts of the country, the same as it exists in England? If it be so, the deficit in that department I am quite sure will be much larger than it has ever been before, for the reason that the country is not sufficiently populated to justify a postal delivery in the rural sections of the country—at least that is the view which I hold upon that question—or whether they intend to extend the cent postage to cities, towns and villages. If you post a letter and it goes to the other side of the city you have to pay double that which you do for a drop letter to be taken out of the same post office. Or are we to have a repetition of the old Act which charged more for carrying a letter from Ottawa to Hull than for carrying a letter from Ottawa to Rat Portage in the one province? Are we to have

discrimination as indicated and provided for in the late Bill in the matter of charging for postage between the different provinces? I hope not. We have a penny postage. Let it be absolute. Let us have no discrimination. Perhaps my hon. friend who sits opposite will be able to give that information when he rises to address the the House. I have occupied the time of the House much longer than I intended doing. I have run over in as cursory a manner as possible the different points referred to in the address. I congratulate the hon. gentleman opposite on preparing an address, with which no one could find fault. I never saw a longer address with less in it. There is no question about that.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—What it is famous and notable for, is what it does not contain. Does the hon. gentleman tell us if there is any truth in the statement a few days ago in the papers—I hope it is true—that our astronomers had been making a survey of the boundary line between Canada and Alaska? If it be true it will be gratifying to every man—that is, that Skagway and Dyea and Pyramid Harbour are in Canada, and that we shall have the best possible inlet to the great gold fields of that section of the country exclusively through Canadian territory. I hope that that is true. That has been our contention. That, I think, is the contention of the hon. Minister of Justice, a gentleman who has given more attention and more study, I hesitate not to say, to the question of boundaries between Canada and the United States and Russia than any other man in Canada. If that be true the action of this House in its rejection of that Teslin Lake and Stikine railway route will have a justification stronger than ever.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—There is also another omission to which I call the attention of the hon. gentleman, and I hope that he will be able to give us some information upon it. We have been endeavouring for a great number of years to have established what is termed a fast steam service between Canada and Great Britain, so as to be enabled to compete with the trade that is now carried from New York to Europe. We know that the merchants of Montreal, nearly all who are doing business with England at the present time, when time is of any consequence, go to the United States, and take the steamers there to go to England. What I have been looking for and hoping for, as most Canadians are hoping for, is that we should have a line by which we can successfully compete with those lines running from United States ports. But the late government, of which I was not a member at the time, had an agreement made with Canadians and their associates in the old country to establish a line of that character. The hon. gentlemen opposite thought they could make a better bargain. They annulled that of their predecessors, and entered into another arrangement with Petersen & Co., of England, at, they boasted, some half a million less of a subsidy. I remember distinctly that when the premier was addressing a meeting of the board of trade in Toronto, he received—I will not say premeditated; that would be accusing him too much—he received a telegram announcing the fact that they had entered into an arrangement with Petersen & Co., by which they were to save half a million dollars in money in the contract, and, furthermore, that they had made a deposit as a guarantee of their bona fides in carrying it out. We know that another gentleman of the cabinet, who is a non-portfolio member—a gentleman of whom the hon. premier stated, in the eastern townships, when he was addressing a meeting there, that he had taken into his cabinet on account of his business ability, not for any other reason, although he was an old Tory. I suppose in adopting him he thought he must have some ability fitted for that part of the work. He has been gallivanting between Canada and England every year, once or twice, I think, since he has been in the government, and now he acknowledges the whole thing is a failure. When are we to have this line? When are his bottle-nosed, non-sinkable ships to be established between Canada and England? We know that is his beau ideal of what we should have, and perhaps that will come in the sweet by and by, but I hope the hon. gentlemen will not delay it any longer than they can possibly help—that is, unless they have changed their minds as to the necessity

and advantages of a fast line between Canada and Great Britain.

I am very glad to know that the population of Manitoba and the North-west is increasing. I would much rather, however, that it was settled by different classes of people. I am also pleased to know, if it be correct—and I have no reason to doubt, from what the hon. gentleman says, that a large number of those who went to the United States are coming back, and I am more pleased to know that it has been the policy of the Conservative party to assist to the fullest possible extent in bringing back those who went to the United States. I am more gratified than ever to know that in no instance, either with the public man or with the public press supporting the Conservative party, have we ever denounced that country and said that it was unfit for settlement, as did the hon. gentlemen when we were governing the country, and endeavouring to settle it with the best class of people. We never held up Kansas as superior to the North-west.

Hon. Mr. MILLS—Neither did we.

Hon. Sir MACKENZIE BOWELL—It would be just as well if the hon. gentleman had not contradicted me, because it may possibly lead me to speak at more length than I intended. Does the hon. gentleman pretend to say that the United States railways did not circulate extracts from the Hon. Edward Blake's speech with his picture——

Hon. Mr. LANDRY—Hear, hear; I have one of them here.

Hon. Sir MACKENZIE BOWELL—Upon their show bills, and send it through Europe, in which Kansas was extolled as far superior for settlement to the North-west Territories. Does he not remember that the late Alexander Mackenzie denounced that country as unfit for settlement, and does he not know that it was obliterated from the *Hansard* after consideration, knowing the effect it would have upon the country, and the settlement of that province. I have been in parliament a number of years; I have a tolerably good memory, and I remember distinctly the speeches that these gentlemen made, and the denunciations which were hurled at the Conservative party for spending money which would have the effect of opening up and developing that country. The Canadian Pacific Railway system was condemned in the same manner by these gentlemen. They declared that it would never pay for the grease that would be necessary to oil the wheels. They declared further that the ties of the eastern section would be worn out and rotten before you could lay the ties at the western section of the country. It was declared to be the ruination of the whole country. It was declared that the whole wealth of England could not build the road within the time in which the government had contracted to build it. I am glad to know that all these prophecies have proved false and of no avail. The great safety of the west, the knitting together of the different provinces, has been done through the means of the Intercolonial and the Canadian Pacific Railways. In other words, British Columbia would have been a mere appendage of the United States to-day, instead of being an integral part, and one of the most valuable, of the Dominion of Canada. The whole policy of the government was, at that time, a profession or a belief, that what the Conservative government was doing was inimical to the interest of the country, but when they came into power they were obliged to adopt, to a greater or less extent, the policy of their predecessors, for which, I repeat, as I did some time ago, I compliment them. I compliment them in the interests of the country, but not on the integrity of their party professions. I repeat, I hope the country will go on prospering just as it has been prospering in the past, no matter who governs the country, and as long as we have addresses as unobjectionable as this one, I do not know that we have any great cause of complaint. We are met together at the present time, as indicated by the hon. gentleman, in the beginning of a new century, under a new sovereign, and after a new election. The hon. gentleman referred to the result of the election. That is a prolific subject, a very important subject—the mode and manner by which that election was carried, I shall say nothing about, other opportunities will present themselves. I congratulate myself, however, upon the fact that the people in the province in which I live were actuated by principle and not by race cry or anything

else, other than the conduct of the government, and the result was that we turned a majority against us of sixteen into a majority of about twenty in our favour. Whatever may have been the cause of the government's success in other sections, is a question I shall not deal with at the present moment. However, I think I can give a reason for it, as I can give a reason for the reaction in the province of Ontario. Be that as it may, we live in a country—and I thank God for it—in which we can differ in opinion with the greatest freedom in the world, we can think as we please upon trade questions and upon religious questions, and it is our duty as free men, living in a free country such as we live in, to learn to live and let live, respecting the opinions of every one who may differ from ourselves, so long as he does not attempt to control and influence us in our opinions. It is the duty of every one, however, to try and educate the populace, as I hope we may live long enough to do in connection with the maladministration of affairs by the hon. gentlemen. However, if the people of the country will allow them to continue in power as long as the Conservatives were in power, we must humbly submit, because the people have the right to select their representatives. They must be the judge of who should represent them, and the result is, we find the strongest protectionists in the country supporting the free trade government, and when you ask them why they do it, they will give you the strongest reason why. They will say, 'Oh, well, they are not going to interfere with our industry. They may condemn the giving of bonuses and then increase them.' Talk about how the people are ground down by manufacturers, as my hon. friend from St. John remarked; why, the government do not touch the tariff, but they increase the protection which the manufacturers had. They leave the duty where it was on the manufactured article and reduce considerably the duty on the raw material which enters into their manufacture. I do not object to that at all, so long as the raw material is not manufactured in Canada. They go further than we do in the matter of protection, and so long as they continue as they are doing, just so long will this country prosper.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MILLS—I am sure that every one in this House listened with pleasure to the very interesting and beautiful address which was delivered by my hon. friend from St. John (Mr. Ellis) in moving the reply to the speech from the Throne, and to the very interesting and instructive speech that was made by the hon. gentleman from Toronto (Mr. Jones). I was going to congratulate—I hoped that I would have an opportunity of congratulating my hon. friend opposite, the leader of the opposition, on his great moderation in the discussion of this address, and my hon. friend exercised a great deal of restraint in the early portion of his speech, in fact until within the last few minutes of its conclusion——

Hon. Sir MACKENZIE BOWELL—When the hon. minister interrupted me.

Hon. Mr. MILLS—and then my hon. friend got into a somewhat intense strain and spoke of the government as being scarcely qualified for the discharge of their duties, and having stolen the clothes that belonged to their political opponents which they declared were quite unfit to be worn. I do not know whether my hon. friend intended this as a sort of good-humoured jest, or whether he was really serious in the observations which he addressed to the House. My hon. friend rather surprised me by repeating a somewhat old statement, a charge that was over and over again repudiated by Mr. Mackenzie, and which was also repudiated by Mr. Blake when both were members of the House of Commons. My hon. friend no doubt has forgotten the discussion that has taken place on more than one occasion with reference to those observations—that Mr. Mackenzie, who desired to acquire the North-west Territories, who had the most unbounded confidence in the resources of that country, who put forward every possible effort when he was leading the opposition to secure the possession of the territory, should, years after it was acquired, and after it had become a part of Canada, have declared it utterly unfit for settlement, and worthless, and recommended people to go to Kansas is a somewhat astounding matter. My hon. friend has referred to the speech of the Hon. Edward Blake. I remember Mr. Blake's observations. I remember very well the pamphlets

that were got out, that were published as campaign literature, not by the railway companies of the United States, but by an organization which, I do not know how far my hon. friend was connected with it, but at all events an organization supporting the government of which he was for many years a prominent member. What did Mr. Mackenzie say with regard to the territory of the United States ? Some hon. gentleman who was supporting the government on that occasion—Sir John Macdonald was then at the head of public affairs—spoke of the United States lands having all been taken up, not that any in Canada were unfit for settlement, but they said that people from abroad and people on this continent had now only Hobson's choice ; they must go to the North-west Territories or they could not acquire lands at all. And what was Mr. Blake's statement ? Why, that there were some lands still in Kansas and in Texas that were open for settlement, so that it was quite beside the question, and quite improper for the people to rely on the statement that there were no lands outside the North-west Territories fit for settlement. Was that decrying the North-west lands ? Was that saying anything against the fertility of our soil and the salubrity of our climate beyond the boundaries of Manitoba? Not at all. Not a word was said against the fitness of that country for settlement. Not a word was said against the propriety of people going to that country for settlement, but there were words spoken against the policy pursued by the government, to which my hon. friend objected. We pointed out that the course pursued by that administration was calculated to turn settlement from the country, and these hon. gentlemen said 'they cannot be turned away, for they have no other place to go.' That is the point to which we objected. Mr. Blake pointed this out many a time, and I am surprised that hon. gentlemen should bring it up to-day.

I am not going to say one word on this occasion with regard to the great loss that not only the British Empire, but the world has sustained in the death of Queen Victoria, the most splendid sovereign that has ever reigned over the British Empire, and one of the ideal sovereigns of the whole world, during the whole period of her reign. An opportunity will occur for the discussion of the reign of Her late Majesty at a very early period, and I need say nothing with regard to that.

My hon. friends who moved and seconded this address expressed their pleasure in finding another great confederation being established to the south of the equator, and my hon. friend himself (Sir Mackenzie Bowell), who once visited that country, has referred to it also. That subject is discussed in the speech from the Throne. The Australian confederation is a source of great gratification to us, because we see that the British Empire is by degrees being brought together; important political centres are being formed, and all these steps are preliminary to a larger measure of unity. I do not know what form it may assume—but a larger measure of unity than has yet existed, for the purpose of holding together the people which constitute the population of His Majesty's dominions. The hon. members have referred to that commonwealth. It is in some respects different from our own. We were formed into a confederation immediately after the war with the United States. Some of our people were of the opinion that the United States were divided and rent asunder by the civil war, owing to want of strength in the central authority. I thought that was a mistaken opinion. I need not enter into a discussion of it at the present moment, but the effect of that was that we gave a greater measure of power to the central organization than would have been given if our union had been framed without such a war upon our immediate border. The people of Australia have not been subjected to any such pressure. They have not been threatened by the danger of a powerful neighbour, and have not had the experience that grew out of that civil contest immediately before their eyes. I think that we acted wisely in adopting the constitution which we have, our geographical position is, perhaps, not quite so advantageous as that of our fellow countrymen in Australia. They are more compact than we are. Our provinces are not so well situated for the formation of a compact confederation as are the provinces of Australia, but we have formed a government, I think, the best suited to our

circumstances, and there is this common feature both of the Australian and Canadian confederations—the central authority. The executive is one, the Crown is represented both in the local and the federal establishments, and both governments, although they may not have drawn the dividing line between provincial and Dominion authority just at the same point, have this common feature, that the central authority is paramount, and that you have parliamentary government, a government similar in principle to that in the United Kingdom, both in Australia and in Canada. I believe that we have both acted wisely. Experience may point out defects in our system experience may point out defects in theirs, and there is an opportunity of correcting any weakness or imperfection that may be suggested by experience in the one or the other. I rejoice to see the people of Australia being formed into one great confederation, as I am proud to think we have formed a great British confederation in the northern part of this continent. In both cases we are in a better position to cooperate with the mother country for the maintenance of the rights of British freemen in every part of the globe, where British freemen may go, and that there is a greater opportunity of maintaining the independence and integrity of the empire by these unions than there would be if we remained disjointed and broken fragments.

My hon. friend recurred to the high ideals which we ought to form and the importance of rising above petty bickerings and petty quarrels and I entirely sympathize with that expression. Magnanimity is an important element in the government, and the higher and more exalted view that the community take of their political responsibilities and their political aspirations, the higher are they likely to rise, and the more rapid their progress is likely to be. I agree with the views that have been expressed as to the important work that Her Majesty has done in the pure life and spotless character that the sovereign of this great empire has presented for more than sixty years to the people under her jurisdiction and sway. I recognize, as I hope every man in public life does in this country, and every man in private life, how important high moral excellence is to the progress of any people. You may diffuse knowledge; you may raise the intellectual standard of the community; you may bestow upon them all the opportunities for progress and improvement, and the acquisition of wealth that it is in your power to bestow, but if there is wanting the moral fibre which is necessary to give a people mutual confidence in each other, they are wanting the most essential element to human progress, and all others, no matter what they may be, without this element, would condemn us to certain failure. I think upon that question there will be no difference of opinion, and I therefore recognize the great and important services which the Queen of England has rendered to the people, not only of the United Kingdom, but to every portion of the British Empire in the splendid example and high moral tone of the life which she made common to those who were associated with her.

My hon. friend has referred to the subject of immigration. He is not quite content with the character of the immigrants we are getting. I have this to say with regard to immigration; I am myself of the opinion, notwithstanding the views put forward by Mr. Darwin and those who sympathize with him, that after all, the human races are of one blood, and that there are merely physical causes for the differences which exist amongst us, and if you bring people from the continent of Europe, from the republic of the United States and from the British Islands, and from the provinces of this Dominion and place them in the North-west Territories, engaged in industrial pursuits under the same influences, reading the same literature, having their thoughts turned in the same channels, that in the course of a generation or two you will not be able to distinguish between them. The man who spoke Gaelic when he came here and could speak no other language; the one who spoke German when he came here and could speak no other language, would soon be succeeded by families that would speak the common language of the country, and we will be scarcely able to distinguish the descendants of the Highlandman and the descendants of the German.

Hon. Mr. McCALLUM—What about the French ?

Hon. Mr. MILLS—When we have people coming here from the continent of Europe who have been subjected to disabilities there, whose opportunities have been less than our own both for political progress and material progress, who are anxious to get on in the world, and who are willing to remain in the territories and cultivate the soil, I have no doubt whatever that these people will ultimately prove to be very satisfactory settlers. The man who is willing to earn his bread by the sweat of his brow, whether he comes from the British islands or from the continent of Europe, or from the United States, will in time become a Canadian in the North-west Territories, and I have every confidence, when I look at the progress that has been made in the neighbouring republic with the men drawn from every country in Europe, from the Mediterranean to the North Sea, that what they have accomplished under their institutions we shall be able to accomplish under the institutions which we have established here, for I am not willing to admit that the races which have taken possession of the United States, or the institutions under which they are governed, are superior to our people or to our institutions. I believe that we are quite their equals, and that our institutions are vastly superior to those which they adopted. They are a hundred years or more later in point of time. They present the accumulated experience of a great empire governing a great variety of races. They have kept progress with the times constantly, and there is nothing of that sort to be found in the constitutional system of our neighbours. That constitutional system is, I think, inferior to our own in every respect in which it differs from our own. My hon. friend congratulated us on the adoption of a protective policy. I think I have heard my hon. friend's congratulations on that subject before.

Hon. Sir MACKENZIE BOWELL—A good thing cannot be repeated too often.

Hon. Mr. MILLS—I may say this, that in so far as it is a good thing, I agree with him. But we have done this. My hon. friend and some of those associated with him said to men who had invested large sums of money in industrial establishments in this country, 'if you will let our political opponents into office they will overturn everything, revolutionize everything; they will raze your industrial institutions to the ground, and you will have nothing left on which to subsist. You will become like Bedouins or Indian wanderers over the earth, and the wealth you were permitted to accumulate under our regime will wholly disappear.' My hon. friend failed largely on his imagination.

Hon. Sir MACKENZIE BOWELL—No, we relied upon your honesty.

Hon. Mr. MILLS—My hon. friend says they relied upon our honesty. Certainly, but they did not rely upon our common sense. They may be mistaken. They assumed that we must overturn, according to our views of the political situation, everything upon which we did not agree with them. I do not subscribe to that doctrine. I never did. I maintain we must look at things as they are. We must have some respect for what has been done by those who preceded us in office; we must have some regard for continuity in government. We may regret the investment of money in industries we thought unprofitable, and which might not be profitable for years to come, but we had to consider the question of two evils, whether we should undertake to neglect what had been done, and to injure persons who, upon the faith of government representations, had invested their money in important enterprises, or whether we should respect those and undertake to restrain and limit the principles on which our predecessors had acted, and endeavour to create a more stable state of things and greater reliance and confidence in those who administer the government than existed before. We adopted the latter course. We have cut down the tariff and given the people very great reforms in the adoption of the preferential provisions of our tariff. We have given to the people of England a very great deal of satisfaction in what we have done. We have interested the capitalists of the United Kingdom and the producers of manufactured goods in a way that our opponents never succeeded in interesting them. The people of the United Kingdom were indifferent. Except the men who wanted to lend money to us, there was no one who took any interest in the progress of this country. They regarded us as a sort of

lean-to, built against the United States, that would become the possession of our neighbours when a favourable opportunity occurred. That notion has gone; a different state of things prevails. Greater confidence in our future exists in the United Kingdom than before. The people of the mother country are taking an interest in the progress of this country, and we have secured very considerable immigration from there, from the United States, and from the continent of Europe, and we are giving to the manufacturers a home market for a larger number of articles produced in this country where their market was very inadequate before. I say that the addition of one hundred thousand a year to our population is of more consequence to our manufacturers than an advance of 5 per cent to our tariff, and all over this country we are making those advances, and we have created a confidence in the people of the country in its future that had no existence before we came into office. My hon. friend reminds me of a story told by Mr. Canning, of a gentleman in England who claimed to have made some important invention, and it did not matter what it was that was presented as new, he would say, 'that was my discovery.' Every change that we have made, and every step we have taken forward, every inhabitant we have added to the population by our policy my hon. friend says: 'Oh, that was ours. We did that. It is true it did not happen until after you got in, but after all it was done by us.' Let me call my hon. friend's attention to this fact, that while they did these wonderful things, if you look at the commerce of the country—if you look at the growth of the trade of the country—if you look at the settlement of the North-west Territories and Manitoba and other portions of the Dominion, you will see that there is a large addition to our commerce and to our population. My hon. friend, it is true, spent a very considerable amount on immigration and on the building of railways, but the lands along those railways were solitary; there were no inhabitants, and of what use was the railway? The money spent in securing immigration was money thrown away, because it turned out, after all, when the census came to be taken, that the population had not increased, and that the men who had settled down to-day on the Canadian side of the border were on the United States side a few days after. That is not the condition now. Look at the growth of the city of Vancouver, at the growth of Winnipeg. Look at the immense areas of land broken up and brought into cultivation. Look at the thousands of people who have gone there in the last four years, and my hon. friend can hardly say it was the policy he adopted and pursued that led to these important and beneficial changes. All these have occurred—all these are occurring—all these are contributing and giving strength and stability to our country. Our people feel more power for self-reliance and have less and less a feeling of absolute dependence upon those along our border. Your mines have been developed, your resources have been brought into active operation; you have a town, I am told, in Cape Breton with a population four years ago of less than five thousand, that has to-day thirteen thousand. My hon. friends adopted their policy in 1879. How did it happen that the city of Sydney remained stationary for eighteen years, and that suddenly it sprang into life and activity after we came into office? It was not by what my hon. friend or the government with which he was associated did; it was through what has been done by the present administration, and the confidence of the public in the present administration was shown only recently.

Hon. Mr. FERGUSON—Did the present administration give greater inducements to enterprises in Cape Breton?

Hon. Mr. MILLS—They gave such inducements as led to activity.

Hon. Mr. FERGUSON—They were not better.

Hon. Mr. MILLS—Yes, better, every way better. Better by the results that have been shown; better by the development of industries; better by the increase of population recently settled there, and the increase of population expected in the immediate future.

It being six o'clock the debate was adjourned.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, February 12, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

MANITOBA SCHOOL LANDS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired :

If the commissioners appointed by the government to investigate and inquire into the irregularities and frauds alleged to have been committed in connection with the sale by public auction of school lands in the province of Manitoba, in the year 1900, have made their final or partial report. If so, will it be laid upon the Table of the Senate, and when?

Hon. Mr. SCOTT—No report has so far been received from Judge Prendergast, the commissioner appointed to investigate the alleged irregularities in connection with the school lands sales in June last. The only information we have is a letter from Judge Prendergast, dated December 10 last, copy herewith, in reply to one from the department asking him whether it would not be possible for him to report on the result of his investigations in regard to the sales at each place as soon as it was concluded without waiting until he had finished his investigation of the twenty-two different auction sales throughout the province. He states that he cannot do so for the reasons given in his letter, but will say that at eight points of sale, namely : Minnedosa, Birtle, Rapid City, Gladstone, Portage la Prairie, McGregor, Carberry and Virden, at which points he held sittings no complaints were made. Judge Prendergast's report is expected very shortly and a copy of it will be laid upon the Table of the Senate.

COMMITTEE OF SELECTION.

MOTION.

Hon. Mr. MILLS moved :

That pursuant to Rule 79, the following senators be appointed a committee of selection, to nominate the senators to serve on the several standing committees, namely :—The Honourable Messieurs Pelletier, Sir Mackenzie Bowell, Bolduc, Lougheed, Miller, Ferguson, King, Scott, and the mover; and to report with all convenient speed the names of the senators so nominated.

The motion was agreed to.

THE DEATH OF QUEEN VICTORIA.

RESOLUTION.

The Order of the Day being called,

Consideration of the Message from the House of Commons that an address be presented to His Most Excellent Majesty the King expressing the deep and heartfelt sorrow of this House at the demise of our late Sovereign Lady Queen Victoria, and requesting that the Senate will unite with the House of Commons in the said address.

Hon. Mr. MILLS said : It is my duty, in moving this address, to refer to the long and distinguished reign of Her late Majesty Queen Victoria. Her reign was the longest and most important in the annals of England. Her Majesty was eminently a constitutional ruler. Before she came to the Throne, the principles of parliamentary government and of ministerial responsibility, as we now understand them, had become fairly well settled. There were occasional instances in which royal authority had made inroads into the settled practices of the constitution, but they were of short duration, and the current had set in so strongly in favour of ministerial responsibility and ministerial control, based upon the supremacy of the House of Commons, that it was impossible to overturn the system, which now rested upon secure foundations.

There have been other reigns in which great military operations were carried on and great victories achieved, but there has been no other reign in the annals of England in which the well-being of the people was so carefully considered, and in which it constantly remained paramount. Within the closing years of the reign of George II., and in the beginning of that of George III., the British Empire had been greatly expanded, and the British islands had become one of the most powerful states in Christendom. A large portion of the continent of North America was under the jurisdiction of the Crown in parliament. That condition of things, which had been brought about by the active co-operation of the colonial authorities with the parent state, was overthrown. The Imperial government did not deign to invite the co-operation of the North American colonies, in meeting the new burdens which the recent wars had occasioned, but the immediate subordination of the colonies was asserted, and the right of the Imperial parliament to deter-

mine what the colonial portion of the burden should be, and how it should be raised, was claimed and acted upon. At the very time that able statesmen might have taken a step in the direction of the closer union of the different parts of the empire, the rulers of the period adopted a policy which rent the empire asunder; and so, Great Britain had to begin, at the close of the eighteenth century, the work of laying anew the foundations of empire.

The great European wars, which sprung from the French revolution, afforded to the United Kingdom an opportunity of territorial expansion and commercial growth; but the foundations of the new empire were only well secured, and its prosperity only well assured, when Her late Majesty came to the Throne. During the sixty-four years of Her Majesty's reign, there has been continuous growth, and in spite of the efforts to restrain further acquisitions, continuous expansion. There was during the whole period of Queen Victoria's reign, no serious impediments put in the way of the empire's progress. The area of the empire has been greatly enlarged, and the population embraced within it, enormously increased. At the demise of Her Majesty, one-fourth of the earth's surface, and at least one-fourth of its population, acknowledged her sovereignty.

The government of the British Empire, under the late Queen, was conducted with great moderation, great prudence, and a strong desire everywhere to administer justice in mercy. Care has, for the most part, been taken, not to offend the susceptibilities of any of the races brought under the jurisdiction of the sovereign. There never has been a government that more cordially recognized the principle, that governments exist for the welfare of the governed, than that which holds sway over the vast territories of the British Empire. From the sovereign down to the humblest executive officer, the principle has, throughout the whole period of Her Majesty's reign, been recognized, that government is a great trust, to be exercised solely for the well-being of those under its authority ; and no sovereign, in any period of the world's history, has ever sought to fulfil the duties which the office of chief magistrate imposes with a greater anxiety to fulfil those duties to the utmost, than did Her Late Majesty Queen Victoria.

The Queen came to the Throne, when a very young woman, as the successor to her uncle William IV. She was surrounded by conscientious and capable men, who realized the importance of her high trust under the constitution, and who faithfully undertook to fulfil the important obligations resting upon them. The first Prime Minister upon whom these important duties devolved was Lord Melbourne, and those who have studied with care the manner in which he discharged the duties which he owed to the sovereign, and to the country, will not deny to him that meed of praise to which, under the circumstances, he was justly entitled. Lord Melbourne never subordinated his duty, as the political tutor of Her Majesty, to his position as the leader of a great party in the state, and as Prime Minister of the United Kingdom. He was most anxious that Her Majesty should become thoroughly imbued with those constitutional doctrines upon the careful observance of which, he believed, her success in the discharge of her functions, as the sovereign lady of the British Empire, depended.

Not long after Her Majesty's accession to the Throne, she married her cousin, His Royal Highness Prince Albert of Cobourg. A more happy union, perhaps, was never brought about, and the story of their domestic relations presents nothing which does not indicate the mutual affection which existed between them. His Royal Highness, from the outset, marked out for himself a course of public usefulness which would enable him to confer important services upon the nation, without any encroachment, either on the sovereignty of the Queen, upon the one side, or on the rights of her constitutional advisers upon the other. His whole life was characterized by eminent good sense, and he devoted himself, without stint, to the consideration of educational and social problems, in which he might find a sphere of useful activity without, in any way, encroaching upon the duties which belonged to Her Majesty, as sovereign of the British Empire, or upon the advisers of the Crown, who were responsible to parliament for the proper management of public affairs.

During the period of the American war, there was very great distress in the districts of England in which the cotton manufactories were situated, and in which that branch of industry was being carried on. But there was also profound sorrow, at the same time, in the royal household. The people of Lancashire were suffering greatly in consequence of lack of employment, and from the distress which their failure to obtain work produced; but they also knew that there was distress in the palace, for the Queen was, at the same time, deploring the loss of Her Royal Consort, who had been very dear to her, and in whose society she had enjoyed great happiness, and they knew well that her afflictions were even greater than their own.

Her Majesty's efforts, during the whole period of her reign, were always directed towards the preservation of peace, consistent with the just rights and the honour of the great empire of which she was the head. Her great influence, her good sense, and her patience, were always turned to account for the preservation of peace, and the prevention of the horrors incident to war. During the civil war in the neighbouring republic, our neighbours were not unfrequently mistaken in their views as to the rights and duties of other states, under the circumstances, and were not always reasonable in their demands. Doctrines which were at one time recognized by them as well settled principles of international law, were thrown aside when they interfered with the interests of the moment. When war arose between two sections of the republic, those who were in charge of the affairs of the north were disposed to maintain that there was no war, although they insisted upon exercising the rights which belong to a belligerent, and which, unless war existed, they could not claim. Her Majesty and her advisers were most anxious that nothing should be done inconsistent with the duties that pertained to the United Kingdom as a neutral state. Where blockades were established, and where a right of search arose, their desire was that these should be respected, and that nothing should be done to which the president and his advisers could reasonably take exception. But the proclamation of the Queen which was intended to secure from British subjects proper respect for the claim to belligerent rights on the part of the north, was complained of, as if it were an unfriendly act, conferring upon the revolutionary government, powers which otherwise they could not claim. It was not unnatural that those upon whom the active duties of administration devolved, should be irritated at this unreasonable course; but Her Majesty's great patience, and her great toleration for those who were placed in circumstances that were entirely novel to them, and who were greatly annoyed by unlooked for divisions and conflicts amongst their own people, did not a little towards preserving the peace, and maintaining, on the whole, a condition of mutual good-will, between the governments of the two great Anglo-Saxon States.

During Her Majesty's reign, British authority was extended and consolidated in India. When the Sepoy rebellion arose, the deeds of barbarity that were committed by those who led that rebellious movement, excited the deepest horror, and the fiercest resentment in the minds of the people in every other part of the empire; and there was a demand for vengeance upon those who had perpetrated the most shocking cruelties known in modern warfare; and Her Majesty alone, of all those having the supreme direction of affairs, preserved her self-control, and her desire, by humane means, to win back those who had gone so far astray, and by her moderation, she did much to secure the affections of those who, it was supposed, were in sympathy with that movement. It was proposed on that occasion to proclaim the Act of August, 1858, and the principles upon which India was thereafter to be governed. A draft of that proclamation was prepared, under the direction of Lord Derby, and was transmitted to the Queen, who was then on a visit to the continent. Her Majesty was of the opinion that it was not conceived in the spirit or clothed in the language appropriate to a state paper of great importance, and so her objections were written out in detail for the consideration of Lord Derby. She informed His Lordship: 'The Queen would be glad, if Lord Derby would write it out himself, in his excellent language, bearing in mind that it is a female sovereign who speaks to more than 100,000,000 of eastern people, on assuming the direct government over them, and after a bloody civil war, giving them pledges which her future

reign is to redeem, and explaining the principles of her government. Such a document should breathe feelings of generosity, benevolence, and religious toleration, and point out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization.'

The draft proclamation spoke of the power which the British government possessed for the undermining of the native religious customs. Her Majesty disapproved of the expression which declared that she had such power. The draft also alluded to the relief of poverty as one of the government's endeavours, and the Queen thought the idea should be expanded, so as to indicate the hope that the future prosperity of India might be assured by the building of railways, canals, and telegraphs —the utility of which policy has been demonstrated to the populations of that country during the recent period of famine, in the employment of the needy and the starving on public works. Her Majesty's suggestions were accepted. They were the inspiration of her own tender womanly heart. They were words of wisdom, and assisted in the restoration of peace, which has ever since continued. The words of a Christian toleration found in that proclamation were worthy of so great and good a sovereign. Her Majesty said: 'Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our own subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall enjoy alike the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure,' and so Queen Victoria became enthroned in the hearts of her Hindoo subjects.

After the Sepoy rebellion had been suppressed, and the sovereignty of the Queen once more clearly established, British authority was both extended and consolidated in India. The political functions of the East India Company came to an end, and the government of the Crown over the whole vast empire of India was directly established.

During the reign of Queen Victoria, British authority assumed a much more tangible shape in Africa than before. For many years, the English government exercised, through consuls and other officers, a great influence over the chiefs and Sultans on many parts of the coast, all the way from the Cameroons, on the west, to Aden, on the east. Many British statesmen had come to the conclusion that, at no distant day, the principles of free trade would be generally recognized by the great nations of Christendom. It was believed that no matter into whose hands territories might fall, the commercial door would remain open, and no barrier would be placed by one state in the way of the commerce of another extending into territories which were not colonized by settlement, but which had been brought under civilized jurisdiction. This illusion was dispelled by the Berlin conference in 1884, after which it became evident that territories acquired by a state would be treated as a commercial preserve, and the inhabitants would not be able to trade with those of any other country than the one under whose jurisdiction it had been brought. This led, not only to a complete change in the policy of the mother country, but it altered the relations in which Great Britain stood to the semi-nomadic population of those states that had been formed north of Cape Colony, by the descendants of the Dutch, who had gone into the interior of the continent, for the purpose of enjoying an immunity from all legal control. The mistaken notions, formed by British statesmen during the early portion of Her Majesty's reign, undoubtedly led to the war which was, in all probability, a source of anxiety to her, at its close.

The British Empire, it was thought by statesmen of a former generation, was composed of self-governing communities that must, as soon as they acquired ability to stand alone, assume the responsibility of setting up independent states on their own account. This notion has entirely disap-

peared. Great confederations of British colonies have been formed, and are assuming definite shape. Imperial interests, instead of remaining disjointed and broken, and threatened at any time with dissolution, are gradually being consolidated. A spirit of mutual trust and confidence, in the future of the empire, among its members is taking the place of a spirit of indifference. The people of all the outlying settlements of the British Empire are not actuated by any prodigal disposition to escape beyond the bounds of parental authority. During Her Majesty's reign the inhabitants of the empire have begun to realize that the empire has an important future before it; that it has an important mission to perform in the progress and civilization of the world; that it has important self-sacrifices to make in order to give security, unity and permanency to all the various parts; that the civilized world has during her late Majesty's reign undergone great political changes; that new states have arisen, of great power and distinction; and that new interests have sprung up, which make certain lines of action, that at one time might be regarded with indifference, of vital consequence in our day.

One peculiarity of the circumstances connected with the government of the United Kingdom, is the growth of royal influence. The influence of the sovereign in public affairs, which was marked by weakness at the accession of Queen Victoria, grew in political importance during the whole of Her Majesty's reign, and was never so great as in the closing years of her rule. Her Majesty's connection with the government was marked by great industry, great moderation, and great respect for the settled doctrines of the constitution. The British sovereign is always associated with the administrative government, and so the knowledge which the sovereign possesses of the conduct of public affairs, is not evanescent or imperfect, like that possessed by a public minister, but is continuous. The knowledge of the most industrious minister is, with regard to many important matters, fragmentary. But it is not so with the knowledge possessed by an industrious and painstaking sovereign. But beside that influence which close application and a thorough acquaintance with the affairs of state necessarily secures to a British sovereign, there is a social influence which a wise and virtuous sovereign is capable of exercising, that is even greater, and which exerts a wide and beneficial influence in channels, into which ordinary law and legal authority, do not extend. The British sovereign, under the modern constitution, is wholly exempt from personal responsibility. The ministers are an efficient force in government. Upon them falls the praise or the blame necessarily associated with the direction of public affairs, and as long as they are sustained by the House of Commons, they must exercise paramount authority through the sovereign. The sovereign is, under the modern constitution, never personally identified with a party. She represents the embodiment of the whole state. She has constitutional duties to perform, which are discharged in conformity with settled principles and usages, and is capable, without in the slightest degree encroaching upon the constitutional rights of ministers, of exercising great and beneficial influence. She may discourage vice and encourage virtue. She may throw her influence in the scale in favour of truth and goodness. Her Majesty possessed close personal relations with other ruling families, and so had the power, unofficially and privately, to do much to allay irritation, to smooth down obstacles which might give rise to friction in international relations.

Under our beneficient constitutional system the sovereign is the formal source of power. Parliaments are called to aid her by their advice. Parliaments are constantly changing, with the changed circumstances of the population, and the varying conditions of public opinion. They are making and unmaking ministries whom the sovereign called to her aid, in conformity with the wishes of parliament, but the sovereign ever remains the head of the state, which, from one point of view, may be regarded as one great family. They take a special interest in her as their head, and out of this domestic idea there springs a strong feeling of personal attachment. As a great family, they share with her in her greatness, and they are proud of the lustre which she shed upon the nation. They rejoiced at the success which attended her government, and they lament the misfortunes and failures which may have over-

taken it. The sovereign is the personification of the power and the glory of the state, and stands apart from and above all the members of the community of which she is the head; and so to the ordinary person it is an event in his life to have been admitted to an interview with the sovereign.

English society has, in our day, undergone many important changes. English wealth has enormously increased, and became very widely diffused during the life of Queen Victoria. The result of this change in the pecuniary circumstances of so vast a number of the population, makes it impossible that wealth can any longer satisfy those cravings for distinction which are natural to the heart of man. People in every age and condition, and under all forms of government, struggle for marks of distinction. They are ever striving to rise from one social grade to another that is still higher, and which broadens that circle with which they are for the time being associated. This constant aspiration is itself a powerful element of progress, and without it no great and permanent progress in the present condition of the world, and with the present aspirations of men, could continue. And so Her Majesty's influence upon the aspirations of men, to move more closely to the eminence where she stood, induced them to conform to those moral obligations upon which a Christian society reposes. Thus, you have, under the British constitutional system, with a great and good sovereign at the head, influences operating in favour of promoting what is just, and what is humane, what is charitable, and what is pure, that cannot operate where there is wanting a great social head, such as our constitutional system provides. Under the English social system, the force of example is very great. Public opinion is listened to with respect, and for the most part obeyed without question; but this is so, because the sovereign head used the great power which sovereign trust bestowed, in the right way. Under the English constitution, example teaches. It is a great force in the person of the sovereign, and during the whole period of Her Majesty's reign, it was made the greater by discountenancing wrong and upholding right, by being a foe to vice and a friend to virtue. And so, during the sixty-four years of Her Majesty's rule, the court of Queen Victoria was itself a great factor in English history that operated in favour of what was good.

Under the English parliamentary system, the government itself is brought into close contact with the vital forces of society. It is inseparably interwoven with them. As society, itself, is improved, the government is made better, and some things which in one age were passed over with indifference at a later period become objects of condemnation; and so the right is respected, and men adhere more closely to the right path, in which good feeling and sound morals require they should tread. The work of administration does not rest with the sovereign, but with the ministers. There are great and important social functions which the sovereign discharges, and which are so closely interwoven with the business of government, and unite so closely public conduct and private worth, that they exercise an immense influence outside of law, and it is one of the glories of our system of government, that there is room for such influence to operate in support of the right, without, in the smallest degree, interfering with the ordinary duties that pertain to those in authority.

The rule of Queen Victoria is at an end. The story of her reign is closed for ever. There is nothing further that can be added. She has performed her duties as the sovereign of the greatest empire the world has known, in a way that is not open to criticism, and that has never been approached by any of those who preceded her in office. She rests from her labours which have been royally performed. The duties that Providence, in the government of the world, imposed upon her, have been discharged, and there can be no doubt of this, that her influence has been always put forward on the side of what was at once just and merciful, and that he who takes up the sceptre that has fallen from her hands, when her day ended, and sober evening came, will be enabled to perform his duties with greater success, and with greater ease, and with a more noble aim, by reason of what she did, and, still more, by reason of what she was. I move:

That an humble Address be presented to His Excellency the Governor General in the following words:—

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

MAY IT PLEASE YOUR EXCELLENCY :

We, the Senate and of Canada, in Parliament assembled, have agreed to an Address to His Most Excellent Majesty the King, expressing the deep and heartfelt sorrow of this House at the demise of our late Sovereign Lady Queen Victoria, and respectfully request Your Excellency will be pleased to transmit the said Address in such a way as Your Excellency may see fit, in order that it may be laid at the foot of the Throne.

Hon. Sir MACKENZIE BOWELL—In seconding the motion for the adoption of the address of condolence to His Majesty King Edward VII., and to the Royal Family, on the death of His Majesty's Royal mother, Queen Victoria, and of congratulation to the King on his accession to the Throne, I might with propriety content myself with echoing, to a great extent, the sentiments of the hon. the Minister of Justice, when moving the motion now before the House ; sentiments which, I am confident, every member of the Senate heartily and sincerely approves, and I may add every loyal subject in the Dominion. Were I to indulge in giving voice to the thoughts which are uppermost in my mind, in reference to the character and reign of Victoria the good, I fear I should only be repeating what has already been well said and written by others. I may, however, be permitted to add that nothing too much has been said or written in praise of Her late Majesty Queen Victoria, not only by her own subjects, but by the people of the whole civilized world. Her reign has been one which has tended to the elevation of the human race, in the spread of Christianity, and all that flows therefrom. She succeeded in harmonizing government under a limited monarchy with that of democracy, until any serious conflict between King and people has been rendered almost impossible. In a word, Queen Victoria was an ideal constitutional ruler. I need only add, that in the death of one so beloved, the empire has to mourn the loss of a Sovereign of whom it may be truthfully said she possessed all the qualities of a good woman, an affectionate wife, a loving mother, and the astuteness and firmness requisite in a constitutional ruler. That Edward VII., who ascends the Throne, will prove a worthy successor to his noble mother, there can be no doubt. One who has shown himself, through a long and eventful life, a loving and devoted son, cannot but be possessed of those qualities which will endear him to his subjects. The fact that his first public utterance was a declaration that the policy and actions of his mother were the model which he would adopt in governing and ruling over a free people, is the best possible assurance that he will reign in the affection of his people, who will ever heartily sing 'God Save the King.' 'Long may he Reign.'

The motion was agreed to.

THE ADDRESS.

DEBATE CONCLUDED.

The Order of the Day being called :

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the first session of the ninth parliament.—(Hon. Mr. Mills.)

Hon. Mr. MILLS said : I was speaking yesterday when the House adjourned, and I had something further to say. What it was I do not remember at this moment, and I beg to say to my hon. friends that I shall consider my speech on the subject of the address concluded by what I said yesterday.

Hon. Mr. McDONALD (Cape Breton)—I rise to say that I dissent from a certain claim made by the hon. Minister of Justice yesterday as to the cause of prosperity in this country, and especially in the Island of Cape Breton. When the hon. gentleman was interrupted by some hon. gentleman on the other side, he asked the question, 'Where was the prosperity of Sydney until the present government came into power?' Let me ask the hon. member where was the South African war until the present government came into power ? One question might be asked with as much reason as the other. I dissent altogether from the proposition that the prosperity existing in this Dominion at the present time, and especially in the Island of Cape Breton, is due to the present government. What are the facts in connection with the prosperity

existing in Cape Breton to-day ? In 1878 the great coal industry of this Dominion was in a dying state, and the policy of the Conservative party in 1879 revived that industry. I well remember the last year of the government that preceded the government of 1879, that the local legislature of the province of Nova Scotia was obliged to send 500 barrels of corn meal on New Year's Day, 1878, to prevent the miners from starving. After the adoption of the national policy, they were able to get work to keep them in bread and butter, and from that day to this the prosperity of the coal mines has been increasing steadily. It has attained its majority now, and I believe that industry is independent. That policy of protection of coal was maintained by the great Conservative party against all the powerful opposition that they could receive from the Liberal party, of which my hon. friend the Minister of Justice was a member. The next step towards the present prosperity in Cape Breton was the building of the Cape Breton railway. That railway in Cape Breton helped to add to the prosperity which the national policy gave to the coal industry. It enabled people from abroad, possessed of wealth and capital, to see the resources of Cape Breton, and that also was obtained against all the powerful opposition the Liberal party could throw against it in the House of Commons. I had the honour to occupy a seat in that House at the time, and one of the leading opponents of that policy was the present Prime Minister of Ontario, who ridiculed the idea of building a railway in Cape Breton parallel with the Intercolonial Railway to take the freight from it. The building of that railway was one of the elements that contributed to the present prosperity in Sydney. The next was the policy of the Conservative party in granting a bounty on iron and steel. That policy was for a certain number of years, and when that number of years was about to expire, the Liberal-Conservative party renewed it for a term of years, expiring in 1902. When the Liberal party came into power in 1896 application was made to them by the great iron ore industries of Canada for a continuation of the law which enabled them to grant a bounty to iron and steel, but I understand it was refused in 1897 and in 1898, and in refusing the continuation of that bounty then, it delayed for a year the prosperity which now exists in Cape Breton. It was only the following year, the year preceding the expected election, that the former policy was continued in the statutes, but in a mutilated form. The Liberal party continued the bounty on a graduated scale until 1907, when it will altogether disappear. Now, these are the three great policies originated by the Conservative party, which resulted in the prosperity which exists to-day in the Island of Cape Breton in all its industries It would only be common honesty for the leader of the Liberal party in this House to admit that. Common sense is common honesty—I cannot see any difference. My hon. friend yesterday admitted that they had abandoned the principles which they professed in opposition, and that only common sense induced them to adopt the Liberal Conservative policy now. It was a slip of the tongue. He had not time to consider, I suppose, what words he should use. I do not see any difference between common honesty and common sense. I rose to enter my protest against the claim of the present party that they are entitled to all the credit for that prosperity. I am prepared to share the credit with them for what they deserve, that is, for continuing for five years longer the policy of their predecessors, though on a graduated scale terminating in five years.

Hon. Mr. DEVER—I rise to say that I am much pleased to see around me the many familiar faces of those I have known for so many years gone by. It is true there are two faces missing—that of the Hon. Mr. MacInnes, of Hamilton, and that of the Hon. Sir Frank Smith, of Toronto, two gentlemen whose names, I feel, when mentioned in this Senate will evoke most kindly feelings in every member of this Chamber. I admit they had long and happy lives, and that what happened to them will happen to all mankind, that is to die, at a ripe old age, as did our great and gracious Queen, surrounded as she was with all her magnificence. And here I feel disposed to welcome to this Senate the successors of these gentlemen I have mentioned, as being well worthy to take their places and help on the legislation of this Dominion

with its unbounded wealth of fruit and food, so that we may be able to feed the hungry people of less favoured lands as well as those of our own. In passing on, I wish to express my satisfaction also at the appointment of the present Speaker of the Senate, he being a gentleman, not showy, but well worthy the position he holds from his industrious habits and long support of his party, and also for his education and moral character. I trust he will live to enjoy the full term of his office, and leave it a credit to his government. I wish to say a word or two also about the mover and seconder of the address in reply to the speech from the Throne. My colleague from St. John, the Hon. Mr. Ellis, I knew as a public man for at least forty years. Before he made his present speech I was aware he was well informed on all public questions affecting this Dominion, and, therefore, I make no wonder that he acquitted himself so well. He will be a great acquisition to the debating talent of this Chamber. I trust he will always be found as good a Liberal as he has been in the past. He is the description of man we want in the legislative halls of this young country, so that peace and happiness may enter the poor man's cottage as well as the rich man's mansion. We all love this country and to make it a happy home we should not speak maliciously of each other, and this proper policy can only be found, in my humble opinion, in the hearts of true Liberals. I sincerely rejoice with hon. gentlemen on the prosperity of the country and upon the way the people stood by the government at the last general election. It is quite clear that the people of this country know a good thing when they see it, for there was a general sweep from one end of this Dominion to the other, and as with a clean broom all those mischief makers that attempted to do so much harm and divide the people of our country, have been completely unhorsed and driven from power, in a manner which looks as if the hand of Providence had done it. I should like to speak upon the subject of the South African war, and other matters, but I really cannot trust myself further than to say that I think we are too boastful and prone to point our great weapons of war at other people's faces. God is a jealous God, and it is wise to remember the death of Herod, who did not first give glory to God above all mundane power. In my opinion, our wealth and our pride to a large extent made us believe that we were not in duty bound to consider other peoples' feelings in the manner that Christian men should, and to a very large extent I, for one, am willing to accept the unfortunate position that we are in as a warning to all the present generation, that we should henceforth consider other peoples' feelings and other nations' feelings as well as our own. This disposition, in my humble opinion, will increase, and in future there will be more unity among us than in the past, for unless we are united we can never be a great people, and whilst we are bickering and holding unnecessary feelings of contempt, and, perhaps, hatred against each other, we cannot have that loyalty and love of home which is essential, and which the British Empire expects. I feel that other hon. gentlemen have as deep an interest in the country as I have, and therefore I will resume my seat and allow other hon. gentlemen to give expression to their opinions, because after all when we express our opinions to each other, we can understand each other, and I think it is necessary we should understand each other and build each other up, and be one common united people—I was going to say British family, and I think that is the correct word. If we are united and true to each other, and respect each other's feelings, I think we will prosper. I know we will prosper, because we have all the territory we want, we have all the food we want, we have all the elements required for supporting millions of people, and we should be most anxious to get them to settle in our great Dominion. It is only necessary that we should make the people of other countries understand that we have perfect freedom and happiness and security for life and property, that our laws are equal, if not better than the laws of any other nation of the world. I trust that as we are in the beginning of a new era, and are under a new king, a king who has had a vast experience under a wise and beneficent mother, that he will be a wise and good man. He has passed through that portion of his existence where allowance is made, to a large extent, for the actions of all young men and people. He is now a man

of wide and extensive knowledge; he has travelled and had intercourse with the greatest statesmen in the world; he must see that not only must he be equal to his mother, but, if possible, inasmuch as he has had the training of his mother, that he will show to the people that he can come down to the humblest individual in his realm, and be the common father to the whole people of his empire.

The motion was agreed to.

DECEASED SENATORS.

Hon. Sir MACKENZIE BOWELL—I think it is due to the memory of members of the House who have recently departed this life, to say a word or two, as has been the practice in the past, and I desire to do so and follow my hon. friend who has just spoken in reference to some members with whom it was our good fortune, not only to be acquainted, but to be associated in this House for a number of years. I question whether there are any members of the House, or any citizens of the Dominion, who will be more missed from the family circle, and in the commercial and financial world than some members who formerly occupied seats in the Senate of Canada. I refer particularly to our late esteemed friend, Sir Frank Smith, and also to our friend who occupied a seat just behind me, the Hon. Mr. MacInnes, whose early life was spent in commercial pursuits, who was at one time, within my recollection, one of the merchant princes of Ontario, a man of energy, a man with more than ordinary ability. He conducted his business, until misfortune overtook him, in a manner that met the approval of those with whom he was acquainted. Every one with whom he came in contact knows that his mind was clear and practical upon any question which was before this Chamber, or in connection with the various enterprises in Canada with which he was connected. He was respected by all. He was a gentleman in every sense of the word. When I refer to Sir Frank Smith, with whom it was my good fortune to be on as intimate terms, I think as any man whom I ever knew, I can say that in his private life and in his manner of treating his fellows, in every sense of the word, he was a prince of a man in every respect. I deplore his loss deeply as a personal friend. As a public man, I regard his death as a great loss to the community. Though, like many others in this new Dominion, he had not those early advantages which education gives to those placed in better circumstances, he overcame the difficulties which did not present themselves to others in that respect. He overcame them from the fact that he possessed a clear knowledge of what was right and avoided that which was wrong. He was a successful business man in every sense of the word. He rose to an eminence in the financial as well as in the commercial world that any and all of us might envy. He is a loss to the community. I do not think I need say more than to again express my regret that we have lost so many valuable men who occupied seats in this House. It is also a painful duty to refer to the loss, which I believe occurred to-day, of one of the oldest members of the House, a man of indomitable energy and great industry. It is true, he was a strong party man, like many of the rest of us, when dealing with party subjects, but we shall miss him very much. I refer now to the Hon. Mr. McKindsey, who was a member of the Senate for a great number of years, and while I can congratulate those who have been appointed to succeed them, we shall all long remember the good qualities of those who have passed away and the benefit they conferred on the country in the past. All will regret the loss of so many of those who formerly occupied prominent positions in the country, and influential positions in this House, but as my hon. friend said a few moments ago, it is the lot of all of us. It comes at some period of life, and as we advance in years, we may look forward, I suppose, to that period when we shall join the great majority. I can only hope that when we do depart this life, we may leave behind us records as good as those of our colleagues who have gone before us.

Hon. Mr. MILLS—My hon. friend opposite (Sir Mackenzie Bowell) and my hon. friend beside me (Mr. Scott) have been members of this House very much longer than I have been, and they are personally better acquainted with and better qualified to speak with regard to the hon. gentlemen who have recently departed than I am.

Sir Frank Smith was well known throughout all Canada, and especially throughout the province of Ontario. There is no business man who stood higher in public esteem than Sir Frank Smith. Everybody had the greatest respect for him, recognized his business ability, and, above all, recognized his very great integrity. No one that I have met ever spoke in other terms than that Sir Frank Smith was a man of the very highest character. I regret very much his ceasing to be a member of this House. I remember when he came here for the purpose of supporting a measure which the government had brought forward, and in which his friends Messrs. MacKenzie & Mann were interested. He was very ill at that time, and I believe from that illness he never recovered. He has lived on for a long period of time. There is but one opinion in all the province of Ontario, which he represented as a senator, and that is, that he was not only a man of very great business ability, but, as a citizen, he was a man of the very highest integrity. Senator McKindsey, I did not know as well. Mr. McKindsey seemed to me to be a very estimable man. My hon. friend speaks about his political bias, and his devotion to the principles of his party. Well, that remark applies to all of us. In fact, if we were to say a man was the less to be regarded because of his devotion to his party convictions, I suppose we would all be lowered in the scale of this House, but I have never heard any other than a most favourable opinion of Mr. McKindsey. Mr. MacInnes was a man who stood high in business circles for many years. In the latter part of his life, after he became a senator, I believe he had, to a large extent, abandoned his business pursuits, but I met him always in a most cordial friendship, and I had formed of him a very high opinion. I knew that he was not of my political faith, but that is no reason why I should esteem him any the less as a man, and I am sure as a gentleman we shall all sincerely regret that he is no longer with us.

Hon. Mr. SCOTT—It was my good fortune to know the late Sir Frank Smith for very many years. I think some thirty years ago, when a vacancy occurred in the Senate, it so happened I had an opportunity of expressing an opinion as to the gentleman who should be selected to fill the position, and I had then very great pleasure in communicating with the then head of the government, although at the time I had no claim upon him, asking that Frank Smith be appointed to fill the vacancy. I have had no reason to regret it. Although Sir Frank Smith and I did not run in political lines at all times, still he was a man for whom I had a great admiration. He was a very warm personal friend. To those to whom he was attached he was warmly attached. He was a man of greater breadth of mind than most people knew. At a very important time in the history of this country, at a time when the great enterprise in which the government were so deeply interested might be wrecked, with great force of character, courage and knowledge of the future Sir Frank Smith grasped the situation. The views that he endeavoured to press on his colleagues were at first very reluctantly received. Finally they admitted that his judgment was sound, and subsequent events proved the correctness of that opinion. My hon. friend opposite will recollect the circumstances to which I refer.

Hon. Sir MACKENZIE BOWELL—Quite correct.

Hon. Mr. SCOTT—As has been already observed, his financial ability was far above the average. His success was, of course, the best evidence of that. His financial skill was such that he was sought after by every financial institution with which he was connected to take a place on the board, as hon. gentleman very well know, and, therefore, without any hesitation, one can say his death is really a loss to Canada and to the Senate. The late senator from Hamilton I did not know until he became a member of this House. He was a charming man, with the qualities and disposition that one is forced to like—genial, kind, considerate, never aggressive in any sense, always polite if you differed from him, a man who won his way in the opinions of members of the Senate. Mr. MacInnes was really all that has been represented, a man who was highly thought of by all those with whom he came in contact. Our friend, whose death has been reported to-day from Halton, I did not know as well. The inter-

course I had with him was necessarily somewhat limited, although he has been a member of the House, I think, since 1884. The longer I knew him, the more I thought of him. He was, no doubt, a very bitter party man, but, apart altogether from his political feelings, he was a pleasant, genial companion, frank, open and candid. You knew what his views were. There was no deception or attempt to conceal. He was the kind of a man we must always respect, because he was candid and frank, and what he appeared to be. No doubt, the Senate has lost severely by the death of these gentlemen. As my hon. friend has said, it is the future of all of us, and time alone will tell when the end will come.

Hon. Mr. WOOD (Hamilton)—As a new member of the House, permit me to say a few words in addition to what has been said, about the gentleman whose place I have been appointed to fill. I know quite well I shall not possess the ability to fill it as he did. At the same time, I am pleased to hear such kindly statements made about Mr. MacInnes, a gentleman whom I have known for nearly fifty years. In business he was one of our most upright, honourable, straightforward men to be found in the whole Dominion, and he did a very extensive business from one end of the country to the other. His customers all liked and respected him, and were always glad to do business with him. Circumstances occurred with him, as with many others, which led to his retirement from the business, and finally he left our city to live in Toronto, after he became somewhat infirm in health, but he still entertained the greatest affection and interest for the city in which he first commenced, and in which he had a very long career. The people of Hamilton respected Mr. MacInnes as they respected, I might almost say, no other man in the city. He was one of the pioneers of business in the west, and all over the west he was universally respected and well known. Sir Frank Smith I, perhaps, have known longer than any other gentleman in this House. I knew him when he was a clerk next door to me in Hamilton, where he first commenced as a clerk for a Mr. Logan, and, later, when he went to London. I was intimate with Sir Frank Smith from the time he left Hamilton until the time of his death. No more upright, straightforward, honourable man ever conducted business in this Dominion. All those who did business with him respected him, and knew him to be everything that a British merchant should be—a straightforward business man. I regret his absence from this House, as I do the absence of Mr. MacInnes, though I would not have been here if Mr. MacInnes had been to the fore. I should have been perfectly delighted to see my old friend still occupying his seat here to-day. Mr. McKindsey, of course, I have known somewhat, but not very intimately. I do not feel as though I could say what I really wish of Mr. MacInnes, but having said this much I shall simply add that I am pleased to hear his colleagues in this House express such kind encomiums on him as they have done.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, February 13, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE STANDING COMMITTEES.

Hon. Mr. SCOTT, from the Committee on Selection, presented their report, which was read by the clerk as follows :—

THE SENATE,
COMMITTEE ROOM, No. 2,
WEDNESDAY, Feb. 13, 1901.

The Committee of Selection appointed to nominate the senators to serve on the several standing committees for the present session, have the honour to report herewith the following lists of senators selected by them to serve on each of the said standing committees, namely :—

The Joint Committee on the Library of Parliament.—The Hon. the Speaker, and the Hon. Messrs. Allan, Almon, Baker, Boucherville, de, C.M.G., Casgrain (de Lanaudière), Drummond, Cowan, C.M.G., Hingston, Sir W., Kt., Masson, Miller, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Ross, Scott, Wood (Westmoreland), Young.—17.

The Joint Committee on the Printing of Parliament.—The Hon. Messrs. Bernier, Carling, Sir John, K.C.M.G., Cochrane, Dever, Dobson, Ellis, Ferguson, Fiset, King, Macdonald (P.E.I.), MacKeen, Mackay (Alma), Merner, O'Donohoe, Pelletier, Sir Alphonse, K.C.M.G., Primrose, Reid, Shehyn, Templeman, Wark, Watson.—21.

The Committee on Standing Orders.—The Hon. Messrs. Carling, Sir John, K. C. M. G., Clemow, Gillmor, Macdonald (P.E.I.), Macdonald (Victoria), McKay (Truro), Prowse, Yeo, Young.—9.

The Committee on Banking and Commerce.—The Hon. Messrs. Aikins, Allan, Bowell, Sir Mackenzie, K.C.M.G., Carmichael, Casgrain (Windsor), Clemow, Cox, Dandurand, Drummond, Ferguson, Forget, Hingston, Sir William, Kt., Kerr, Lougheed, Mackey (Alma), McDonald (Cape Breton), McCallum, McMillan, McSweeney, Miller, O'Brien, Perley, Primrose, Scott, Shehyn, Villeneuve, Wark, Wood (Westmoreland), Wood (Hamilton), Yeo.—30.

The Committe on Railways, Telegraphs and Harbours.—The Hon. Messrs. Allan, Baird, Baker, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Clemow, Cochrane, Cox, Dickey, Drummond, Ferguson, Forget, Jones, Kerr, King, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), Mackay (Alma), MacKeen, McCallum, McDonald (Cape Breton), McKay (Truro), McLaren, McMillan, Miller, Mills, Owens, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Prowse, Scott, Snowball, Sullivan, Templeman, Vidal, Villeneuve, Wood (Hamilton).—40.

The Committee on Miscellaneous Private Bills.—The Hon. Messrs. Armand, Baird, Boucherville, de, C.M.G., Carmichael, Casgrain (de Lanaudière), Dandurand, Dever, Dobson, Fiset, Gillmor, Gowan, C.M.G., Hingston, Sir William, Kt., Landry, McHugh, McSweeney, Merner, Mills, Montplaisir, O'Brien, O'Donohoe, Reid, Shehyn, Snowball, Sullivan, Young.—25.

The Committee on Internal Economy and Contingent Accounts.—The Hon. Messrs. Bernier, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Casgrain (Windsor), Fiset, King, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), McCallum, McDonald (Cape Breton), McLaren, Miller, Montplaisir, Owens, Pelletier, Sir Alphonse, K.C.M.G., Perley, Prowse, Scott, Vidal, Villeneuve, Watson, Wood (Westmoreland).—25.

The Committee on Debates and Reporting.—The Hon. Messrs. Bernier, Ellis, Ferguson, Kerr, Landry, Macdonald (P.E.I.), McCallum, Templeman, Vidal.—9.

The Committee on Divorce.—The Hon. Messrs. Baker, Gowan, C.M.G., Kerr, Kirchhoffer, Lougheed, Mills, Primrose, Templeman, Wood (Westmoreland).—9.

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

All which is respectfully submitted.

R. W. SCOTT,
Chairman.

Hon. Mr. SCOTT moved that rule 13 be suspended, so far as regards the report of the Striking Committee.

Hon. Mr. WATSON—I for one would like to have an opportunity of looking over the list of names. It appears to me that a number of members of this House, who would like to be on some of the committees, are debarred from serving on them. I understand the reason for putting on some of the members is that they have served on those committees for years, and the Striking Committee does not like to drop them. If so, it is a farce——

The SPEAKER—If the hon. gentleman objects to the immediate adoption of the report, it must stand until to-morrow.

Hon. Mr. WATSON—Then I object.

Hon. Mr. LOUGHEED—The hon. gentleman can raise his objections after the standing rule is suspended, when the report comes up for consideration. The motion now is to suspend the rule so that the House can take into consideration the report of the committee. The hon. gentleman can discuss the point after the rules are suspended.

Hon. Mr. WATSON—I want an opportunity to look over the names.

Hon. Mr. LOUGHEED—Do I understand that the hon. gentleman intends to insist upon his contention and keep the House here another extra day?

Hon. Mr. WATSON—I do not know what the results will be.

Hon. Mr. LANDRY—The hon. gentleman will not gain by it.

The report was allowed to stand until to-morrow.

HILLSBOROUGH RIVER BRIDGE.

Hon. Mr. FERGUSON inquired of the government:—

1. Has any contract been let for the construction of the whole or any portion of the proposed bridge over the Hillsborough river at Charlottetown, P.E.I.?
2. If so, to whom has the contract been given; what is the nature of the work contracted for; when is the work to be commenced, and when completed, and what is the amount to be paid therefor?
3. Has the line of the proposed railway from Charlottetown to Murray Harbour been finally located beyond the first ten miles nearest the proposed bridge?
4. Has any other contract, except for the ten miles aforesaid, been awarded for any part of the said railway?

Hon. Mr. MILLS—In reply to my hon. friend's first question, a contract has been let for the substructure of the proposed bridge over the Hillsborough river at Charlottetown, P.E.I. 2. The contract has been awarded to Mr. M. J. Haney; the nature of the work contracted for is, eleven stone and concrete piers on the site of the

bridge, and approaches to the brige of solid earth embankment. The work to be commenced after date of contract, October, 1900. To be completed April, 1892. It is a schedule contract and the amount to be paid depends on the quantity of work done. 3. No, it has not been finally located. 4. No other contract has yet been awarded, but there need be no delay in prosecuting the work as soon as the location is settled, as the work is identical in character with the first section, and the tenders received were for schedule prices for that work.

THE PROPOSED CHANGES IN THE STANDING COMMITTEES.

Hon. Mr. MILLS moved that when the House adjourns to-day it stand adjourned until to-morrow at eleven o'clock. He said: That will give time to consider the report with respect to the organization of committees, and we can meet at three o'clock again as usual, and have a second sitting. That will enable us to get through with everything before us to-morrow in the afternoon, if the House agrees to that.

Hon. Mr. DeBOUCHERVILLE—We do not gain anything by that.

Hon. Mr. MILLS—Yes, we gain a day, so that our adjournment may take place to-morrow for a period, without meeting the day following.

Hon. Mr. DeBOUCHERVILLE—We are obliged to suspend the rule in any case, and we may as well suspend it now as to-morrow. At eleven o'clock we will not have had time to consider this report.

Hon. Mr. SCOTT—I will see that it is printed in good time.

Hon. Sir MACKENZIE BOWELL—It will not take five minutes for any member of the committee to point out to the House where the changes which have been made, and upon what committees the new members of the Senate have been placed. The question raised by the hon. gentleman from Marquette (Mr. Watson) is the continuation of members on the committees, who, he says, do not attend very often, while other members, himself, I presume, among the number, desire to be placed on certain committees. The Committee on Selection did not feel inclined to adopt to any extent the principle which he lays down. There is a certain amount of respect, at least, due to old members of the Senate, who have been on certain committees for a great many years, and I think, after an examination of the report itself, which has been made by the Secretary of State, it will be found that the new members of the Senate have been placed on committees which the Standing Committee thought they were most fitted for. We have had prominent gentlemen appointed to the Senate, who have had large commercial and financial experience. They have been put on some of the principal committees, and for the reason that I have indicated. The Secretary of State might read to the House the changes which have been made, or I could do it if he desires it, for I have them all in the book before me—but as chairman of the committee he should do it. I am under the impression that not only the old members of the House, but the new members who have just taken their seats, will find that they have been treated liberally in placing them upon certain committees. If we are to discuss the question as to whether a gentleman who may happen to be ill to-day and not likely, perhaps, to be here for a week or two weeks, is to be, I might say, ignominiously expelled from a committee, I am not prepared to adopt that principle, nor do I think any one who has any feeling for his fellow man would suggest such a thing. There is an implication in the hon. gentleman's remarks that too much leniency had been shown to some members, and injustice done to certain new members. Most members of the Committee on Selection were old members of the Senate, and acted in the interest of the Senate, and with due respect to their fellow senators with whom they have been associated so long.

Hon. Mr. WATSON—I have the list here, and looking it over, I find that what occurred last session will occur this session. It was found necessary last session to add certain members to the committees to get a quorum. I fear, as the committees stand in this report, the same thing will occur this session. I have great respect for old age; nevertheless, there is a time when members cannot attend regularly to the duties of active committee work, and my idea is that

the men who are here constantly, and actively interested in the legislation before the committees, should be selected to take part in the deliberations of those committees. The hon. leader of the opposition has just stated that I probably would like to be on a committee. There is one, and I wished to be on it last session, but being a new member I took the position that was assigned to me. I refer to the Railway Committee. The hon. gentleman alongside of me (Mr. Casgrain) would also like to serve on that committee. We think we know something about railways and the legislation which comes before that committee. As a western man I am interested in the railway legislation before this House, because most of it affects our North-west For that reason I have raised the objection to the adoption of this report to-day. With all due respect to the old members of the committees, I submit to the House that men who are here constantly, and in a position to attend actively to the duties of the position should be placed on those committees. It is no disrespect to old members to leave them off those committees and place them on others where their presence would not be of so much importance. That is why I raised my objection. I have given my reasons, and I think they will commend themselves to the majority of the House.

Hon. Mr. SCOTT—The policy adopted by the committee appointed by this House to name the various standing committees, has been the one that has been followed since the Senate was inaugurated. I have been in the Senate twenty-seven years, on both sides of the House, and the practice has been to make the changes as new members came in, and as vacancies arose from time to time. I quite appreciate the reason urged by the hon. gentleman in opposition to that view, but, as it is a new departure, it would have to be started with the full knowledge of the intention to change the basis of the organization of committees. The practice may not be a good one, but is has at least the advantage of time on its side, and a concurrence from year to year. I do not think I have heard the report of the Committee on Selection challenged on more than one or two occasions in a long term. It is a delicate and difficult task to select the members of the committees, because, naturally, there are some committees that a majority of the members wish to be on, and it is quite impossible, with the limitations we have, to so arrange the committees as to meet the views of every hon. gentleman. We desire to do so as far as is practicable. I will now read the changes that have been made. On the Joint Committee on the Library and on other committees the ex-Speaker has been substituted for the present Speaker. Wherever the present Speaker was on a committee the ex-Speaker is put on in his place.

Mr. MacInnes, of Hamilton, is replaced by Mr. Wood, of Hamilton. On the Joint Committee on Printing, there were three vacancies. Mr. Ellis, of St. John, who is a practical newspaper man and printer, takes the place of the late Mr. McKindsey, of Halton; Mr. McKay, of Alma, takes the place of Senator Ogilvie, who resigned, and the ex-Speaker takes the place of the present Speaker. On the Standing Orders Committee, Mr. Shehyn takes the place of Mr. McDonald, of Cape Breton. On the Committee on Banking and Commerce, Mr. McKay, of Alma, takes the place of Senator Burpee, Mr. McDonald, of Cape Breton, takes the place of Mr. Fulford, who, it is reported, will not be here for, at all events, the greater part of the session. In several instances where we knew that senators would be absent for at least the greater part of the session, we decided that if, on their return, they desired to do so, they could take the places of the gentlemen we have named. Senator Lougheed, takes the place of the late Mr. Lewin, and Mr. McCallum, the place of the late Mr. MacInnes. Mr. Wood, of Hamilton, takes the place of the late Sir Frank Smith. Mr. Speaker had replaced Mr. Lewin temporarily last session. On the Committee on Railways, Telegraphs and Harbours, Mr. Wood, of Hamilton, takes the place of Mr. Almon, until the latter return to the Chamber; Senator Sullivan, takes the place of the late Senator MacInnes, by arrangement, Senator Bolduc, takes the place of Senator Masson, and, I presume, if Mr. Masson, should return to the Chamber, his name will be substituted for that of Mr. Bolduc; Mr. Prowse, takes the place of the late Senator McKindsey. Senator MacKay, of Alma, takes the place of Senator Ross, who is absent, but, if the

latter should return he can resume his place on the committee. Senator Jones, takes the place of the late Sir Frank Smith. On the Committee on Private Bills, Mr. Shehyn, of Quebec, takes the place of Senator Bolduc, by arrangement; Mr. Young, takes the place of Mr. Lougheed, and Mr. McHugh takes the place of Senator Ogilvie, resigned; Senator Gillmor takes the place of Senator Prowse. On the Committee on Internal Economy and Contingent Accounts, there were two vacancies besides the Speaker's vacancy: Mr. Bolduc takes the place of Mr. Forget, who is likely to be absent for a good part of the session, and Mr. Lougheed the place of the late Mr. McKindsey. On the Committee on Debates and Reporting, Mr. Landry takes the place of Mr. Bolduc, and Mr. Ellis the place of Sir Mackenzie Bowell, who desired to withdraw and give Mr. Ellis an opportunity of serving on that committee. There is no change in the Committee on Divorce. The only change on the Restaurant Committee is the substitution of Senator Miller for Senator MacKeen, and Sir Alphonse Pelletier takes the place of Senator Almon until his return. Those are the changes. It is a very delicate task for the committee because it is well known, as I have explained, that there is a considerable desire on the part of hon. gentlemen to be appointed to certain committees. It is not an easy matter to allot the list so as to please everybody—it is quite impossible to please all.

The report was allowed to stand.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, February 14, 1901.

The SPEAKER took the Chair at Eleven o'clock, a.m.

Prayers and routine proceedings.

THE STANDING COMMITTEES.

Hon. Mr. SCOTT moved that the following senators be appointed to the Joint Committee on the Library of Parliament :—

The Hon. the Speaker, and the Hon. Messrs. Allan, Almon, Baker, Boucherville, de, C.M.G., Casgrain (de Lanaudière), Drummond, Gowan, C.M.G., Hingston, Sir W., Kt., Masson, Miller, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Ross, Scott, Wood (Westmoreland), Young.—17.

Hon. Mr. DeBOUCHERVILLE—Is not this committee appointed to assist the Speaker ? I do not think the Speaker is named on the committee himself.

The SPEAKER—I am really not prepared to answer the question of my hon. friend from Montarville. As I understand it, the Speaker of this House is simply the member who occupies the Chair, and he would not be a member of the committee unless he was specially mentioned. Our rules do not say that the Speaker shall be ex-officio a member of any committee. Consequently, as at present advised, my opinion is that the Committee of Selection acted properly in including the Speaker among the members of the committee.

Hon. Mr. DeBOUCHERVILLE—Does His Honour decide that I am not correct ?

The SPEAKER—I have not looked into the question, and am not prepared to give a positive decision. I simply give the impression on my mind at the moment.

Hon. Mr. DeBOUCHERVILLE—Could not this question stand until the other committees are named, and I will look into it in the meantime. There can be no objection to that.

Hon. Sir MACKENZIE BOWELL—The only rule applying to this is the 80th, where it says :—

The standing committees shall be as follows : (1) The Joint Committee on the Library of Parliament, whereto there shall be appointed seventeen senators.

It has been the practice heretofore, in appointing the committee, on all occasions, to include the Speaker.

Hon. Mr. SCOTT—We are following the practice. The Speaker is put at the head of the list.

Hon. Mr. MILLS—The committee have always been appointed to assist Mr. Speaker, and the Speakers alternate—the Speaker of the House of Commons is chairman of the Joint Committee at one time, and at another it is the Speaker of the Senate, but I do not recollect the rule by which that proceeding has been heretofore adopted.

Hon. Mr. DeBOUCHERVILLE—Why not let the matter stand ?

Hon. Mr. SCOTT—I cannot see any reason for it. We are simply following the rule which prevailed in other years. However, I have no objections to let it stand.

The motion was allowed to stand.

THE PRINTING COMMITTEE.

Hon. Mr. SCOTT moved that the following senators be appointed to the Joint Committee on the Printing of Parliament :—

The Hon. Messrs. Bernier, Carling, Sir John, K.C.M.G., Cochrane, Dever, Dobson, Ellis, Ferguson, Fiset, King, Macdonald (P. E. I.), MacKeen, Mackay (Alma), Merner, O'Donohoe, Pelletier, Sir Alphonse, K.C.M.G., Primrose, Reid, Shehyn, Templeman, Wark, Watson.—21.

Hon. Mr. WATSON—When this report was made yesterday it seemed to me, from the reading of it, that the composition of those committees was not fair to members of this House. For that reason, I objected to the adoption of the report yesterday. I find, on looking over the list of the standing committees, that I was right in my contention at that time. The distribution of the members on the several committees, to my mind, is certainly very unfair. With the experience I have had here and elsewhere, I have always found that the government, or the special committee striking the standing committees, have always considered the relative strength of the several parties. I find, in looking over this list, that that principle has been entirely ignored in this case. True, there are several committees, such as the one we are discussing now, where the political proclivities of their members can have very little effect. On the Printing Committee the other chamber has a large majority and could swamp the vote of the Senate. Consequently, the membership of the Printing Committee is of no political consequence, so far as this House is concerned. I find that on that committee there are eleven Liberals and ten Conservatives, where it will have little effect. Further on, I find on committees which deal with questions more or less of a political character, the minority of this House certainly have not fair representation. Take, for instance, the Committee on Railways. That is a very important committee—in fact, the most important committee in this House, as it is in the House of Commons. On that committee the party representing the government in this Chamber should have a fair representation, and, in proportion to its numbers, should have forty per cent of the representation at least. I find on the Railway Committee the Liberals have twelve and the Conservatives twenty-eight. They should be sixteen to twenty-four, if we follow the rule which prevails in the House of Commons. In all cases in the House of Commons, the minority, no matter what political party they belong to, have a fair representation, according to their proportion in the representation of the House. I find the same thing prevails in all the committees. Take, for instance, the Internal Economy and Contingent Accounts Committee : the Liberals ought to have ten on that committee, the majority fifteen. I find, however, they have six, as against nineteen Conservatives, certainly a very unfair proportion. As I said yesterday, last session a large number of absentees were left on the committee. I see that this session, the Committee of Selection have substituted others for those who are not here, but in case the absentees come, they are to resume their places. In every instance, it increases the voting power on one side. Yesterday we were told that the committee did not see fit to drop the names of members who have been on the committee for a long time; notwithstanding that, I find those changes have been made, and were reported yesterday. I have all due respect for the old members of the Senate. They have had a longer experience than I have had; at the same time, so far as responsibility is concerned, new members have the same responsibility in this House as the older members who have been here for years. I find active business men in this Senate are entirely ignored. Some are on one committee, some on two, while the older members are on as many as five committees. I have looked over the list, and I find there are five members of the Senate who are entirely ignored—who are not on any committee at all. In that five are included some of the most enterprising business men of Canada. I find that eight members of the Senate are on only one committee ; thirty-two on two committees ; twenty-five on three committees; seven on four committees, and three on five committees. I do not think any person will say that I was wrong in my contention yesterday and to-day, that the committee should revise their work, and make a very much

better striking of committees than appears in this report. I do not purpose to make any motion on this question at all. I can quite see that if the majority in this House persist in the adoption of this report, it can be carried. I have directed sufficient attention to the composition of the committees, to the number of men who are left off the committee altogether, to the number on one committee, to the fact that some are on five committees, and leave it to the judgment of the members of this House to refer the report back to the committee to see if a better adjustment can not be made. I can quite understand that a number of members of this House, because of their peculiar adaptability for committee work, might be on every committee. I can understand that the minority might be on every committee of this House, and then have only their fair representation. The members of the minority, as a rule, are on more committees than the members of the majority, because they are fewer in numbers, and if they are to have any representation at all, they must serve on more committees than their opponents. That is the experience I have had in parliamentary work, and in striking committees and giving representation to the minority. I submit this statement of facts: the figures are accurate, for I have checked them out. If the majority of this House insist on the committees being composed as reported, for the time being the minority will have to submit; but I do not think it is wise on the part of the majority to act in this manner on the striking of committees. I do not think it is fair or right, and I submit the statement to the House, trusting that the majority may see fit to reconsider the composition of these committees.

Hon. Mr. BOLDUC—As I said yesterday, it is very seldom the report of the Committee of Selection is questioned. I have served on that committee for the last two years, and have never heard a word of the political opinions of the members chosen to serve on the standing committees. My hon. friend from Marquette is of the opinion that the political opinions of the members who are chosen to serve on those committees have not been overlooked; but, as evidence of the contrary, I may tell him that on the Committee on Railways, Telegraphs and Harbours, Mr. McKay, from Montreal, who is not a Conservative, was chosen to take the place of Mr. Ross, who was a good Conservative. Nobody took exception to the choice made, because Mr. Ross, as hon. gentlemen are aware, is very ill and seldom comes to the Senate, and I had no objection, for my part, to the choice when Mr. McKay's name was suggested. I complied with the request with great pleasure. My attention was also called to the fact that Mr. Shehyn's name was on one or two committees, and I had no objection to substitute Mr. Shehyn's name for mine on the committee. I think those instances will furnish evidence that the choice made by the committee did not indicate political feeling on the part of any members of this House.

Hon. Mr. WATSON—I would like to ask the hon. gentleman why some names were left off at all.

Hon. Mr. BOLDUC—We were not aware of that. As soon as somebody's name was mentioned, it was accepted on one side or the other.

Hon. Mr. WATSON—That is the reason why I think the report should be referred back.

Hon. Mr. SCOTT—While it is perfectly clear that on all questions of policy this House is pretty well divided politically, and the lines are well defined, yet I am free to say that in the committees of the House politics have not been carried, and in the formation of committees political alliances have not been prominently regarded. As far as my recollection goes, the effort in the formation of all those committees has been that the different parts of the Dominion should be represented fairly. If you had that object in view, it would be quite impossible to regard the other objects. It is, as my hon. friend explained, unfortunate that one political party has a great predominance in the formation of the committees. It arises in a very natural way, from a disposition not to displace gentlemen who have fairly well discharged their duties in times past, and who express a desire to remain on the committee. The committees which have attracted most attention in the Senate are the Railways and Canals and Banking and Commerce, and in order to meet the pressure of members,

those two committees have, from time to time, been enlarged. In 1872 the two committees of Banking and Commerce and Railways and Canals embraced only twenty-four members each. Since that time some two or three members have been added, but at the time I speak of, Prince Edward Island had come in, came in about 1872, and British Columbia was in. Those two committees now number seventy. The increase is due entirely to the pressure by gentlemen who desire to be added to those committees, and so they have grown to what, in my judgment, is rather an undue and large proportion. In the arrangement on the Committee on Railways, which practically is the committee on which some hon. gentlemen desire to be named, I have, in a hasty way, just run over the proportions that are on that committee from the different parts of the Dominion. Prince Edward Island has four senators, and would be entitled in a rough way to one-twentieth. She has her proportion ; she has two gentlemen on the committee. British Columbia has three senators. She is not entitled to two. Her proportion would be something over one, but she has two, so that, perhaps, she is over-represented. Manitoba having four, is entitled to one-twentieth, and there is only one senator from Manitoba on that committee. The principle that guided us in former years, although it has not been followed in the last three or four years, was that locality, rather than political colour, should be regarded by the members of that committee. I may remind my hon. friend that if I had, a few years ago, raised that question, the Liberal party would not have been represented on any committee. The North-west Territories have two senators, and would be entitled to one member. It has one member on that committee. Nova Scotia, having ten senators, would be entitled to an eighth, perhaps a fraction over. That proportion would be five, perhaps a fraction over. It is over-represented, because it has seven. New Brunswick, having ten senators, would also be entitled to five ; its representation is less than five, so that it is under-represented on the basis that I have referred to. Quebec having twenty-four senators would be entitled to something over one-third, over fourteen, perhaps not fifteen. It has only eleven. So that it is under-represented. Ontario, with twenty-four, would be entitled to a third, say fourteen, and it has fourteen on the committee. So that, on the principle which has influenced the committee in the past, the proportions coming from different provinces would seem to be eminently fair. It is impossible to so graduate and regulate the formation of a committee as to represent each particular locality. I quite recognize the fairness of many of the observations of my hon. friend opposite, where gentlemen have been left off altogether. The principle that has guided the Committee of Selection since the formation of the Senate has been that the newer members were not given as important places on the committee as the older members, and it did seem to me that precedence by priority is the only principle which should guide, and it has been the guiding one in the past under all governments, both Liberal and Conservative. The hon. gentleman referred to one committee in particular, the Committee on Contingencies. I have found that some of my Liberal friends have been quite as extravagant as the Tories on the committee. I begged of them several times to call a halt, and if we do not call a halt we shall get into disgrace, because the extravagance of the committee has been commented on outside. The additions last year were in the neighbourhood of $3,000, which was extremely uncalled for, I do not hesitate to say so, because officials who only work here for three months and occupy inferior positions are paid higher sums than officers in other departments of the government who are occupied till five or six in the evening, and sometimes have to come back at night, and draw less compensation than the officers in this Chamber. I have heard the voice of the hon. gentleman from Amherst (Mr. Dickey) raised against it several times. I think he left the committee in disgust. I am sorry he is not now in his place. I remember calling his attention to the condition of things at confederation, and the professions that were made then. The Senate was to be managed as a fairly prudent, economical body, and to his regret year by year the expenses of the administration of the Senate had enormously increased. I have heard other gentlemen, not confined to one political party or the other, make similar com-

ments. There has been wire-pulling, and it has influenced gentlemen on both sides. Perhaps this is a little outside the question, but it is an incident which naturally arises when one is discussing the internal economy and the formation of those committees, and I thought, perhaps, it was better, having a pretty large experience in those matters, that I should give my frank and unbiassed opinion. Questions of government policy are not referred to these committees ; they are referred to a Committee of the Whole House, where every gentleman can be present. The Banking Committee, the Railway Committee and the Private Bills Committee have only to do with private enterprises, promoted by parties of both political sides, and there is a good deal of lobbying on these occasions, but I cannot see what political question can arise on the Banking and Commerce Committee. It does not seem to me possible, because it is conducted entirely by gentlemen who desire to see the financial affairs of this country managed on a safe and prudent basis. The Committee on Railways is an important committee, in which there is, no doubt, a good deal of canvassing and lobbying, but my opinion is that it rarely divides politically. I cannot now recall to my mind an occasion where a political member of either side sought to induce those who were in sympathy with him to see eye to eye with him. It has not been on political grounds, but rather on the personal desire to secure a majority in favour of the Bill or to defeat the measure. One can hardly conceive a case where any political question can arise in those two committees to which I have referred. On the broad principle of which my hon. friend speaks, there ought to be a fair representation, and I think hon. gentlemen of the House would be disposed to recognize that principle if attention were called to it, but in my judgment the more important point in the formation of those committees is that the provinces should be fairly represented on the committees in proportion to their number. It cannot be supposed for a moment that a gentleman, representing the Liberal party, if he saw a measure was affecting the province from which he came, which he considered was injurious and detrimental to the public interests, would, for political interests, favour a measure not otherwise entitled to consideration. I believe the members of this body rise superior to any action of that kind, and so far as private bill legislation is concerned, they are guided by other influences than political questions.

Hon. Mr. DANDURAND—I understand this Chamber may adjourn to-day for a couple of weeks, and I would ask hon. gentlemen if there is any great haste in adopting the report of this committee when we are just about adjourning, and if there is, in the mind of some of our colleagues, a belief that a grievance exists in the formation of this committee which has had but about an hour or so to go through all these committees and make rearrangements, could we not properly consider the situation and the claims of some of the younger members of this House, who think they have not been well treated ? I do not intend to supplement the remarks of the hon. gentleman from Marquette in his claim that the minority should have fairer representation on some of those committees, but I think that the minority should have a fair proportion. I have not gone into the names that are on the lists and do not know how the list stands. I will only remark to the hon. Secretary of State that the minority is somewhat interested at times in those committees from the experience I had last year in the Railway Committee, when the majority rejected the petition of the Short Line Gaspé Railway, where the Conservative party stood a unit in favour of Mr. Armstrong's desire to balk the people in that neighbourhood in their desire to have a new railway company. These are the supplementary reasons which should actuate us in seeing that a fair representation is given to the minority. I do not say anything as to the present formation of the committees, but as I see that there is in the minds of some of my hon. friend's a feeling that there can be a better readjustment, why not adjourn the consideration of the report and allow this committee to reconsider its work and see if it could not do better ?

Hon. Mr. LANDRY—I would just point out to the hon. gentleman (Mr. Dandurand) that in referring to the Baie Des Chaleurs question, he is speaking under a misappre-

hension. I think it was unanimously thrown out by both parties.

Hon. Mr. DANDURAND—So hopeless was the minority in its endeavours.

Hon. Mr. McCALLUM—If my hon. friend is so anxious that those who share his opinion in politics should be placed on that committee, I am sure if he brings it before us, the government and the Senate want to act fairly and squarely in the matter, and they can add a member at any time. There can be an amendment after the committee is struck, and we can add a member or two at any time. It is not like the laws of the Medes and Persians. Otherwise the whole of the business will be delayed. I understand that the object is to strike the committees and have them get to work when we come back. I am on quite a number of committees, and I would not care very much if I was struck off some of them. If anybody wants to take my place I am willing he should have it for the sake of peace.

Hon. Sir MACKENZIE BOWELL—I do not propose to continue the discussion further than to supplement what has been said by the hon. gentleman from Lauzon (Mr. Bolduc). He knows, and so does the committee, that I objected to be on some of the committees for which I had been named, and I moved the striking off of my own name, substituting in every case a Liberal that I thought eminently fitted to serve on these committees. And, I stated then—although we should not refer to proceedings in the committees—what the Secretary of State has properly said, that while I have been on that committee, since 1893, I have never heard the question of politics mooted until this time, and I suppose the western atmosphere has had such wonderful effect upon the political views of the hon. gentleman that he fancies the interests of the western country will be ignored unless he occupies some position of importance on those committees. The Secretary of State has laid down the principle which has guided us on all occasions. Where one province has had an undue proportion, it has resulted from the fact that they thought that the persons who were placed upon those committees were better fitted for the position than some others. That their avocation in life was such as fitted them for such positions, and that is really the reason. I regret, myself, that the question has ever arisen. I know that on one of those committees, a prominent Liberal, our present Speaker, was as active and energetic, and I think exercised as much, if not more, influence in the formation of committees and in the appointments recommended by the Committee on Internal Economy as any other member of the House, but I never heard his appointment claimed on that ground. He was an active and energetic man, and on all occasions exercised his right. I regret that this discussion has come up. The names of those that are left off all the committees, I confess, escaped my attention, and probably the attention of others. I asked the hon. gentleman for them and he very courteously sent me the list. I will not mention them, but they are before me. They are members who never come here except perhaps when brought by telegraph. Some of them have been here perhaps one day during the session, while Conservative members, who have been left off the committee, and Liberals substituted in their place, were men who were physically unable to come. In those cases we did not stop to ask whether they were Liberals or not. That has been the spirit which has actuated the Committee of Selection in the striking of those committees.

Hon. Mr. MILLS—I think the suggestion made would perhaps be a satisfactory one, that the report might be adopted and amended. If there are members who have been left off, it is proper that they should be on some of the committees. As far as we can we wish to put members on the committees that they desire to serve on, and in respect to which business in which they take an interest will come up. The mode of proceeding was not, to my mind, entirely satisfactory. I would have preferred a different mode of striking committees. It seemed to be the rule which had been adopted heretofore to continue as members of the committees those who had been upon the same committees in previous parliaments. I do not know that that is a desirable thing. I shall certainly feel myself free, another session, to act upon the assumption that we are not bound by the past, or what has been done in the past, and that when we meet for the purpose of

striking the committees again, we shall undertake to give to the two great parties in the state—because there are two great parties, and they are represented in this House—fair representation. If a party should, in the process of time, become a small minority in the House, then it is most desirable that that minority should be fully represented on all the committees. You want to give to the party, even though it is in the minority, an opportunity of adequately expressing its opinions on all public questions in the committee as well as on the floor of the House, and that you do by seeing that the minority are fairly represented on every committee, but we cannot ignore the fact that the party at this moment in whose hands the executive government happens to be, is in the minority in this House, and it should not be in the public interest, apart from the question of fairness, to give to it on the committees of this House a smaller representation than it might be entitled to, because it is most desirable that the business of the country should be fairly carried on. I think, therefore, the suggestion made by the hon. gentleman from Monck (Mr. McCallum) is a good suggestion, that the report should be adopted, and there is a disposition on the part of the House, I think, to meet the suggestions made by the hon. senator from Marquette, and to see that fair representation is given to both parties on the committee. I have no doubt there are some men on committees that they do not care to be on, and there are others who are desirous of taking their place. That can be voluntarily arranged after the committees are struck, and we may from time to time amend the committees in this House in that way.

Hon. Mr. LOUGHEED—The tenor of the discussion has been of such a character as to indicate to members of this Chamber, who were not present at the sitting of the Striking Committee, that a spirit of partisanship operated in the minds of the majority of that committee in appointing a majority of Conservatives on the various committees.

Hon. Mr. WATSON—No, no.

Hon. Mr. LOUGHEED—My hon. friend ironically says 'no, no.' Reflection has been cast on the majority of the members of the committee by the remarks of some hon. gentlemen. I might say, and I think I can with confidence, on the part of those who are upon the same side of politics as myself, that if my hon. friend opposite had come down to the committee with a proposition such as he has just enunciated, and with a list of names giving an entirely different representation than that shown in the report, the committee would have been prepared to give the fairest possible consideration to such a proposition. But there was no suggestion of a definite character made by gentlemen representing the Liberal side of politics that was not entertained by the committee at its sitting. I know it is not the etiquette of committees to disclose what may have taken place on the inside, but there has always been that disposition to entertain any proposal to grant fair-play and proper representation of any particular group in this Chamber by the Striking Committee. I would point out that this little discussion, and the acrimony that has resulted from it, has arisen from a misapprehension on the part of the hon. gentleman from Marquette. He seems to think that the same feeling is displayed here as in the House of Commons. When the Liberal party was at its lowest, the party, so far as representation on the committees was concerned, had more than it could claim on the basis of its numerical strength. If my hon. friend will look at the names on the committees during the ten years when the Liberal party had its smallest numbers here, he will find that the members of that party were represented in their entirety on the committees, and there has not been a disposition to adhere to political lines in striking the committees. There is a certain sentiment which must animate a committee of that character. We cannot, where members have been in the House for many years, and have been active members of certain committees, strike their names off heartlessly without giving some reason for doing so, and put in their places members recently appointed. That sentiment has run through the policy which has animated the Striking Committee in the past. It may not be in accordance with party spirit, or party zeal, or the ideas expressed by the hon. gentleman from Marquette, but that has been largely the senti-

ment that has governed the Striking Committee in making up their report. If it does not meet the approval of this House, it is easy to depart from it. I can say, on behalf of the Conservative members of that committee, that no partisan spirit animates them.

Hon. Mr. WATSON—I brought this matter up——

Hon MEMBERS—Spoke ! spoke !

Hon. Mr. WATSON—Then I move the adjournment of the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman cannot himself move the adjournment of the House for the purpose of speaking.

Hon. Mr. WATSON—If the hon. leader of the opposition will not allow me to make an explanation which will not occupy three minutes——

Hon. Sir MACKENZIE BOWELL—I choose to adhere to the rules of the House as the hon. gentleman did yesterday. He has no right to complain.

The motion was agreed to.

THE COMMITTEE ON STANDING ORDERS.

Hon. Mr. SCOTT moved that the following gentlemen compose the Committee on Standing Orders :

The Hon. Messrs. Carling, Sir J., K.C.M.G., Clemow, Gillmor, Macdonald (P.E.I.), Macdonald (Victoria), McKay (Truro), Prowse, Yeo, Young. —9.

Hon. Mr. WATSON—In bringing up this matter I thought that I was perfectly within my rights. I do not think any one in this honourable body will doubt that. I can quite understand that if all the members of this House were free from party bias, as the hon. leader of the opposition and myself are, everything would be done fairly. With regard to the criticisms on the remarks I have made by the several gentlemen who have spoken, I have never understood that we should have a percentage of representatives on committees by provinces, as set forth by the hon. Secretary of State, because if a province is small and has but one senator, it would practically have no representation at all. I understand that senators are appointed for the purpose of giving representation to every portion of the Dominion. The hon. leader of the opposition says that I have probably brought this matter up because I wish for an important position on some of those committees, he is entirely mistaken. I wish to have a fair share in the proceedings of this House while I am a member of it, but, I have no desire to have any greater share of it, nor do I claim to possess any larger knowledge of the subjects coming before those committees, than other members. The hon. gentleman says that the western air has imbued me with a partisan spirit; I do come from a province that, in my opinion and in the opinion of a great many people in that province, has suffered at the hands of the Senate of Canada, and for that reason I feel warmly on the subject. When a majority of the people's representatives in parliament approved of certain legislation and sent it to this Chamber, that legislation was defeated by a body not responsible to the electorate of Canada. For that reason, along with others, I believe that the minority in this House, who represent the views of the majority of the electors in Canada, ought to have at least fair representation. The hon. gentleman from Calgary says that, in striking those committees, no attention is paid to the political views of any member. It has been said by others that there is no politics in those committees. I happen to know, from my own personal knowledge, that two or three Bills were thrown out in the Railway Committee here as a result of a straight canvass on party lines. In one case I heard the canvass made on this ground—that if the Bill were thrown out it would defeat the member in the House of Commons who had introduced it there. The Bill was defeated and that member was defeated; the threat was right that time. No argument can be used in this House to show that party influence does not affect the decisions of committees. The hon. gentleman said that a few years ago, when the Liberals were weakest here, it would be found that they were on almost every committee of this House. That is what I said at the outset; they must necessarily be there to have representation at all. I was a member of a government and a party in Manitoba where the opposition had only some seven members, and every one of those seven members was on almost every committee in

that legislature. It must necessarily be so. I admit that principle; it is always carried out, and that is what I am contending for here. I claim that we ought to have fair representation. We have not fair representation now. I asked the indulgence of the House to make these few remarks on the last motion, for the purpose of showing that the suggestion made by the hon. gentleman from Monck could not very well be carried out, because those committees are governed by rules. Those committees have fixed numbers, under the rules of the House.

Hon. Mr. LANDRY—The hon. gentleman does not understand the point yet.

Hon. Mr. WATSON—I understand that a committee cannot be increased in the way suggested by the hon. gentleman from Monck.

Hon. Mr. McCALLUM—I said by the consent of the House and the government. I have seen it done in the House of Commons and I have seen it done here. I know whereof I speak.

Hon. Mr. WATSON—To my mind, it is much better done before the committee is struck at all. There can then be a readjustment of the whole committee, and that is my reason for bringing the matter up and making my remarks before adopting the report. However, the majority of this House, have apparently, come to the conclusion that the committees are as they wish them, and, so far as my remarks are concerned, they will have no effect. I find that the members who are entitled to greater representation on the committees, who have had experience in legislation, are left on only one committee. So far as I am personally concerned, I shall have to submit to the majority of this House, trusting that a time may come when we will have fair representation.

Hon. Sir MACKENZIE BOWELL—I wish to correct one remark of the hon. gentleman, and I may add he was equally inaccurate in all his statements. He made a statement that a threat had been uttered here, in the case of a certain Bill introduced and passed in the other House and sent to the Senate, that if it could be rejected here the gentleman who had introduced it in the House of Commons would be rejected by his constituency, and that he was rejected.

Hon. Mr. WATSON—He was.

Hon. Sir MACKENZIE BOWELL—That gentleman was not rejected by his constituency. The hon. gentleman should study current history and know that he is talking about. The gentleman to whom he refers left the constituency which he had represented for a number of years, and tackled another constituency which had given Conservative majorities of seven to eight hundred. He happened to be defeated there, and it served him right. If he had kept in his own constituency, I have no doubt he would have been elected.

The motion was agreed to.

BANKING AND COMMERCE COMMITTEE.

Hon. Mr. SCOTT moved that the following members form the Committee on Banking and Commerce :

The Hon. Messrs. Aikins, Allan, Bowell, Sir Mackenzie, K.C.M.G., Carmichael, Casgrain (Windsor), Clemow, Cox, Dandurand, Drummond, Ferguson, Forget, Hingston, Sir William, Kt., Kerr, Lougheed, Mackay (Alma), McDonald (Cape Breton), McCallum, McMillan, McSweeney, Miller, O'Brien, Perley, Primrose, Scott, Shehyn, Villeneuve, Wark, Wood (Westmoreland), Wood (Hamilton), Yeo.—30.

The motion was agreed to on a division.

THE COMMITTEE OF RAILWAYS, TELEGRAPHS AND HARBOURS.

Hon. Mr. SCOTT moved that the following members constitute the Committee on Railways, Telegraphs and Harbours :

The Hon. Messrs. Allan, Baird, Baker, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Clemow, Cochrane, Cox, Dickey, Drummond, Ferguson, Forget, Jones, Kerr, King, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), Mackay (Alma), MacKeen, McCallum, McDonald (Cape Breton), McKay (Truro), McLaren, McMillan, Miller, Mills, Owens, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Prowse, Scott, Snowball, Sullivan, Templeman, Vidal, Villeneuve, Wood (Hamilton).—40.

The motion was agreed to on a division.

PRIVATE BILLS COMMITTEE.

Hon. Mr. SCOTT moved that the following members form the Committee on Miscellaneous Private Bills :

The Hon. Messrs. Armand, Baird, Boucherville de, C.M.G, Carmichael, Casgrain (de Lanau-

dière), Dandurand, Dever, Dobson, Fiset, Gillmor, Gowan, C.M.G., Hingston, Sir William, Kt., Landry, McHugh, McSweeney, Merner, Mills, Montplaisir, O'Brien, O'Donohoe, Reid, Shehyn, Snowball, Sullivan, Young.—25.

Hon. Mr. FERGUSON—I wish to call the attention of the hon. gentleman from Marquette to the fact that the minority in this House have a majority on that committee.

Hon. Mr. WATSON—I observed in my opening remarks that the Liberals were put on the least important committees.

Hon. Sir MACKENZIE BOWELL—It is one of the most important committees of the House.

Hon. Mr. DANDURAND—I rise to protest against the majority being unfairly treated in the appointments to this committee.

The motion agreed to.

CONTINGENT ACCOUNTS COMMITTEE.

Hon. Mr. SCOTT moved that the Committee on Internal Economy and Contingent Accounts consist of the following members :

The Hon. Messrs. Bernier, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Casgrain (Windsor), Fiset, King, Kirchhoffer, Landry, Lougheed, Lovitt, Macdonald (Victoria), McCallum, McDonald (Cape Breton), McLaren, Miller, Montplaisir, Owens, Pelletier, Sir Alphonse, K.C.M.G., Perley, Prowse, Scott, Vidal, Villeneuve, Watson, Wood (Westmoreland).—25.

The motion was agreed to on a division.

THE DEBATES COMMITTEE.

Hon. Mr. SCOTT moved that the Committee on Debates and Reporting consist of :

The Hon. Messrs. Bernier, Ellis, Ferguson, Kerr, Landry, Macdonald (P.E.I.), McCallum, Templeman, Vidal.—9.

The motion was agreed to.

RESTAURANT COMMITTEE.

Hon. Mr. SCOTT moved that the Committee on the Restaurant consist of :

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

The motion was agreed to.

THE DIVORCE COMMITTEE.

Hon. Mr. SCOTT moved that the Committee on Divorce consist of :

The Hon. Messrs. Baker, Gowan, C.M.G., Kerr, Kirchhoffer, Lougheed, Mills, Primrose, Templeman, Wood (Westmoreland).—9.

The motion was agreed to on a division.

THE LIBRARY COMMITTEE.

Hon. Mr. SCOTT—We now come back to the Library Committee.

The SPEAKER—The hon. gentleman from Montarville asked a question: in reply, I may say, that up to 1894, the wording of the report appointing the Joint Committee on the Library gave the names of sixteen members 'to assist the Hon. the Speaker in the management of the Library.' Since 1895, the report has included the Speaker as one of the committee.

Hon. Mr. DeBOUCHERVILLE—It seems to me that as the Speaker, either of the Senate or of the House of Commons, is ex-officio chairman of this committee, it shows that it is not necessary for him to be named. The old way of putting it was to my mind better.

The motion was agreed to.

THE LIBRARY OF PARLIAMENT.

REPORT ADOPTED.

Hon. Sir ALPHONSE PELLETIER moved the adoption of the report of the Joint Librarians of Parliament for 1900. He said: I hope hon. gentlemen have had time to examine this report. Many suggestions are made which are important, but the most important is the one calling attention to the want of a suitable building. This concerns the Public Works Department, and there is no reason why the report should not be adopted now.

The motion was agreed to.

AN ADJOURNMENT.

Hon. Sir MACKENZIE BOWELL—Would it not be well, before adjourning, if the hon. Minister of Justice would indicate what adjournment he proposes, and that he should give a notice of it, because some hon. member might take advantage of the rule and say that no notice had been given.

Hon. Mr. MILLS—I thought of suggesting an adjournment for a fortnight from next Tuesday to meet at eight o'clock in the evening. I do not think the House of Commons will have made such progress by that time that we cannot overtake the work.

Hon. Sir MACKENZIE BOWELL—Is it proposed by the government to introduce

any important government measures in this Chamber? If so, I would suggest the propriety of having them printed so that we can give them the consideration which their importance demands. During the last recess even the Toronto *Globe* found fault with the Senate for allowing a certain Crow's Nest Railway Bill to pass the House without any consideration, which, of course, as usual, was not correct. But it was quite true the Bill was introduced about three-quarters of an hour before the adjournment. My hon. friend from Marshfield made a strong speech against it. I throw out as a suggestion that there should be some little regard paid to this House in preparing legislation, and that the government should, as far as possible, place these Bills before us in order that we may give them fair consideration instead of galloping through them as we have been doing.

Hon. Mr. MILLS—We think of suggesting certain amendments which experience shows are required in the Election Law. They are very few, and perhaps there will be some alteration in the compensation to the judges of the Superior Courts in the different provinces.

Hon. Sir MACKENZIE BOWELL—They would not be introduced here.

Hon. Mr. MILLS—They might be. We could print the salaries in brackets.

Hon. Mr. ELLIS—Would it make any difference if the adjournment were made to Wednesday, the sixth. This is an exceedingly stormy winter. In coming to Ottawa I was seventeen hours in a snowdrift. Hon. gentlemen in the maritimes provinces cannot reach here in time by leaving home on Monday.

Hon. Mr. MACDONALD (P.E.I.)—I left home on Monday night and did not reach Ottawa until the following Friday, though I was travelling continuously, either across the strait, or by the Intercolonial Railway, to Ottawa. We were not detained by a snowstorm, but had a very inefficient engine to draw the train and were delayed a long time on the road. Wednesday would suit us better.

Hon. Mr. FISET—A great many Quebec members could not get here till Wednesday.

Hon. Mr. MILLS—Then I will move that when the House adjourns this afternoon it do stand adjourned until Wednesday, the 6th March, at three p.m.

THE LIBRARY COMMITTEE.

Hon. Mr. DeBOUCHERVILLE—When we adopted the report of the Committee of Selection, I had not before me at the time the Votes and Proceedings of the House of Commons, with reference to which I desire to make some remarks, if the House will permit me. I do not suppose anybody would like if this House should clash with the House of Commons in the manner of appointing our representatives on those Joint Committees—the Joint Committee, for example, on the Library of Parliament. I read from the Votes and Proceedings of the House of Commons, as follows :—

On motion of Sir Wilfrid Laurier, a select committee, composed of Messrs. so-and-so, was appointed to assist Mr. Speaker.

It is true we did not pass the same motion here, because nobody thought of it, but would it not be better to have the same motion made here? In the Commons they acknowledge that the Speaker is ex-officio a member of that committee.

Hon. Mr. MILLER—It is proper to say 'to assist the Speaker.'

Hon. Mr. DeBOUCHERVILLE—But we passed a resolution appointing Mr. Speaker a member of the committee. Until the year 1894, we appointed the committee to assist Mr. Speaker, but after 1894 it was put in the other form. Could the House not rescind this motion if hon. gentlemen think it worth while ?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Why could it not be changed in the report ?

Hon. Mr. MILLS—For the last seven years we have been following the present mode, although I think the former phraseology was quite proper.

Hon. Mr. DeBOUCHERVILLE—I will move that the motion be put, in this way, 'to assist Mr. Speaker.' This might be carried, I suppose, by unanimous consent.

The SPEAKER—If I may be allowed to say a word, I think that, since the rules of this House were revised in 1885, a new

practice has prevailed, and I doubt whether it would be wise to rescind this resolution without giving time to look into the question.

The subject was dropped.

Hon. Mr. MILLS—I move that when this House adjourns this afternoon it do stand adjourned until Wednesday, the 6th March, at three o'clock in the afternoon.

The motion was agreed to.

The Senate adjourned.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 6, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. GEO. LANDERKIN, of Hanover, Ont., was introduced and took his seat.

CANADA EVIDENCE ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (A) 'An Act further to amend the Canada Evidence Act, 1893.' He said: The Bill is a very brief one. The object is to grant the same immunities to a witness who is called upon to give testimony which may incriminate him in any provincial proceeding, that he has under the statute of the Dominion for proceedings taken under that authority.

The Bill was read the first time.

PROPERTY QUALIFICATIONS OF SENATORS.

MOTION.

Hon. Mr. MILLS moved that the time for filing declarations of property qualifications by senators be extended.

Hon. Sir MACKENZIE BOWELL—Is there any provision in the rule for extension for any particular time? I must confess that I have not looked at it. The motion before the Senate is for an indefinite time.

Hon. Mr. MILLS—I think there has never been any time specified. It is a courtesy extended to the members. A senator may not be here at the opening of the session and whenever he comes there is an opportunity for him to take the declaration. I do not think there has been any specific time ever mentioned within which it must be made.

The motion was agreed to.

THE QUEBEC LOCAL ELECTION OF 1900.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

1. Whether, previous to the issuing of the writs for the legislative elections held in the province of Quebec in 1890, any correspondence or negotiations relating to said elections took place between the Federal government and His Honour the Lieutenant Governor of the said province of Quebec, or between any member of the Federal cabinet and the said Lieutenant Governor directly or through any of his advisers relating to the holding of such elections?
2. If so, what was the nature of such correspondence or negotiations?
3. Who were the parties through whom such correspondence or negotiations were carried on?

Hon. Mr. SCOTT—Is that date, 1890, correct?

Hon. Mr. LANDRY—No, it should be 1900. It is a clerical error.

Hon. Mr. SCOTT—I thought it was an error. I made the inquiry and ascertained that there was no correspondence whatever.

Hon. Mr. LANDRY—Nor negotiations?

Hon. Mr. SCOTT—Nor negotiations.

Hon. Mr. DANDURAND—When in 1892 the constitution was violated by the Lieutenant Governor of Quebec, who refused to call a session during the twelve months following the preceding session, I should like to know if there was any correspondence between the Federal government and the then Lieutenant Governor of Quebec.

Hon. Mr. LANDRY—I beg to call the hon. gentleman's attention to misrepresentations

of fact. He says the constitution was violated ; that is not so.

Hon. Mr. DANDURAND—Absolutely so.

Hon. Mr. LANDRY—The hon. gentleman knows well that it was not violated.

Hon. Mr. MILLS—He knows that it was.

Hon. Mr. LANDRY—And when the hon. Minister of Justice one day came here and said that the government had acted upon no authority to postpone for a year the meeting of the legislature of the province of Quebec, I took the pains to search all the documents, and I brought forward the opinion of Bourinot who had been consulted previously by the Lieutenant-Governor on that question.

Hon. Mr. DANDURAND—There will be no opinion that will prevail against the written constitution of Canada.

Hon. Mr. LANDRY—The constitution of Canada gives to the Crown the right to dismiss the legislature at any time, and it is this prerogative, which is not limited by time, that the Lieutenant-Governor exercised on the advice of his ministers. I know all the circumstances of the case, and I am not myself, nor is he so ignorant as the hon. gentleman suggests.

THE LATE SENATOR ALMON.

Hon. Mr. MILLER—As there is no further business on our Minutes, I beg to remind hon. gentlemen that since the occasion of our last meeting, we have lost one of our most respected colleagues, the venerable senator from Halifax, the late Dr. Almon. This House possessed no more upright and honourable member than the lamented senator, whose distinguished and creditable career has been brought to a close. Senator Almon was a gentleman of the old school, a staunch but not a bitter party man—a man of strong convictions who always had the courage of those convictions, and whose conduct was invariably regulated by a sense of duty, and a desire to do what he considered right. He was a warm and sincere friend, and was beloved and esteemed by all who had the pleasure of knowing him intimately, to which number I happened to belong. I believe nothing could induce him to be guilty of a mean or dishonourable action or anything he thought inconsistent with the strictest code of honour and fair-play.

Hon. Mr. LANDRY.

Senator Almon belonged to one of the oldest families of Halifax, and was of distinguished lineage. His grandfather, on the paternal side, served as a surgeon in the British army in the war of the American revolution, and came to Halifax after the old colonies had achieved their independence, where he practised his profession until his death. His father, the Hon. W. Almon, also a medical man, was a member of the old legislative council of Nova Scotia before the introduction of responsible government. On the maternal side he was connected with several New England families not unknown to history, in the days of the old colonies. The deceased senator was born at Halifax over eighty-five years ago, and during his long life occupied nearly every position of honour, socially, politically and professionally, that his native city could bestow upon him. His name in the city of Halifax was a synonym for personal integrity, professional eminence, true patriotism and public spirit, as well as genuine kindness of heart. In his professional career he was known as the friend of the poor, who could always command his services without the prospect of fee or reward, as readily as the richest in the land.

The lamented senator was a man of much ability, and possessed a mind well stored by reading and study with the most interesting information. He was much given to antiquarian research, had a large fund of anecdote, and was a most entertaining companion. In his own province he has left no one behind him with an equal knowledge of its early personal and political history. He was the founder of the Historical Society of Nova Scotia. His death has removed one of the oldest public landmarks of the city of Halifax, and in fact his name was a household word throughout the province of Nova Scotia.

Previously to being called to this Chamber, Senator Almon was elected by the constituency of Halifax to the House of Commons, where he sat for a short time. During the twenty-one years he was a member of the Senate, he was assiduous in the discharge of his duties, both in the House and on committees. He was rarely absent from his seat, and took a lively interest in the proceedings of the Senate, and frequently participated in its debates. His remarks were

always purgent and to the point, and his indignation was easily aroused by injustice or oppression. By temperament he would sooner espouse the cause of the weak than that of the strong, and this it was, I believe, that made him an enthusiastic supporter of the Southern States during the great rebellion

Such a man, such a character, such an honourable record as the late Dr. Almon's, even his opponents must respect, and his friends, I am sure, will long cherish his memory with affection and esteem, while deeply sorrowing for his loss. (Applause.)

Hon. Mr. MILLS—I am sure that this House will concur in everything that has been said by the hon. senator from Richmond. I remember, from my first entering into parliament, Dr. Almon. He sat in the House of Commons before he became a member of the Senate. I have frequently met him in the library and often had long conversations with him. He was intimately acquainted with the early history of his own province, and took a special interest in everything relating to the various families who settled there at an early period in its history. I am sure that every hon. member of this House, as well as every gentleman who has come in contact with Dr. Almon, has formed a high opinion of his information, of his general ability, and of his integrity. I do not suppose that any hon. gentleman sits in this House, or has sat in the House, who had a stronger feeling against what he thought wrong or unjust than Dr. Almon. He had strong feelings in favour of his own political views and opinions. He was a man of very strong convictions, and although I and those who belong to the Reform party could not agree with many of the opinions which he expressed, politically, I am sure I had never any doubt as to the honesty of his convictions, or the sincerity with which he held those opinions which he advocated, and I am sure that whatever views we may entertain with regard to those political opinions or views, no one can doubt this, that one with the feelings and sentiments of Dr. Almon cannot be other than a highly honourable man who may be safely trusted with any important public duties that the country or the Crown may see proper to commit to him. (Applause.)

Hon. Sir MACKENZIE BOWELL—I am so fully in accord with every sentiment which has fallen from the hon. gentleman from Richmond and also from the Minister of Justice, that it would be unnecessary for me to say one word in addition. Whatever the peculiarities of the hon. gentleman were—no matter how strong his convictions were upon any and all questions—no matter what his likes and dislikes were, there can be no question in the mind of any one who knew the hon. gentleman, that he was honest in his convictions, fearless in the expression of them, and one of the kindest hearted men in the Senate. I deeply deplore, with the House, the loss which the Senate and the country have sustained through the death of Dr. Almon. Death has been making sad inroads on the membership of this House, but such is the course of nature to which we must all submit. I do not desire to enter into a biographical sketch of the hon. gentleman's life. That has been well done by the hon. gentleman from Richmond. I can only re-echo all that has been said in favour of our late lamented colleague. (Applause.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 7, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

PACIFIC CABLE CORRESPONDENCE.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL gave notice :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid on the Table of the Senate, copies of all tenders received for the laying of an electric cable between Canada and Australia ; a copy of the contract entered into for the construction and laying of said cable ; together with a copy of all correspondence and documents relating to the nationalization of the telegraphics of the empire, to include papers not already laid before the House.

He said : My object in putting this notice upon the paper is that in a few days we shall have a Bill from the other House

dealing with the subject, and I think that the House would like to have whatever documents relating to this subject that may be in the possession of the government laid upon the Table previous to the discussion. Perhaps it would be well to add to the motion all papers not already laid before the House.

Hon. Mr. SCOTT—I may say that we have not copies of the tenders, but only a reference to them, giving the figures and the firms, nor have we a copy of the contract. I think it has not been sent out.

Hon. Sir MACKENZIE BOWELL—I was under the impression, in reading the reports of the other House, that the contract, or the conditions contained in the contract, were laid upon the Table. That is my recollection.

Hon. Mr. SCOTT—The hon. gentleman may be right. My hon. colleague informs me that he thinks the Postmaster General has received it. I have not seen it.

Hon. Mr. MILLS—I think he has received it and sent it to me for an opinion.

INDEPENDENCE OF SENATE—THE COOK CASE.

MOTION POSTPONED.

The Order of the Day being called,

By the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That he will call the attention of the Senate to certain telegrams, letters and an affidavit which appeared in a number of newspapers published in Canada during the month of October, 1900, as follows :—

From the Montreal Gazette of October 13, 1900.

Owen Sound, Ont., October 12.—At the opening meeting of the Liberal campaign in North Grey, Dr. E. H. Horsey, the Liberal candidate, spoke at Annan, when he was opposed by Mr. H. G. Tucker.

During Mr. Tucker's address reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cok had left his party because he had been refused a senatorship.

Mr. Tucker afterwards telephoned Mr. Cook and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10,000.

Mr. Cook refused the position under the circumstances, and stated that he would do all in his power to oust those who were guilty of such barefaced acts of corruption.

Dr. Horsey also stated that he had been approached by Mr. Cook and requested to use his influence in getting Mr. Cook a senatorship.

Mr. Cook telegraphed Mr. Tucker, in reply to a telephone message, the following words :—

'*Re* your question I never asked Dr. Horsey to assist me in getting a senatorship. I have no confidence in the man and knew he had no influence. I was an applicant for a senatorship, but when it was offered to me the price was too high.

H. H. COOK.'

Last night at North Keppel Dr. Horsey denied that Mr. Cook had never named any members of the cabinet, and as a result of a conversation over the phone to-day, Mr. Cook telegraphed Mr. Tucker in the following words :—

'Price demanded from me for a senatorship was $10,000.

H. H. COOK.'

From the Montreal Herald of October 15, 1900.

The Gazette this morning publishes the following letter from Sir Wilfrid Laurier :—

To the Editor of the Gazette :

Sir,—In the Gazette of this morning there appears a telegraphic report of a meeting held at Owen Sound, Ontario, in which the following statement occurs :

'During Mr. Tucker's address reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cook had left his party because he had been refused a senatorship.

'Mr. Tucker afterwards telephoned Mr. Cook, and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10,000.'

Commenting upon the above, you say editorially

'Mr. Cook was an old, prominent and hard-working Liberal, and was to get his seat at a bargain, for $10,000. What did the unknowns pay ? Who was to get Mr. Cook's $10,000, and what was to be done with it ? These are questions that Sir Wilfrid Laurier must answer personally. He is the head of the government that named the senators. He personally advised the Governor General when senators were appointed. He cannot go to the country on polling day with this charge unanswered, and with the senatorial toll taker unexposed and unpunished.'

I am not prepared to admit that a man in public life should be answerable for charges of this character, unless they are supported by some kind of evidence which would give them colour at first sight. I, however, waive the right of ignoring such an accusation, and I here and now make the statement for myself and my colleagues, that there is not a shadow of foundation in the charge of Mr. Cook ; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or for anything else.

I give the whole charge the most unqualified and emphatic denial, and I challenge the proof of the same.

WILFRID LAURIER.

Montreal, October 13.

From the Toronto World, October 16, 1900.

In an interview with a representative of the World yesterday, Mr. H. H. Cook said:

'I have read the statement made by Sir Wilfrid Laurier, by way of denial that he or any agent of his demanded from me any sum of money, &c. Sir Wilfrid Laurier is to speak in Toronto to-morrow night, and I shall wait to see what he may have to say then upon this subject. In the meantime, I say that the statement already made by me to Mr. Tucker is absolutely true, and I shall very shortly make a full statement of the whole transaction, or what would have been a transaction, had I consented to be bled. Possibly Sir Wilfrid may be willing to escape responsibility by denying the agency of the parties. There were two of them who approached me, but no such pretense will avail them. The connection of these gentlemen with the members of the government is known to every one, and he will simply not be able to deceive any one by pretending that they did not come to me directly from the government, or that the proposition they made was not made by authority.'

From the Mail-Empire of October 31, 1900.

Affidavit of H. H. Cook in reply to Sir Wilfrid's denial.—Has documents and witnesses.—Is willing to place evidence before a royal commission.

Having made a statement to the effect that I had been asked by a person acting on behalf of the present Dominion cabinet, or certain of them, to pay a sum of ten thousand dollars in consideration of my being appointed a member of the Senate of Canada, and this having been called in question, I deem it my duty to make a plain statement to the public of the transaction, or attempted transaction. I am the more convinced that it is my duty to do this because the Prime Minister, Right Honourable Sir Wilfrid Laurier, has, I am informed, made a statement which he evidently desires the public to accept as a denial, or authoritative contradiction, of the aforesaid statement made by me.

I, therefore, say that the facts in connection with this matter are as follows:—

I was a candidate for election as the representative in the Dominion House of Commons of the east riding of the county of Simcoe in the year 1896, and in that contest was supported by Sir Wilfrid Laurier and other members of the cabinet as the candidate of the Liberal party. Failing of election for the east riding of Simcoe, I made application to be appointed to a position in the Senate of Canada, then vacant. In connection with this application I had interviews with members of the cabinet and others, and wrote and received letters from them, the originals or copies of which I have kept.

After these negotiations had proceeded for a considerable length of time I received a telegram from Ottawa, from one of the leading Reform members known to possess the confidence of the Laurier government, requesting me to meet him at the Union station in Toronto. I did meet him as requested, and he then showed me a letter which had been written to him by one of the members of the cabinet (for the purpose, as he said, of being shown to me), in which he was authorized to inform me that I could have the position I had applied for, provided I would 'do something.' I thereupon asked him what this expression was intended to mean, and what was the 'something' I was asked or expected to 'do.'

He then informed me that I would be required or expected to pay a sum of ten thousand dollars.

I told him very emphatically that I would not pay that or any other sum. He thereupon said that he would not accept my answer as final, but would see me again after I should have had time to give the matter further consideration.

Later I again met him in Toronto, when he again told me that he was authorized to say positively that if I would pay the sum he had formerly named, that is, ten thousand dollars, I would be appointed a senator. I again refused to pay any sum of money.

I further say that I have in my possession a large number of letters written by members of the government and persons acting on behalf of one or more of such members, and copies of some letters, the originals of which I was requested to return after perusal, and did return; also copies of letters written by me in reply to letters so received, and that these letters and copies of letters bear corroborative evidence in support of the statement above made by me.

And I further say and promise that should an investigation be made by a competent and impartial non-partisan commission into the whole matter of the sale or attempted sale of senatorships, as it has been recently intimated by the Hon. Sir Mackenzie Bowell may be made, I will appear before such commission and give evidence, and produce the correspondence and copies of correspondence which I have in my possession, and will also furnish the names of witnesses who can corroborate my statements.

Dominion of Canada,
Province of Ontario,
County of York.

I, Herman Henry Cook, of the city of Toronto, in the county of York, lumber merchant,

Do solemnly declare that all the foregoing statements are true in substance and in fact.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of 'The Canada Evidence Act, 1893.'

H. H. COOK.

Declared before me at the city of Toronto, in the county of York, this 30th day of October, A.D. 1900.

H. Gordon,
Notary Public, Ontario.

Seal.

From the Toronto Globe of October 31, 1900.

Sir Wilfrid Laurier's reply to the statement of Mr. Cook.

Montreal, Oct. 31.—'In answer to Mr. H. H. Cook's last statement, I reiterate my denial, already published, I never authorized anybody, either directly or indirectly to interview Mr. Cook on behalf of the government. Nobody had my authority, either written or verbal from me to approach him, and I characterize the whole accusation as a foul slander.

WILFRID LAURIER.'

And move the following resolution, seconded by Hon. Mr. Landry, That in view of the gravity of the statements and allegations contained in the foregoing quoted telegrams, letters and affidavit, reflecting as they do upon the privileges and dignity of the Senate, a Special Committee be appointed to inquire into the truth of the statements and allegations made in said telegrams, letters and affidavit, with power to send for persons and papers, to administer oaths, employ shorthand reporters, and, if deemed advisable, engage counsel; and to report from time to time, said committee to consist of the Hon. Messrs. Baker, Pelletier, Ferguson, Ellis, Landry, Cox, Kirchhoffer, King, Lougheed, Young, Wood of Westmoreland, and the mover.

Hon. Sir MACKENZIE BOWELL—I have been requested by the hon. Minister of Justice to delay this motion till Tuesday next for some reasons which the hon. gentleman has. I should like to have a day set for it, because I want to get it off my hands.

Hon. Mr. MILLS—I have been very busy since I returned to the city, and have not had an opportunity of looking into the law on the subject. I have a pretty strong view as to what that law is. I should like, however, to look into it before my hon. friend makes his motion, and if he fixes it for Tuesday, with certainty of going on at that time, that will be quite satisfactory to me.

Hon. Sir MACKENZIE BOWELL—At the request of the hon. Minister of Justice I will allow this notice to stand. I would suggest to him that if he wants to take a little trouble and ascertain what the law of parliament is upon this subject, he should refer to the action of the House of Commons one or two sessions ago in reference to the emergency food case, and also with reference to the alleged frauds in East Elgin and West Huron, and perhaps a little more information might be obtained if we referred to the charge which the late Speaker of the House of Commons made against myself, charging me with some dereliction of duty, in which the law of parliament is pretty well laid down.

Hon. Mr. MILLS—I have a pretty clear recollection of all those facts and circumstances, and I daresay my hon. friend opposite will refer to them at the proper and convenient time, and if he does I shall be prepared, I think, to give a satisfactory answer, and I do not think that the characteriaztion which the hon. gentleman has just now given in some of these matters will be warranted by the facts.

Hon. Mr. McCALLUM—We will see.

Hon. Sir MACKENZIE BOWELL—I referred to what was charged as frauds, and as far as the characterization was concerned, I have no hesitation in saying that they were frauds.

The motion was allowed to stand.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 8, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

HARBOUR ACCOMMODATION AT PICTOU.

NOTICE OF INQUIRY.

Hon. Mr. PRIMROSE gave the following notice:

That he will inquire whether it is the intention of the Government to provide, at an early date, for much needed terminal facilities in the shape of an enlarged station house, additional yard, and freight shed room, as well as increased berth accommodation at the railway wharfs, for vessels loading and unloading cargo at the port of Pictou, Nova Scotia?

He said: This, at first blush, seems to be a pretty extensive proposition, but on closer examination it will not be found so formidable after all. Pictou is a sea port town. Some members of this hon. House are perhaps not aware of that fact, but it is a sea port town of very considerable importance. It is very favourably situated, so far as trade is concerned, as a distributing centre, receiving large amounts of waterborne freight by steamers and vessels and also receiving a large amount of freight by rail to be carried by sea to different parts of the world. There is a very large trade carried on between Prince Edward Island and Pictou, especially in the spring and fall of the year. Navigation last year closed earlier than for years previously. The result was that all the traffic to and from Prince Edward Island was carried by way of Pictou, and, owing to the lack of terminal facilities, yard-room, shed-room, etc., it was very hard to move the freight, the delay

amounting in most cases to from two to three weeks. Gentlemen engaged in active business will know how detrimental it was to trade to have such a delay. There are several hon. gentlemen here to-day who can confirm what I say as to the absolute necessity for improvement in the direction I have indicated. At the time of the congestion of trade from Prince Edward Island last fall, the block of freight was so great that on all sides of the station and in sidings anywhere within reach there was a large accumulation, the very railroad which connects the Copper Crown Iron Company with the railroad proper was filled up with loaded freight cars down to the works. The sheds were overburdened—filled to the full, notwithstanding the capacity which they had. So great was the congestion of trade that the superintendent of the eastern division had to come personally from New Glasgow and superintend the work himself, to see if it could not be disentangled. They worked every day of the week, including Sunday, morning, noon and night, and still it was some time before the congestion was relieved. I may mention a circumstance, which occurred within my own personal knowledge, which will illustrate the difficulty of the situation. I met at the station a friend who was engaged in lobster packing. He had a supply of cans on a car, which he was assured by the official at the station, had come to hand, but they could not tell where it was, although they examined from one end of the track to the other, and he began to suspect that the contents of the car had been sent to Prince Edward Island. After a considerable time the car was discovered, but the loss of time and detention was a very great detriment and harm to him, as in the interval his hands were standing idle. During the last two years the traffic has increased rapidly, and has been handled with slight change by the old facilities which have been there for years, and which are now out of date and entirely inadequate. I had the honour of being chairman of the Railway Committee of the town at the time the road was brought into Pictou, and I asserted then that not only the station-house itself, but the yard-room, was wholly inadequate for the trade as it existed at that day. The volume of trade is now carried on under the same old arrangements, without additional facilities to speak of. The station-house is a perfect disgrace to any town, even to a village in a country place, not to speak of a town so important as Pictou, the terminus of the Intercolonial Railway at that point, as I have already mentioned. The yard-room needs to be very much enlarged and improved, also the wharfs and freight sheds. The station-house is entirely inadequate in every particular for the present requirements. At the wharf the berth accommodation is altogether on too small a scale, causing much detention and loss to vessels trading to the port, and it is within my personal knowledge that captains of vessels, who have been subjected to these disabilities, have warned other captains not on any account to accept charters to load at Pictou. That condition should not exist in this modern day, and if we want to encourage trade we should give every facility to those engaged in it. I trust, after the remarks I have made, that the Minister of Justice and the Secretary of State will be able so to bring this to the notice of their colleagues, as that a speedy remedy may be applied.

CANADA EVIDENCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (A)) 'An Act further to amend the Canada Evidence Act, 1893.' He said: I stated briefly the object of the measure when I introduced it. In 1898 we amended the Canada Evidence Act, which was an Act of 1893, by providing as follows:

> No witness shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person; provided, however, that if with respect to any question the witness objects to answer upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this section the witness would therefore have been excused from answering such question, then, although the witness shall be compelled to answer, yet the answer so given shall not be used or deceivable in evidence against him in any criminal trial or other criminal proceeding against him thereafter taking place other than a prosecution for perjury in giving such evidence.

Now, that is an exemption from prosecution for any testimony that a witness is compelled to give under a statute of Canada. By the Bill now before the House, I propose to add a second subsection to this section 5, in the words of the Bill :

2. The proviso to subsection 1 of this section shall in like manner apply to the answer of a witness to any question which pursuant to an enactment of the legislature of a province such witness is compelled to answer after having objected so to do upon any ground mentioned in the said subsection, and which, but for that enactment, he would upon such ground have been excused from answering.

So that by the amendment which I propose, the same immunity and protection will be given to a witness in respect to any matter arising under a provincial statute, that he now has under a statute of the Dominion. This seems to me a reasonable proposition. It has been suggested to us that such an amendment should be made.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 11, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PACIFIC CABLE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate copies of all tenders received for the laying of an electric cable between Canada and Australia; a copy of the contract entered into for the construction and laying of said cable; together with a copy of all correspondence and documents relating to the nationalization of the telegraphics of the empire, to include papers not already laid before the House.

He said : I explained, when I gave notice of this motion, the object I had in view in moving for this return.

Hon. Mr. MILLS—There is no objection to it.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—Perhaps this notice would not cover the papers referred to by the hon. Secretary of State. It says 'all contracts.' I understood the Secretary of State to say there were no contracts, but that there was a paper relating to the contracts. If I am permitted to add the words 'all contracts or documents relating thereto,' it will cover the ground.

Hon. Mr. SCOTT—Yes. The paper I was referring to was an agreement with the Eastern Extension Company, and a copy of that has been brought down. All papers connected with it that we can get control of will be produced.

The motion was agreed to.

SALARIES OF JUDGES IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD, (B.C.) inquired :

If the hon. Minister of Justice has considered the propriety of placing the puisné judges of British Columbia in the same position as the judges of Ontario and Quebec with regard to salaries and travelling allowances—and whether the minister is favourably inclined to the substance of the resolutions passed last August by the legislature of British Columbia on this subject; and, if so, is it the intention to take action in this matter during the present session of parliament?

He said : I suppose the Minister of Justice has seen the memorial, or petition, from the legislature of British Columbia to the Governor General in Council about the salaries of judges in British Columbia, which furnishes the reason for asking for an increase on account of the work thrown on the judges. They have to consider a great many heavy cases on account of mining disputes and settlement of claims, and they think they ought to be placed on the same footing as judges in Ontario and Quebec, who occupy corresponding positions, and do similar work.

Hon. Mr. MILLS—I have considered the subject of the salaries of judges of the Superior Courts in all the provinces. I have prepared a Bill, and submitted it to my colleagues for their consideration. It is before them, and I cannot say what action they will take.

Hon. Mr. MACDONALD (B.C.)—Nothing has yet been decided in the matter ?

Hon. Mr. MILLS—No.

CANADA EVIDENCE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (A) 'An Act further to amend the Canada Evidence Act, 1893.'

(In the Committee.)

Hon Sir MACKENZIE BOWELL—It has been suggested by a lawyer to me that this is a matter which comes within the jurisdiction of the provinces. However, as a layman I differ from him on that question. We have to deal with matters which partake to any extent of a criminal character, and this would be of that character. If the person refused to give evidence, he might be prosecuted, or if he did give the evidence he would be subject to a prosecution if he brought himself within the criminal law.

Hon. Mr. MILLS—So far as actions under the authority of this government are concerned, we have already made the law as we propose to make it in this section. Where the party is compelled to testify in a way that would, apart from any special legislation, incriminate him, and subject him to a criminal prosecution, he is exempt from such prosecution, except it might be for perjury, upon any false statement that he might make. The local government have no authority to exempt the party from criminal prosecution, because the criminal jurisdiction is with us, if a party is called upon to give testimony under the local law. They desire to make their law in this respect the same as that of the Dominion, in order to protect the party from criminal prosecution for the testimony which he is compelled to give under the local law. That requires legislation on our part, and that is precisely what we are doing here. We give to him, where he is compelled to testify, under the local statute, the same protection that he has now under the Dominion statute. It being a criminal matter the jurisdiction is exclusively with us.

Hon. Mr. MILLER—I think the Minister of Justice has made the matter so plain that it is hardly necessary to say another word in regard to it. If the amendment of the law in the first instance in reference to the Dominion statutes is a good one, and in the right direction, which I think is the case, then this further extension is also in the right direction. In fact, I cannot understand why, unless it was a mere oversight or inadvertency, the law was not applied in the first instance to provincial as well as Dominion statutes. It is simply to correct that oversight that the present Bill is introduced. As the hon. minister says, even under the provincial statutes, the provincial government would not have the power to regulate the penal offences in any way whatever. Therefore, it is necessary for this parliament which has the power to deal with criminal offences to legislate as the Bill now contemplates. I think the Bill is not open to any objection whatever.

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

The Bill was then read the third time and passed.

APPOINTMENTS TO THE SENATE.

Hon. Mr. PERLEY—Before the House adjourns, as we do not appear to have very much business on hand to-day, there is a matter of some importance, not only to the government but to the whole country, that I wish to bring before the notice of the government, and I think that this is a fitting time. I propose to refer to the appointment of farmers to the position of Senators in the Dominion of Canada. I notice, in referring to the original list of senators, that when we went into confederation there were over twenty farmers in a Senate of seventy-two members, so that the agricultural class was then fairly well represented in the appointments to the Senate; but I find since that time that the percentage has been gradually dwindling down, till now there are only five or six members who can make any claim or pretension to being farmers. The agricultural industry of Canada is, no doubt, the greatest industry of the country, and should have a reasonable and fair representation on the floor of this Chamber. I notice that the present government, during their tenure of office at this time, have only been pleased to appoint one farmer to the position of senator. That gentleman is from Prince Edward Island, and he is a very creditable and worthy representative. But

I do not think he was appointed on his agricultural qualifications, because he is a gentleman largely engaged in other business besides agriculture, and I find to-day there are only two senators on the floor of this Chamber that can properly claim to be farmers. There are only two who have registered themselves as farmers. The rest of them are largely gentleman farmers. They own farms. One hon. gentleman has his as a toy ; still he is a very good farmer. I find in the great province of Ontario, the banner province, perhaps, in Canada, at least the great agricultural province of Canada, there is only one farmer in this Chamber. Surely the agricultural interests of Ontario are entitled to a greater proportion of representation than one in twenty-four. While there is only one senator from Ontario who can claim to be a farmer, there are six or seven lawyers, some doctors and several business men. I have no fault to find with any hon. member of the Senate, but I rise to call attention to the injustice done to the great agricultural class of Canada in the matter of appointments to this Chamber. The late Mackenzie government, I think, appointed two farmers. This government has appointed but one. I am not finding fault with any one government more than another. The Conservative party did not treat the agricultural class as they should be treated. The representatives of the agricultural class in this Senate are creditable men and show that there are, in the agricultural community of Canada, men competent to fill the position, and I hope that when the government makes the next appointment to this Senate there will be found a farmer in the Reform party of sufficient intelligence and ability to be appointed. The two farmers from Quebec are eminent men in the agricultural line, both have magnificent farms, but one of them says he keeps it as a play-thing, and I think two farmers from that great province of Quebec are hardly sufficient to represent the agricultural interests of the province. Then we come to Nova Scotia. From that great province there are no farmers at all. It is true that province is well and creditably represented in the Senate, and I daresay if any of those gentlemen should have their seat vacated other men in the same line of business could be found fit to fill the position. But the great agricultural interest of Nova Scotia is not represented by any farmer, and certainly there are large agricultural interests there. I know that a Tory would not get it, but I am satisfied that among the farmers of Nova Scotia, there is many a Liberal competent and able to fill the position, and it is due to the farmers of Nova Scotia that some of their number should be appointed to the Senate. It is a position in the gift of the government ; and I hope that when the next appointment is made—and there is a vacancy now—they will give it to a farmer. We come next to the province of New Brunswick. There is no real farmer here from that province. There is one gentleman who makes some pretensions to being a farmer, but he does not register himself as a farmer, though he is largely interested in farming. I think New Brunswick should have a representative in the Senate from the farming community. It is quite true we did have one recently. He was jobbed in the Senate and jobbed out of it, and while I have no fault to find with the gentleman who took his place, it is neither fair nor right to the agricultural interests of New Brunswick that they should not have one representative in this Chamber. The Hon. Mr. Burpee was a competent man in every respect and a large farmer, and was a representative farmer in this Chamber.

I am sorry that the government could not find it in keeping with their desire to retain a farmer in the Senate, although I have no fault to find with the gentleman who succeeded him—perhaps there is no gentleman from New Brunswick that I would rather see in the Senate. We come to the province of Prince Edward Island. Two of the four representatives are farmers. They are competent men, but Prince Edward Island, is an agricultural province —agriculture is the greatest industry of the province, and although I cannot complain since half of the representatives are farmers, still I think the agricultural interest should have a larger representation. We come now to the province of Manitoba. No one will question that Manitoba is a great agricultural province. Agriculture is the great industry of that province, and yet we have no farmer from that province in the Senate. The agricultural interests of Manitoba are not properly looked after, since no

farmers are appointed. In the North-west Territories, we are equally represented—the legal interest and the agricultural interest. No doubt when the census is taken, it will be found the North-west Territories should have another senator, and I hope when one is appointed he will be a farmer. British Columbia is the next province. There are no farmers from that province. It is true it is a great mining and farming province. Still there is a large area of it devoted to agriculture, and I think when an appointment is made from that province a farmer should get it. A farmer should have been appointed last time, but a newspaper man was appointed instead. No doubt the newspaper interest is a large one, but the agricultural interest is greater. We started with twenty-two farmers in the Senate, when only half the provinces were in the confederation. We have now only five or six. It is hardly fair to the agricultural interests of the country that this should be the case. It is but reasonable and fair that if farmers can be found who are intelligent enough in the Reform party, they should be appointed. I do not agree with the idea that defeated men should not be appointed to the Senate. I think just as good men are defeated as those who are elected, and Reformers have been defeated in Ontario who are just as fairly entitled to be appointed as those who have been appointed. I have brought this matter to the notice of the government, because I do not hesitate to say that while there are fifteen or sixteen lawyers and only four or five farmers in this Senate, the distribution of seats is not fair, as representing the great interests of the country. I bring this matter to the notice of the government in the hope that in future they will do justice to the great agricultural industry of Canada. At the next election it may be a campaign cry against the party in power that they appointed no farmers. I hope there will be no ground for that.

Hon. Mr. MILLS—I do not know who my hon. friend means as being the only farmer from Ontario. If my hon. friend means——

Hon. Mr. PERLEY—I mean the hon. Senator from Monck (Mr. McCallum.)

Hon. Mr. MILLS—I think we recently appointed an hon. gentleman from Victoria who is a farmer.

Hon. Mr. PERLEY—No, he is not.

Hon. Mr. MILLS—Much as I respect the observation and statement of my hon. friend on a question of that sort, I would rather take the word of my hon. friend who has recently been appointed, and he affirms that he is a farmer. I do not know what my hon. friend opposite means by a farmer ; but I claim to be a farmer myself. I do a good deal of farming. Most of the property which I possess is in farm lands, and I exercise a certain superintendence over farming operations, and so far as my knowledge of practical farming is concerned, I will not take a back seat to my hon. friend opposite. Farmers, I think, are content to accept me as a representative of their class, and I hope I am not doing them any discredit in this House as their representative. There are many other gentlemen, beside the parties he has named, who are carrying on farming operations, and I think they have—as their property is largely in real estate—as much interest in the success of farming operations as those who are engaged in that business and nothing else. My hon. friend may do, as he says, a good service to me by bringing this matter forward, but I never supposed that it was necessary to undertake to give specific representation to a particular class of the community, and to divide the community up into classes and sections in order that representation may be had. The agriculturists of this country have not acted on that ground, and our legislation is not based on the theory which the hon. gentleman has put forward. In the elections in a constituency,the mechanics and the professional men, the mercantile classes and the agriculturists all vote together, and vote for the same candidates. They never have called on parliament to separate society up into distinct classes, and to give to each class the privilege of voting for representatives of their own class and no other. If the views of my hon. friend were acted on, and carried out, that would be the system that we would be obliged to adopt.

Hon. Mr. PERLEY—That is done in all other respects except to the agriculturists —the lawyers, the doctors and manufacturers are all represented.

Hon. Mr. MILLS—They are not represented specially as a class. I was not appointed

a member of this House because I was a member of the bar. My hon. friend who sits opposite me (Sir Mackenzie Bowell) was not appointed to this House because he was the proprietor and editor of a newspaper. I do not think any hon. gentleman has a seat in this House because he belongs to a particular calling or profession. He undertakes, as a member of the House, to bring the knowledge he possesses of public affairs to the solution of important questions that are submitted for consideration in this House. There are men of every calling and class in the community in parliament, and parliament is made more perfect by reason of that than it would be if there was any one important class wholly considered. We have found very great advantage often in having men engaged in mercantile pursuits, in carrying on trade with foreign countries, sitting in one House or the other. They bring to the solution of important public questions a practical acquaintance with affairs, that enables us to avoid mistakes and legislate with greater intelligence than we otherwise could. I do not think that there is any agricultural interest that has ever suffered in this parliament because it was said that the agricultural classes are not sufficiently represented in this House. There is no hon. gentleman here that would undertake to adopt a policy that he thought would antagonise the most numerous and powerful class of the people of this country. The most numerous body of the community is always pretty certain to be treated with great consideration and respect. No one wishes to place himself in antagonism to such, and so I say my hon. friend might have brought the subject he did under the attention of this House if he could have shown that any great agricultural interest had suffered by reason of the constitution of the House. That my hon. friend has not attempted, and so I say that he has brought forward a question here, the discussion of which, can be of no possible advantage. The agricultural classes of this community—the people of Canada will always be adequately represented both in this House and in the House of Commons. In fact their numbers in the House of Commons are necessarily very great. They form a vast majority of the people of this country, and so it may be necessary, and I suppose, has in some cases been found necessary, to give to certain industries of the country a representation in the Second Chamber because they were not adequately represented, on account of the paucity of their numbers, in the House of Commons. So, taking the two Houses together, we endeavour to make it an eminently fair representation of the thoughts, opinions and feelings of the entire community. That is the great object of our system of parliamentary government to accomplish. That, I think, has been fairly well accomplished, both by ourselves and by those who preceded us, in this matter, and I do not think that by any discussion we can engage in here, while we appeal to real or fancied prejudices, we can make the two Houses of parliament in this respect more satisfactory than they are at the present time.

Hon. Mr. FERGUSON—I am pleased to find that the position of farmers with regard to representation in this House is not quite as bad as I was given to understand it was some time ago, from an article which I read in a Toronto paper, written by a well-known writer in Canada, and a very lively critic of this House, who signs himself 'Bystander.' He condemned the appointments to this House on the ground that the farming community, which represents a vast majority of the people, a large proportion of the wealth of the country, and which supplies more exports than all the other industries put together, was not properly represented. He states that there was only one solitary farmer in the Upper Chamber of the parliament of Canada. I could not imagine who he meant, unless it was the hon. gentleman who has brought this subject before the House. I was conscious of being a farmer myself, but I had not said a great deal about it, and I thought my hon. friend (Mr. Perley), from talking a good deal on the subject, had caught the eye of 'Bystander,' and that he was the only farmer in this House beside myself. However, I find there are five or six. I cannot agree with the leader of the House when he takes the view that the agricultural interests are well looked after in this House—that the interests of the farmer are as well cared for by professional men as they would be by farmers them-

selves. I have no doubt my hon. friend thinks so, but the farmers of Canada as a class will not altogether agree with him. I have myself observed that when questions relating to farming come up in this House, some lawyers in the Senate claim to know more about farming that I do. Nevertheless, as a farmer, I am inclined to believe that farmers as a class can furnish men to the parliament of the country who understand questions relating to that great industry better even than members of the legal profession, or other professions that furnish such a large proportion of the members of the Senate. I notice that my hon. friend the leader of the House has rather changed his own position on this question. It is within my recollection that when he filled a different position before the country, when he was a critic of the House, and not its leader—he took the very ground that 'Bystander' did, and my hon. friend from Wolseley takes, and that was, that representatives of the great agricultural interests of the country should be appointed to this House, and not defeated candidates and broken-down politicians, and people of that kind. That was the view he held away back when he was the critic of this House. Now he thinks differently. I am quite free to admit that there is a certain amount of information that is essential and necessary in legislation that gentlemen of some of the learned professions possess, especially of the legal profession, in a greater degree than the farmers of the country. The study of law is a very important step in the matter of making laws and dealing with legislation in every respect.

Hon. Mr. SULLIVAN—And the profession of medicine.

Hon. Mr. FERGUSON—The profession of medicine will always furnish men of wide intelligence and close sympathy with every industry in the country. I am not at all jealous of those who belong to the professions. I know their value. I know the valuable training that the study of those professions gives a man, and the usefulness of such a man to the country when he has received that training. My hon. friend from Wolesley (Mr. Perley) may not be quite right about the exact number of farmers in this House, but he is not far astray, and I take this position, that a larger proportion should be selected from the farming class to fill seats in this House than are being selected. I say the same of the practice of both parties. It may be asked, why are not a larger proportion of farmers selected as candidates for the House of Commons? The proportion is larger there than in this House, but still not as large as the number of farmers would entitle them to. The reason, I daresay, why farmers are not as largely appointed to this House as they ought to be, is that they have not got the pull. A farmer who follows his business has not a ledger, has not clients. He may have the brains and education and training to fit him for parliament, but he has no clients, no patients. He has not a ledger at his disposal, and the consequences is, he is not often regarded by the political managers as the man who will poll the most votes. There is a greater freedom of action with regard to the appointment of members to the Senate of Canada, but I am afraid the reason why farmers are not more largely appointed to this House is to be found in the reason why a larger number are not candidates for the lower House—they have not got the pull. The man who has the largest amount of influence from political life and services and professional services catches the eye of the leader of the government more readily than the man who, Cincinnatus-like, is quietly working at the plough—whose only influence is for good among his neighbours, and has no pretensions beyond that. I think my hon. friend has done well to bring this subject up; I am not pushing it in an aggressive way. I admit that superior training, on the whole, of the professions for political life, but I know that among the ranks of the farmers —I speak especially of Ontario—whom I have met in agricultural gatherings and know their ability and training, and when only a couple of farmers represent that great province in this House, I say it is not right, because in that province they have an abundant supply of men well qualified for seats in the Senate.

Hon. Mr. McHUGH—The great farming community must be indebted to the hon. gentleman who has brought this subject

up. As a question has arisen here which is somewhat personal, I think I will be permitted to make a statement. I class myself as a farmer, I have never had any other business. Any little property qualification I have for this Chamber is out of my farmland, as I have no other property except agricultural land. I think I can fairly be called a farmer. I was classed as such, I think, in the Parliamentary Companion, when I was a member of the House of Commons, and I think I will be classed as such now. When I ran my election I ran it as a farmer. Some lands I have rented, and some I am working myself, and I am not engaged in any other business than that of farming. That is not, however, the basis to entitle a man to a seat in this House. I am not going to find fault with the government for selecting members from any class of the community for this Senate. If it came to my notice that the government refused to appoint a man to this House, or to any other position in the government, because he was a farmer, I would stand up and condemn an action of that kind. Let men be appointed to those positions on their merits and not on account of the class to which they belong, and I think no person will have any cause of complaint if that course is followed. I just arose to make this explanation. The senior member from Victoria, I think, will bear me out that I have always been engaged in farming in our country, and have not been engaged in any other occupation.

Hon. Mr. McCALLUM—I am here as a farmer. I am perfectly willing that the government of the country should select whoever they choose, or whoever they think is qualified for the position. I shall be glad to meet them all—meet them on an equal footing. But, at the same time, I think my hon. friend from Wolseley (Mr. Perley) is rather hard on the Minister of Justice, because he must know, if he has read his former speeches in reference to this institution, that this is no place for farmers.

Hon. Mr. SULLIVAN—Hear, hear.

Hon. Mr. McCALLUM—It is an asylum for broken-down politicians, and I am surprised at my hon. friend, the Minister of Justice, if he be a good honest farmer, coming here and accepting a position in this institution. But when he said these things probably there was some aggravation. That is the time he was publishing the 'Liberal' newspaper, he and Mr. Blake. Mr. George Brown, with the Globe, crushed out the 'Liberal,' and said that when Mr. Mills, now Minister of Justice, and leader of this Chamber, made his speech he had a fit of midsummer madness when he spoke about the Senate. But I am glad to see every member that comes here, and will shake his hand and welcome him. That is where I stand, because I feel satisfied that no government of this country, no matter on what side of politics they are, will bring men to this Senate who are not men of intelligence and above the common. I could scarcely believe that I heard correctly when I heard the Minister of Justice, the historian, telling us that he was a farmer. He never expected to come here when he made those remarks about the Senate. That is a reason why we should not say things we do not want to hear afterwards, because chickens come home to roost, and I say now, and I say it from the bottom of my heart, that I am glad to see the new Senators, no matter who comes here, whether they be lawyers or doctors. They are all my friends, no matter what their politics are. I am a friend of every man, and no man's enemy.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 12, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

INDEPENDENCE OF THE SENATE—THE COOK CASE.

MOTION.

Hon. Sir MACKENZIE BOWELL rose, in accordance with a notice he had given, to call the attention of the Senate to certain telegrams, letters and an affidavit which appeared in a number of newspapers published in Canada during the month of October, 1900, as follows :—

(From the Montreal Gazette of the 13th October, 1900.)

Owen Sound, Ont., Oct. 12.—At the opening meeting of the Liberal campaign in North Grey,

Dr. E. H. Horsey, the Liberal candidate, spoke at Annan, when he was opposed by Mr. H. G. Tucker.

During Mr. Tucker's address, reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cook had left his party because he had been refused a senatorship.

Mr. Tucker afterwards telephoned Mr. Cook and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent, who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10,000.

Mr. Cook refused the position under the circumstances, and stated that he would do all in his power to oust those who were guilty of such barefaced acts of corruption.

Dr. Horsey also stated that he had been approached by Mr. Cook and requested to use his influence in getting Mr. Cook a senatorship.

Mr. Cook telegraphed Mr. Tucker, in reply to a telephone message, the following words :—

'Re your question, I never asked Dr. Horsey to assist me in getting a senatorship. I have no confidence in the man, and knew he had no influence. I was an applicant for a senatorship, but when it was offered to me the price was too high.

'H. H. COOK.'

Last night at North Keppel Dr. Horsey denied that Mr. Cook had ever named any members of the cabinet, and as a result of a conversation over the 'phone to-day, Mr. Cook telegraphed Mr. Tucker in the following words :—

'Price demanded from me for a senatorship was $10,000.

'H. H. COOK.'

(From the Montreal Herald of the 15th October, 1900.)

The Gazette this morning publishes the following letter from Sir Wilfrid Laurier :—

To the Editor of the Gazette :

Sir,—In the Gazette of this morning there appears a telegraphic report of a meeting held at Owen Sound, Ontario, in which the following statement occurs :—

'During Mr. Tucker's address reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cook had left his party because he had been refused a senatorship.

Mr. Tucker afterwards telephoned Mr. Cook, and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10,000.'

Commenting upon the above, you say editorially :

'Mr. Cook was an old, prominent and hard-working Liberal, and was to get his seat at a bargain, for $10,000. What did the unknowns pay? Who was to get Mr. Cook's $10,000, and what was to be done with it? These are questions that Sir Wilfrid Laurier must answer personally. He is the head of the government that named the senators. He personally advised the Governor General when senators were appointed. He cannot go to the country on polling day with this charge unanswered, and with the senatorial tolltaker unexposed and unpunished.'

I am not prepared to admit that a man in public life should be answerable for charges of this character, unless they are supported by some kind of evidence which would give them colour at first sight. I, however, waive the right of ignoring such an accusation, and I here and now make the statement for myself and my colleagues, that there is not a shadow of foundation in the charge of Mr. Cook; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or for anything else.

I give the whole charge the most unqualified and emphatic denial, and I challenge the proof of the same.

WILFRID LAURIER.

Montreal, October 13.

(From the Toronto World, October 16, 1900.)

In an interview with a representative of the World yesterday, Mr. H. H. Cook said :

'I have read the statement made by Sir Wilfrid Laurier by way of denial that he or any agent of his demanded from me any sum of money, &c. Sir Wilfrid is to speak in Toronto to-morrow night, and I shall wait to see what he may have to say then upon this subject. In the meantime, I say that the statement already made by me to Mr. Tucker is absolutely true, and I shall very shortly make a full statement of the whole transaction, or what would have been a transaction, had I consented to be bled. Possibly Sir Wilfrid may be willing to escape the responsibility by denying the agency of the parties. There were two of them who approached me, but no such pretense will avail them. The connection of these gentlemen with the members of the government is known to every one, and he will simply not be able to deceive any one by pretending that they did not come to me directly from the government, or that the proposition they made was not made by authority.'

(From the Mail-Empire of 31st October, 1900.)

Affidavit of H. H. Cook in reply to Sir Wilfrid's Denial.—Has documents and witnesses. —Is willing to place evidence before a royal commission.

Having made a statement to the effect that I had been asked by a person acting on behalf of the members of the present Dominion cabinet, or certain of them, to pay a sum of $10,000 in consideration of my being appointed a member of the Senate of Canada, and this having been called in question, I deem it my duty to make a plain statement to the public of the transaction or attempted transaction. I am the more convinced that it is my duty to do this, because the Prime Minister, Right Hon. Sir Wilfrid Laurier, has, I am informed, made a statement which he evidently desires the public to accept as a denial, or authoritative contradiction, of the aforesaid statement made by me.

I, therefore, say that the facts in connection with this matter are as follows :—

I was a candidate for election as the representative in the Dominion House of Commons of the east riding of the county of Simcoe in the year 1896, and in that contest was supported by Sir Wilfrid Laurier and other members of the cabinet as the candidate of the Liberal party. Failing of election for the east riding of Simcoe,

I made application to be appointed to a position in the Senate of Canada, then vacant. In connection with this application I had interviews with members of the cabinet and others, and wrote and received letters from them, the originals or copies of which I have kept.

After these negotiations had proceeded for a considerable length of time I received a telegram from Ottawa, from one of the leading Reform members, known to possess the confidence of the Laurier government, requesting me to meet him at the Union station in Toronto. I did meet him as requested, and he then showed me a letter which had been written to him by one of the members of the cabinet (for the purpose, as he said, of being shown to me), in which he was authorized to inform me that I could have the position I had applied for, provided I would 'do something.' I thereupon asked him what this expression was intended to mean, and what was the 'something' I was asked or expected to 'do.'

He then informed me that I would be required or expected to pay a sum of $10,000.

I told him very emphatically that I would not pay that or any other sum. He thereupon said that he would not accept my answer as final, but would see me again after I should have had time to give the matter further consideration.

Later I again met him in Toronto, when he again told me that he was authorized to say positively that if I would pay the sum he had formerly named, that is, $10,000, I would be appointed a senator. I again refused to pay any sum of money.

I further say that I have in my possession a large number of letters written by members of the government and persons acting on behalf of one or more such members, and copies of some letters, the originals of which I was requested to return after perusal, and did return; also copies of letters written by me in reply to letters so received, and that these letters and copies of letters bear corroborative evidence in support of the statement above made by me.

And I further say and promise that should an investigation be made by a competent and impartial non-partisan commission into the whole matter of the sale or attempted sale of senatorships, as it has been recently intimated by the Hon. Sir Mackenzie Bowell may be made, I will appear before such commission and give evidence, and produce the correspondence and copies of correspondence which I have in my possession, and will also furnish the names of witnesses who can corroborate my statements.

Dominion of Canada,
Province of Ontario,
County of York.

I, Herman Henry Cook, of the city of Toronto, in the county of York, lumber merchant,

Do solemnly declare that all the foregoing statements are true in substance and in fact.

And I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

H. H. COOK.

Declared before me at the city of Toronto, in the county of York, this 30th day of October, A.D 1900.

H. GORDON,
Notary Public, Ontario.

[Seal.]

Hon. Sir MACKENZIE BOWELL.

(From the Toronto Globe of October 31, 1900.)

Sir Wilfrid Laurier's Reply to the Statement of Mr. Cook.

Montreal, Oct. 31.—'In answer to Mr. H. H. Cook's last statement, I reiterate my denial, already published. I never authorized anybody, either directly or indirectly, to interview Mr. Cook on behalf of the government. Nobody had my authority, either written or verbal, from me to approach him, and I characterize the whole accusation as a foul slander.

'WILFRID LAURIER.'

And move the following resolution, seconded by Hon. Mr. Landry, that in view of the gravity of the statements and allegations contained in the foregoing quoted telegrams, letters and affidavit, reflecting as they do upon the privileges and dignity of the Senate, a special committee be appointed to inquire into the truth of the statements and allegations made in said telegrams, letters and affidavit, with power to send for persons and papers, to administer oaths, employ shorthand reporters, and, if deemed advisable, engage counsel; and to report from time to time, said committee to consist of the Hon. Messrs. Baker, Sir Alphonse Pelletier, Ferguson, Ellis, Landry, Cox, Kirchhoffer, King, Lougheed, Young, Wood of Westmoreland, and the mover.

He said: In rising to make this motion, I duly appreciate its importance, being as it is of a character affecting the honour, the privileges and the dignity of this House. I therefore shall confine myself principally to a recital of the facts as they have been laid before the public, without commenting upon the accuracy either of the gentleman who makes the charges, or the premier who denies them. I shall, however, endeavour to show that in the course I am pursuing I am following the precedent of the House of Commons. I am not aware that we have had any case similar or analgous to the one which I am now bringing under the notice of hon. gentlemen present. It will be remembered that during the last contest in the county of Grey, one of the candidates referred to a manifesto which had been issued by Mr. Hiram Henry Cook, explaining why he was at the time opposing the present government. It was stated on the part of the ministerial candidate at that time, that Mr. Cook's opposition to the government and his manifesto was the result of a refusal on the part of the government to appoint him to a seat in the Senate of Canada. Mr. Tucker, who was the Conservative candidate, at once wired to Mr. Cook, who resided in Toronto, asking him if his statement that a seat in the Senate had been offered to him for a consideration was correct? Mr. Cook's reply was that it was true,

that he had been offered a seat in the Senate for a certain consideration. That was repeated at another public meeting held in that riding, and again denied by Mr. Horsey, the Liberal candidate. Mr. Tucker again 'phoned Mr. Cook, in Toronto, asking him to give the particulars of the offer which had been made to him. Mr. Cook's reply was 'The price demanded from me was $10,000.' That having been published in the different newspapers of the Dominion, the premier, Sir Wilfrid Laurier, thought it of sufficient importance to warrant him in departing from the course usually pursued by public men, of not paying any attention to newspaper attacks or attacks by politicians during an election contest, and I fully concur in the introductory remarks of the letter he published when he stated that it was not the habit of public men to notice attacks of that character. He added, however, that he deemed this one of sufficient importance to warrant him in departing from that course and then said :

I, however, waive the right of ignoring such an accusation, and I here and now make the statement for myself and my colleagues, that there is not a shadow of foundation in the charge of Mr. Cook; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or for anything else.

I give the whole charge the most unqualified and emphatic denial, and I challenge the proof of the same.

That, signed by Sir Wilfrid Laurier, was published in the Montreal Herald on October 15th of last year. This denial having been published also in the Toronto papers, the World sent one of its reporters to interview Mr. Cook, and ask him whether he had seen the denial of Mr. Laurier, and what he had to say in reply thereto. The interview was published in the Toronto World on the 16th of October, the day after the publication of Sir Wilfrid Laurier's letter in the Montreal Herald. Mr. Cook said, in answer to the question of the interviewer :

I have read the statement made by Sir Wilfrid Laurier, by way of denial that he or any agent of his demanded from me any sum of money, &c. Sir Wilfrid Laurier is to speak in Toronto tomorrow night, and I shall wait to see what he may have to say then upon this subject. In the meantime, I say that the statement already made by me to Mr. Tucker is absolutely true, and I shall very shortly make a full statement of the whole transaction, or what would have been a transaction, had I consented to be bled. Possibly Sir Wilfrid may be willing to escape responsibility by denying the agency of the parties. There were two of them who approached me, but no such pretense will avail them. The connection of these gentlemen with the members of the government is known to every one, and he will simply not be able to deceive any one by pretending that they did not come to me directly from the government, or that the proposition they made was not made by authority.

Sir Wilfrid Laurier did address a very large audience in the Massey Hall the following day, but he did not refer to any of the statements which had been made by Mr. Cook, in his speech on that occasion. That being the case, on the 31st of October of the same year, Mr. Cook published in the Toronto papers a statement of what he terms the facts in connection with the case. I shall not read the whole of that affidavit, but give the salient points, which refer more particularly to the question now before the Senate. He says that he was a candidate for parliamentary honours in 1896 in the north riding of the county of Simcoe; that at that time he was the candidate of the Liberal party ; that he received the support of Sir Wilfrid Laurier and the party generally ; that he failed in that election, and then he made application for the vacant seat in the Senate, basing his claim upon his party fidelity for many years, in fact during his whole life. That, however, he says, was denied him except upon the terms of a payment of $10,000. He then adds those words—and I desire the House to understand that I propose reading from that which is tantamount to an affidavit, a solemn declaration made before a notary public in the province of Ontario, which, under the provisions of the law, is equal to a sworn affidavit and rendering him liable for any misstatement, in the same manner as if he had committed perjury under any other circumstances. He says :

After these negotiations (that is negotiations for a seat in the Senate) had proceeded for a considerable length of time I received a telegram from Ottawa, from one of the leading reform members known to possess the confidence of the Laurier government, requesting me to meet him at the Union station in Toronto. I did meet him as requested, and he then showed me a letter which had been written to him by one of the members of the Cabinet (for the purpose, he said, of being shown to me), in which he was authorized to inform me that I could have the position I had applied for, provided I would 'do something.' I thereupon asked him what this expression was intended to mean, and what was the 'something' I was asked or expected to 'do.'

He then informed me that I would be required or expected to pay a sum of ten thousand dollars.

I told him very emphatically that I would not pay that or any other sum. He thereupon said that he would not accept my answer as final, but would see me again after I should have had time to give the matter further consideration.

Later I again met him in Toronto, when he again told me that he was authorized to say positively that if I would pay the sum he had formerly named, that is, ten thousand dollars, I would be appointed a Senator. I again refused to pay any sum of money.

I further say that I have in my possession a large number of letters written by members of the government and persons acting on behalf of one or more of such members, and copies of some letters, the originals of which I was requested to return after perusal, and did return; also copies of letters written by me in reply to letters so received, and that these letters and copies of letters bear corroborative evidence in support of the statement above made by me.

And I further say and promise that should an investigation be made by a competent and impartial non-partisan commission into the whole matter of the sale or attempted sale of senatorships, as it had been recently intimated by the Hon. Sir Mackenzie Bowell may be made, I will appear before such commission and give evidence, and produce the correspondence and copies of correspondence which I have in my possession, and will also furnish the names of witnesses who can corroborate my statements.

To this statement he makes the following declaration :

Dominion of Canada,
Province of Ontario,
County of York.

I, Herman Henry Cook, of the city of Toronto, county of York, lumber merchant,

Do solemnly declare that all the foregoing statements are true in substance and in fact.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of 'The Canada Evidence Act, 1893.'

H. H. COOK.

Declared before me at the city of Toronto, in the county of York, this 30th day of October, A.D. 1900.

H. GORDON,
Notary Public, Ontario.

That declaration having been made in public on the 31st day of October, six days before the election, the premier considered it of sufficient importance to write another letter denying the truth of Mr. Cook's declaration, and his letter was published in the Toronto Globe of the 31st of October, the same day, or the day after, the appearance of the declaration to which I have called the attention of the Senate. The premier writes as follows :

Montreal, Oct 31.—In answer to Mr. H. H. Cook's last statement, I reiterate my denial, already published, I never authorized anybody, either directly or indirectly to interview Mr. Cook on behalf of the government. Nobody had my authority, either written or verbal from me to approach him, and I characterize the whole accusation as a foul slander.

Hon. Sir MACKENZIE BOWELL.

I have gone through the charges and the denial. I did not deem it either prudent or fair to place upon the records of the Senate the accusation of Mr. Cook as to the attempt to extract from him $10,000 for a seat in this House, without at the same time placing upon record the declaration made by the premier as to its truth or falsehood. I think it is due, not only to the premier, but to this House, and I think it is due to posterity, that both statements should be placed on record. It will be for Mr. Cook, if this committee is appointed, to prove the statements which he made in that declaration. It may also be true that the statements made by the premier are correct. He may never have, either by himself or through others, instructed any one to make this offer; but while that may be true, it does not follow that Mr. Cook's statements may not be equally true, that he was approached by somebody representing himself as acting on the authority of the government. These are questions, however, to be shown when the evidence is taken before the committee, if such a committee be appointed. Now, who is it that makes this very serious charge? Mr. Cook is known to have been, during the time that I have had any knowledge of the politics of this country—and that is for a very long time—a member of the Liberal party, a trusted member, a respected member, a member in whom the Liberal party had placed the most unbounded confidence. The family to which he belongs, and from which he sprang, is of precisely the same character. His eldest brother, Wm. Cook, represented a number of years ago the county of Dundas, in the old parliament of Canada before confederation. His brother, Simon Cook, a younger brother, represented the county of Dundas for a number of years in the local legislature in the province of Ontario, after confederation. Mr. Cook was considered not only of great importance, but the party had sufficient confidence in Simon Cook to appoint him to one of the most important offices in the county of Dundas. He was, until he died, registrar of that county. Mr. H. H. Cook, the gentleman who has made these charges, represented the county of Simcoe for a number of years, defeating upon one or two occasions the late Dalton McCarthy for the

House of Commons, and he was then the trusted member of the party. He had their confidence in every particular. Certain concessions were made to him when the Mackenzie government of 1878 left power. It is not necessary that I should refer to these particular concessions, but they were made to that gentleman, and by the party to which he belonged and which he had served for so many years. This is the character of Mr. Cook and the position which he has held in the community in the province of Ontario. The press has been very urgent for some time past in pressing upon Mr. Cook not only the propriety but the absolute necessity of proving his statements, to put himself in such a position as to enable those whom he has charged with what I consider a very serious political crime, to answer his charge. I have quite a number of extracts from the different Liberal papers in Ontario, and also in Quebec. I shall not weary the House by reading them. I shall, however, read one extract from the Toronto Globe which is supposed at least to speak, and does, I believe, speak, the sentiments of the government upon matters of this character. I may add that it is very seldom I read an editorial in the Globe, to which I give my full concurrence and approval, but in this case I think they have taken the correct course. The Globe in a short editorial some time ago said:

> It must not be forgotten that Mr. H. H. Cook owes an important duty to the people of this country. Just before the elections he publicly made a charge that he had been asked by a certain person acting for a minister of the Crown to pay $10,000 for a position in the Senate of Canada, and he declared that he was ready to prove his charge. It is hardly necessary to say that it is a charge of a most serious character. If it is sustained, some persons in high positions have been guilty of flagrant abuse of their trust. If it is not sustained, Mr. Cook is the guilty party. He cannot afford to leave the matter in doubt. His charge was made just before the elections, when it was calculated to prejudice the public mind against the government, and when investigation was impossible. The only way in which he can prove that his object was to discover the truth and do a public duty, and not merely to injure the government, is to furnish the country with proof of the truth of his charges. The country is waiting to hear from him.

There are a number of other extracts of a similar character, some of them ridiculing him for the charges which he has made, but I shall neither refer to nor read them. The whole case is placed, in that paragraph in the Globe, in a nutshell. Mr. Cook made a serious charge against someone in high authority, or the crime had been represented to him as having been authorized by some one in high authority, and if that be true, then, in the language of the Globe, that person has committed a flagrant abuse of his trust. If it be not true, then Mr. Cook should bear the condemnation of the whole country for having made an accusation of this kind without being able to sustain it. That is the position I take upon this point, and which I think the people of the country will justify. It may be said, and has been said by the government organ in this city, that Sir Wilfrid Laurier having denied the charge, the matter should drop. That would imply that Mr. Cook had committed perjury in his declaration. As I have already stated, both parties may have been perfectly correct. The premier may have been correct in his denial; he may not have given authority to others or expressed a desire to others, either directly or indirectly, that Mr. Cook should be approached; and Mr. Cook may be equally correct in saying that some person approached him and told him he could receive a seat provided he would pay the amount of money he has mentioned. I have gone as carefully and as succinctly as I could over the charges. I need scarcely say that it is of sufficient importance for this House to investigate and ascertain where the truth lies. It is a reflection, not only upon the House, but upon the public men of this country, and when we consider for a moment the expressions which have been used by men in high positions in reference to the character of this Second Chamber, it is time that we should, in our own defence, wipe out, if we can, any stain of that character. I was forcibly impressed with the remark made by one of the members of the local legislature in the province of Ontario, who had lately been elected to a seat in one of the Waterloos, in which, in calling attention to this charge of Mr. Cook, he used this expression:

> I am in favour of an elective upper House in order to do away with the trafficking of seats in the Senate.

If seats in this House are to be purchased like beasts of the field, I will join that gentleman at once in saying that the system

should be reformed, and that the people should have the selection of senators in order to prevent public men, or any one, speculating in seats in this House. It is a point that I think of sufficient importance for every man in the Senate to take home to himself, and ask himself if it is not derogatory to the dignity of the position which he holds, and a direct violation of the privileges of this House, for any one, whether he be a minister or one acting on their behalf, or one acting on his own behalf, representing himself to be acting for the minister, to go from one part of the country to another when a vacancy occurs offering a seat in the Senate for a certain monetary consideration. I scarcely believe that there is a single man, either in this House or in the country, who will not agree with the position that I have taken upon this question. These are the facts that I propose the committee shall investigate. It is for the committee to say, after investigation, whether the statements made by Mr. Cook have been substantiated. Mr. Cook says 'Give me a committee and I will prove it.' He makes that assertion upon a statement that I made in a public speech in the county of Prince Edward, in which, referring to this matter, I said very much in the language used by the premier, that it was of such a grave character that I thought, in justice to this House, the Senators should, when the House again met, ask for a committee to investigate the charges, and he quotes the language, almost the words that I used upon that occasion. I did not say that I would move for an investigation, but I said I thought—which I repeat again—that the charge was of a sufficiently grave character to justify an investigation into the whole matter. Sir Wilfrid Laurier denies the charge on his behalf, as I have already said. That will go before the committee, and it will be for Mr. Cook to substantiate his declaration, and if he has these documents, which he declares are in his possession, they will be laid before the committee. If he has any corroborative evidence, let it be laid before the committee, and it will be for those who are accused to show how far he is right. I should judge, from a remark which fell from the Minister of Justice when I placed this notice upon the paper, that he would take objection to the course which I have pursued as not being strictly in accord with parliamentary precedents and parliamentary practice. I shall be pleased to hear what he has to say on that subject. I may mention that I have studied this question a little, and he will find, or he has found now, no doubt, that in reference to one or two cases in which the individual character and political reputation of a member of the Lower House was at stake, the grave charges which they made upon information which had been given to them, and as members of the House of Commons, that they believed that if the committee were given to them that they could prove the statements.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I thought I knew the position the hon. gentleman was taking, and the hon. Secretary of State emphasizes it by saying 'hear, hear.' Why did he who made the charge do that? Simply because he had no possible evidence to lay before the House of Commons. He had taken certain statements in the newspapers, and from information received from parties who thought that I had been the guilty party, and he professed to believe the statement—that is the late Speaker of the House of Commons believed the statements which had been made with reference to myself. First that I had a son-in-law. I do not know that it was his business if I had. Second that I was in business with him. That was not true, either directly or indirectly. Thirdly, that I was dabbling in the North-west lands, using my position as a Minister of the Crown in order to profit thereby. He had nothing to base that charge on except information which he had received from certain parties, but he thought he could strike a political blow at an opponent on these grounds. That was in 1886. Then, followed another precedent of a somewhat similar character, in which the same gentleman made a similar charge against the Postmaster General (Sir Adolphe Caron), in 1892. He stated in that declaration that, as a member of the House of Commons, he believed, from information which he had received, he could prove that the then Postmaster General, Sir Adolphe Caron, had profited by bonuses which had

been given for the construction of the Lake St. John Railway and other railways. The same course was followed as in my own case. At that time the government of the day thought the truth could be arrived at much better by referring it to judges than to send it to a political committee of the House of Commons. I moved an amendment to that motion, not to prevent an investigation taking place, but to refer it to a commission of judges to be appointed to make a thorough investigation into the whole of the charges contained in the arraignment of Mr. Edgar, and I went further, I copied the statement of my hon. friend the Minister of Justice on that question. I copied from 'Hansard' and copied in extenso the charges and language of the present Minister of Trade and Commerce (Sir Richard Cartwright) and some others, and then referred the charges, which were of a much more serious character than the charges Mr. Edgar himself had made—because Mr. Edgar was then, upon his reputation as a member of the House of Commons, making certain references to which he would be held before any commissioners appointed to make the investigation. The member for Bothwell (now the hon. Minister of Justice) and Sir Richard Cartwright at that time made much more serious charges, as any one, who will read the debate on that occasion, will be able to ascertain, and they were embodied in it and sent to a commission. The charge made against the Militia Department by Mr. Monk in connection with the emergency food investigation was of a similar character to the two charges to which I have referred, and he, Mr. Monk, made the statement in the same manner as did Mr. Edgar when he made charges against the then Minister of Customs in 1886, and against the Postmaster General in 1892. The precedent to which I shall now refer is of a character analogous to the one now before this House, and upon precisely the same lines. Mr. Borden, the member for Halifax, laid before the House of Commons certain charges, certain affidavits and other proceedings in connection with what were termed irregularities and frauds in the West Huron and Brockville elections. He made no statement on his own authority, assumed no responsibility as to the truth of those affidavits, or charges, and after he had made his statement in connection with those cases to which I have referred, in precisely the same manner that I have laid the facts of this case before the Senate, as the basis upon which I ask for this investigation, the premier rose in his place and said that the hon. member for Halifax had made out a sufficiently strong case to justify the House in referring it to the Committee of Privileges and Elections. We have no such committee here, and consequently, so far as that goes, it would not be correct or in order to refer a charge of this kind to a committee that did not exist; but here, I repeat, is a case precisely similar to that which I have brought before the House, and the premier at that time, by his act, by his acceptance of the statement made by Mr. Borden, declared that it would not be necessary for him to make the statement on his own authority or to take the responsibility as a member of the House of Commons. Now, I am in precisely the same position here. If I were to make a statement similar to the one made by Mr. Monk, who had no other facts than those which he gleaned from outside sources, had no statements or affidavits to lay before the House, other than his own statement—if I were to assume the position I have taken on my responsibility as a member of this House, and to say that I believe I could prove the statements made by Mr. Cook, it would be tantamount to saying that the Prime Minister of this country had told a falsehood in the statement which he had made. If I admitted the correctness of the statement made by Sir Wilfrid Laurier, it would be tantamount to saying that Mr. Cook had committed perjury. I do not propose to put myself in either of those positions. I repeat what I have already stated: charges have been made of a serious character, which, if true, in the language of the 'Globe' would prove that certain parties have seriously abused the position they hold. If not true, then Mr. Cook has been guilty of that which should receive the condemnation of the whole country. I desire to emphasize this point as strongly as possible, that I neither accuse Mr. Cook of stating a falsehood, nor do I accuse the premier of even prevarication. What I say is, Mr. Cook has made a serious charge. I have laid that charge in the shape of his affidavit before the Senate. I have laid the denial of

Sir Wilfrid Laurier before the Senate, and I ask the Senate to investigate the charges which have been made and ascertain whether Mr. Cook is in a position to prove the truth of his charges. It is in the interest of the government, just as much as it is in the interest of this House, in vindication of its own honour to consent to the appointment of this committee, and have this matter fully investigated. As long as it remains uninvestigated, you will find plenty of people in this country who will say that Mr. Cook has told the truth—what I should like to see established, if Mr. Cook had told the truth —and I am not prepared to say that he has not—is that the approach to buy him was not upon the authority of any gentlemen standing high in the political world in this country, and more particularly that he had no authority from a Minister of the Crown. That is the position that I should like to see proven in this investigation for the honour of the public men of this country, and to put a stop in the future to any one attempting to traffic in seats in this House, on their own behalf or on behalf of any one else. I look upon this as a very serious question, one that should have the most careful consideration of every one who has the honour of holding a seat in the Senate. I could repeat the utterances of public men, who should know better, sneering at members of this House for want of ability, for being actuated by strong partisan motives, for being weak in the head and weak in the legs, for not being worth the rope that would hang them, but I shall not trouble the House with these quotations. I say the time has arrived when the Senate should assent its own dignity and maintain its own character and reputation, and even if there were no precedent to justify the course that I have taken, I would assume the position that, it being a direct violation of the privileges of this House, neither rule nor precedent should stand in the way of investigation. I should like, with the consent of the House, to add the Hon. Mr. Miller's name to this committee, and any other gentleman that the hon. Minister of Justice, or the Secretary of State may suggest. I should have put Senator Miller's name in this motion in the first place had he been in the city when it was drafted, but I was not aware at the time that he was coming. He is one of the oldest members of the House, and has as good a knowledge, if not better, than any of us of its privileges. Does the Minister of Justice accept that ?

Hon. Mr. MILLS—No. I think the hon. gentleman should make his motion without naming the members. I object to the members being named.

Hon. Sir MACKENZIE BOWELL—I have the right to make the motion without the names or with them, just as I please.

Hon. Mr. MILLS—I object to the motion in that form. I think it is the right of the House, where a committee of this sort is being appointed, to name its own committee, and my hon. friend's motion ought to stop with the words 'From time to time,' and if he can carry that motion, then the members of the committee can be appointed by the House. I take that to be the rule. It certainly is the rule in the House of Commons, and, I take it, should be the rule here.

Hon. Mr. McCALLUM—If the Senate appoints the committee, I do not see but the House does it. If the members vote for the motion as it is, I think that is appointing the committee. How are you going to appoint a committee in any other way ?

Hon. Mr. MILLS—My hon. friend will see that where a committee is appointed for a purpose like this, the House names the members of the committee. Each member can vote for one member of the committee, but he cannot vote for any more, and so each side appoint those they think proper, and in proportion to their numbers. That is the rule in the House of Commons, and I think that is the rule in this House as well.

Hon. Sir MACKENZIE BOWELL—I remember seeing that course pursued once in the House of Commons, and only once. In this House the committees have been named by the member making the motion, and I have yet to learn that there is any authority which says this is out of order. I think you will find that the authorities lay down the doctrine that the names of the committee can be mentioned in the motion that the hon. gentleman objects to, I have no doubt they will drop out.

Hon. Mr. MILLS—In the motion to appoint a committee for the purpose of in-

quiring into the Edgar charges, the committee was not named in the motion of Mr. Edgar, and the same rule prevails here, I take it, that prevails in the House of Commons.

Hon. Mr. McCALLUM—Will the hon. gentleman please quote the rule ?

Hon. Mr. MILLS—I am referring to the practice, the well-settled practice of parliament.

Hon. Mr. McCALLUM—Not in the Senate.

Hon. Mr. MILLS—If any member objects to the constitution of a committee such as this, then the committee must be named by the House, and each member of the House can vote for but one member of the committee.

Hon. Sir MACKENZIE BOWELL—That was not the course pursued by the Senate when it appointed the committee to investigate the Baie de Chaleurs matter.

Hon. Mr. MILLS—No one asked for it.

Hon. Sir MACKENZIE BOWELL—Nor is it analogous to compare this House with the House of Commons. Mr. Edgar's motion was sent to the Standing Committee, and every one knew who composed that committee, and so were the others, except in the case of the Emergency Food Ration Committee. There was a charge made against the Department of Militia in that case for dereliction of duty. That committee was named in the motion made by Mr. Monk himself, and agreed to by the government, and so it has been in every case, except one, in the whole of my thirty years' experience.

Hon. Mr. MILLS—There have been several such cases in the House of Commons, and it is a rule which prevails in both Houses. If any one objects to the constitution of the committee, then the committee must be named by the House, and no member has more than one vote—he can vote for but one member.

Hon. Mr. MILLER—I think there is no doubt as to the practice in the House of Commons. It is as stated by the hon. Minister of Justice. That practice, however, is sustained by precedent in that House, and is invariably followed when committees of this kind are to be stricken, but I think it is incumbent on the Minister of Justice to show that that practice has prevailed in this House or in the House of Lords. We have no rule upon the question ourselves, and the last of our standing orders provides that where our rules are silent with regard to any parliamentary proceedings, then we are guided by the practice and precedents of the House of Lords. There can be no doubt that the practice of this House has been that adopted by the leader of the opposition, that the House has not only passed the resolution, but invariably named the committee also, in the resolution. I am not aware of any single exception to that practice in this House, but I can recollect frequent instances of where the course pursued by the hon. gentleman has been followed on motions of this kind. I do not think that the case of the Baie des Chaleurs Railway is relevant, in fact it is not a precedent, because the investigation in connection with that subject took place before the Standing Railway Committee of this House, if I remember correctly. But I do not know of anything in our rules, or the rules of the House of Lords, or the precedents of parliament, that can be quoted to sustain the contention of the Minister of Justice.

Hon. Mr. MILLS—I think the principle is one which is well understood. If the contention of my hon. friend opposite were sound, it would be in his power to appoint the members of the committee from the majority altogether. Now, it is for the purpose of giving to both sides of the House representation upon the committee in proportion to their strength that the rule exists. That is the principle, in order that a member who is charged with some offence, whether impliedly or directly——

Hon. Mr. MILLER—Does not the motion give a full representation to both sides ?

Hon. Mr. MILLS—It may do so, but he might disregard the rule if the principle is such as my hon. friend contends for. The committee might be named of persons entirely on the side of the opposition. Now, when an inquiry is being made into accusations against a public man, or a member of the government, the protection is, that the side of the party accused may find representation on the committee, and that re-

presentation is found by giving to the party the power to appoint in proportion to their strength. My hon. friend says that there have been cases in the House of Commons where committees have been appointed without the adoption of such a precedent or the following of such a rule. That is perfectly true, if the person does not choose to stand upon his rights. If he chooses to waive his right, he may consider that the committee is sufficiently fair as it is proposed to be made, and may not insist upon the right which the rules of parliament give him, but the rule of parliament does give the right, whether the question is to be tried in this House, or by a committee of the House of Commons, that the committee shall be constituted fairly, and to constitute it fairly every member who is present may vote for one member of the committee, and only one. The motion decides what the number of the committee shall be, and then my hon. friend, and those who are associated with him, will have an opportunity of electing their due proportion of the committee. Whoever we may choose they have nothing to say about, and whoever they choose we are not at liberty to object to. Each side chooses members to represent it in the committee, to inquire into the charges made against the government or a member of the House, in proportion to their strength. That is a well-settled rule. It has been followed in the Imperial parliament, and if there is no modern precedent—I am not sure, I have not looked at the practice of the House of Lords—it is simply because there has been no member of the House against whom a charge of this sort has been made. And so, before I discuss the merits of the hon. gentleman's motion, I take exception, Mr. Speaker, to the members of the committee being named in the motion. If the hon. gentleman then carries his motion without a committee being named, the House will proceed to constitute the committee.

Hon. Mr. FERGUSON—I have here the authority of Sir John Bourinot with regard to the matter. I will quote from page 496 :

Notice should be properly given of all motions for select committees ; but it is not the invariable practice in the Senate to include in the motion the names of the members, which may be given by consent of the House when the motion is duly proposed.

Hon. Mr. MILLS—That is my contention.

Hon. Mr. SCOTT—May, dealing with this question, says :

In special cases, the lords have appointed select committees by ballot.

Hon. Sir MACKENZIE BOWELL—In selecting the members of the committee, I adhered as nearly as I possibly could to the principles that have been laid down, that is by representing the relative strength of parties, and I think I have gone a little beyond that, but in a matter of this kind, I do not think it should by this Senate be dealt with on purely party grounds.

Hon. Mr. MILLS—Then you do not object to giving the majority to the government.

Hon. Sir MACKENZIE BOWELL—I would not object if the hon. minister would allow me to select the gentlemen on his side of the House. I have sufficient confidence in the members I have selected that they would not do an improper thing, which the hon. minister insinuates this committee would do, because there happens to be two of a majority against the government.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I have sufficient confidence in most of the gentlemen who occupy seats on that side of the House. Bourinot goes a little further and says, if it is necessary to refer to minutes or to evidence :

Notice should be properly given of all motions for select committees ; but it is not the invariable practice of the Senate to include in the motion the names of the members, which may be given by consent of the House when the motion is duly proposed. But no doubt it is the more convenient and regular course to include the names in the notice of motion.

That is just precisely what I have done. Bourinot proceeds :

It is usual for the mover of a select committee to be one of its members.

That is under rule 95. This lays down the rule very clearly, and it states what the practice has been in the past, just as has been stated by the hon. senator from Richmond. This question, so far as my recollection serves, never was raised in the Senate before, and I can only look upon the position taken by the hon. Minister of Justice as a reflection upon the gentlemen who have been selected. I individually am quite pre-

pared to allow the hon. Minister of Justice to object to any member being on the committee. If he objects to my being on the committee, I shall retire and let some one else be named. This is the course pursued by the Senate in the past, and we have the authority, not only of Bourinot, but the authority of the hon. senator from Richmond (Mr. Miller), who has occupied a seat in this House ever since there has been a Senate, and who certainly knows as much, or more, of the rules as any member of this House. In taking this course, I am doing what I thought could not by any possibility be objected to, and I was much surprised at the position taken by the hon. Minister of Justice. If he wants to defeat the motion, let him say so, and then the country will know, and we will know exactly what position they take.

Hon. Mr. MILLS—I ask for a ruling upon the question.

The SPEAKER—I regret, hon. gentlemen, that I should be called upon to rule upon so important a question so soon after taking the Chair. My opinion is asked now, and I give it with a good deal of hesitation and diffidence. I think that the principle laid down by the hon. Minister of Justice appeals to one's sense of fair-play and justice. Substantially, by the resolution of the hon. leader of the opposition, if the allegations made by Mr. Cook should turn out to be true, the premier of this country is convicted, or the government are convicted, of a very serious offence. The government are in the position of accused parties. I do not say that the hon. leader of the opposition has any sympathy with the accusers, but still he brings the matter up, to a certain extent, on behalf of the person who has made the charge.

Hon. Sir MACKENZIE BOWELL—No, I take exception to that.

The SPEAKER—I did not say that the hon. leader of the opposition identified himself with that person.

Hon. Sir MACKENZIE BOWELL—The hon. Speaker said I made the motion on behalf of the gentleman who made the charge. I repudiate that statement.

The SPEAKER—I said to a certain extent.

Hon. Sir MACKENZIE BOWELL—No, not to any extent.

The SPEAKER—I do not wish to say that the hon. leader of the opposition sympathizes with the charges. I say substantially that there is a charge against the government involved in the matter which is referred to the committee. I put it in that way, that there is a charge against the government involved in the matter which is referred to the committee, and I think the principle laid down by the hon. Minister of Justice, that the hon. member who brings the charge before the House should not name the whole committee, is a reasonable one. I may say that I do not think there is so much difference between the hon. leader of the opposition and the hon. Minister of Justice as might appear at first sight. The hon. leader of the opposition has named seven members of the House who habitually vote with the opposition, and he has named five gentlemen who habitually vote with the government. I think that in the matter of the relative proportions of the two parties the hon. gentleman has given fair-play. The only point where I think the hon. gentleman has gone a little too far is in naming the members who are to act on behalf of the government on the committee, and I regret that the hon. gentleman has not thought fit to concur in the suggestion made by the hon. Minister of Justice that the government side of the House should be allowed to nominate the gentlemen whom they wish to sit on the committee. That is what strikes me as a matter of common sense and fair-play. It has been stated that we are not bound by the precedents of the House of Commons and that we are to be governed by our own precedents. It happens that in the House of Commons there have been various cases, substantially like this, where charges have been made against a government, or against members of a government, and it will be found that, in nearly all those cases where a committee has been asked for, and a committee has been granted, a committee which is intended to try a charge of this kind is, in the House of Commons, selected in the manner indicated by the hon. Minister of Justice. As the hon. member from Richmond very properly pointed out, in the case of the Baie des Chaleurs Rail-

way there was no special committee chosen. The Bill with respect to the Baie des Chaleurs Railway was in the hands of the Standing Committee on Railways, Telegraphs and Harbours, and it was allowed to remain there. The committee were given certain additional powers, and the investigation was conducted before that committee. I have been some considerable time a member of the Senate now, and I do not, during all that time, recall any case where a charge similar to this has been made in this House. There were, in the sessions of 1877 and 1878, committees appointed. There was a committee appointed in the session of 1877 for the purpose of inquiring into the route of the Canadian Pacific Railway, west of Lake Superior, but when the committee was moved for there were no charges made against the government or against any member of the government. There appeared to be a doubt as to the wisdom of the choice of route made by the government, and afterwards the Neebing Hotel matter came out of the inquiries of that committee. But I do not think that we have had any case similar in principle to the case now before the Senate. Not having any precedent of our own, I think that we should naturally be governed by the precedents of the other House, and that the practice of the other House is consistent with our ideas of justice and common sense; and, as I say, I think it is to be regretted that there should be any marked difference of opinion on the subject here, because substantially there is very little difference between the proposal made by the hon. Minister of Justice and the proposal made by the hon. leader of the opposition. I think that the hon. leader of the opposition cannot see any serious objection to allowing the five gentlemen who are to represent the government side of the House to be chosen by the government side of the House, and if I am asked to rule now, I shall feel obliged to rule that the objection to the constitution of the committee is well taken.

Hon. Sir MACKENZIE BOWELL—I do not know how far I am at liberty to discuss the hon. Speaker's ruling. He has given us a speech in defence of the government and the course taken by the government, rather than what I would call an impartial course by a Speaker in giving his decision. He accused me first of being here on behalf of Mr. Cook. That I repudiate in most emphatic terms. Then he says if I had any idea of right, justice and equity, I would accept the suggestion of the hon. Minister of Justice. I take it that the Speaker's duty is simply to rule whether the objection taken by the hon. Minister of Justice is correct or not, and not to read me a lecture as to the course I should pursue, either upon this or any other occasion. While I respect very highly the hon. gentleman who occupies the Chair, I shall not submit to his reading me a lecture upon my duties in this House.

Hon. Mr. MILLS—My hon. friend is not in order.

Hon. Sir MACKENZIE BOWELL—I am in order, and I propose to discuss the matter.

Hon. Mr. MILLS—My hon. friend is not in order in discussing the decision of the Speaker.

Hon. Sir MACKENZIE BOWELL—We have had no decision. There is nothing in the books which says that I am to accept the dictum of the President of this Chamber as to what course I should pursue in this matter. The precedents in this House are directly and positively against it. I hold one in my hand, to which Bourinot refers, in which the committee is specially named in connection with it. In justification of the implied charges made against me by the Speaker of the House, for the course I have pursued, I shall appeal, even if I stand alone, against that decision, and I do so upon the grounds of precedents laid down in the journals of the Senate directly contrary to the position which the Speaker has taken, and if I am to understand, after the remarks which I have made—because the Speaker in this House fortunately—I say fortunately—is in a position to step down from the Chair and discuss questions just as freely as we are. He is not confined to merely giving his opinion, as is the Speaker in the House of Commons, and it is for that reason that I have taken the present course in repudiating the insinuations which have been made against myself individually in this matter. I have affirmed already that my intention is to arrive at the truth in connection with this matter. My intention is to vindicate, so far as I can, the character and

reputation of the House in which I have the honour to hold a seat. I think I have stated my position very clearly. If I am to understand the Speaker's ruling to be that I am out of order in the course I have pursued, I shall move that that ruling be not concurred in by the House.

The SPEAKER—I think my ruling was quite distinct. I said if a decision was insisted upon, that the objection of the hon. Minister of Justice was well taken.

Hon. Mr. SCOTT—I have been some twenty-seven years a member of this body, and I must say that in all that time I never heard any hon. gentleman rise in his place and comment on the decision of the Speaker.

Hon. Mr. McCALLUM—Did the Speaker give us a lecture.

Hon. Mr. SCOTT—The Speaker simply gave the reason on which his decision was based. I say he was perfectly right in giving his reasons.

Hon. Sir MACKENZIE BOWELL—Did the hon. Secretary of State ever hear the Speaker read a Senator a lecture.

Hon. Mr. SCOTT—He was called upon to give a decision. Had he simply decided that the proposition made by the hon. Minister of Justice was the correct one, the House would have been in ignorance of the reasons on which he based it. It was only fair to the party accused to have some voice in the selection of the jury by whom they were to be tried. That is a principle that a fair judgment would recognize, and I think it would be extremely unfortunate if any attack should be made upon a Speaker who is powerless to make any observations. It is the first time in twenty-seven years that I have heard any criticism of that kind by any member.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, I shall take the liberty, which every member has, of moving, seconded by the hon. member from Marshfield, that the ruling of the Speaker be not concurred in by the House. I am fully in accord with the sentiments uttered by the hon. gentleman (Hon. Mr. Scott), and if he had gone further and said that in his twenty-seven years' experience in this House he had never heard the Speaker read a lecture to an hon. member who thought it his duty to take any particular course, I would concur precisely in his views. I have no objection whatever to obliterate the five names of government supporters that are mentioned in my motion, and allow the hon. Minister of Justice to select whatever hon. members he pleases, and if he wants six, I am quite willing that he should have them ; and even if we are obliged to go through the intricate process of electing a committee as suggested by the hon. Minister of Justice, we would have just the same representation by both parties.

Hon. Mr. MILLS—I may say to my hon. friend that I am not objecting to his suggestion at all that we should name our own members. My suggestion is made in perfect good faith, and I thought in great moderation, that my hon. friend should leave the naming of the members out of his motion altogether, and if his motion carries, I do not object to meet with my hon. friend and state who I think on our side should be named on the committee, and he can do the same on his side. I am sure my hon. friend and I could agree as to whom the hon. members of the committee should be, and if the motion is put without the names and does not carry, there is an end of it, but if it does carry, as it probably will, then I think he and I could agree without any trouble.

Hon. Sir MACKENZIE BOWELL—In view of the moderate tone in which the hon. gentleman has made that suggestion, I have no objection to accept it. He does not object to the numerical strength of both parties upon the committee, and I have no objections whatever, and I had much rather take that course than the one of placing a motion upon the paper in opposition to the Speaker's ruling. But I felt so strongly upon the matter that I was forced to take that position. My reason for adopting this course is to avoid the necessity of having a vote taken in this House against the ruling of the Speaker. I understand my hon. friend withdraws his point of order and the Speaker's ruling is also withdrawn and the motion is to be carried.

Hon. Mr. MILLS—Then the motion stands without the names.

Hon. Sir MACKENZIE BOWELL—Yes, providing there is no ruling.

Hon. Mr. MILLER—I do not see how we can go on in the present condition of things. I think the Speaker should withdraw his ruling, because the House is bound by the ruling.

Hon. Mr. McCALLUM—The Speaker cannot withdraw his ruling.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman has withdrawn his point of order the ruling drops.

The SPEAKER—I should like to say a word before the matter is dropped. I regret that the hon. leader of the opposition seems to think I had undertaken to read him a lecture. Nothing on earth was further from my thoughts, and speaking without any preparation I may not have expressed just what I wished to say, but I have a very distinct remembrance that when the hon. gentleman objected to the phrase I used, I withdrew it and said that I did not mean to say that his sentiments were as he appeared to think I said they were, and I regret that I should have had this unpleasant experience with the hon. leader of the opposition on the first question of order which has come up.

Hon. Sir MACKENZIE BOWELL—Then the motion is to be put without the names and the ruling is withdrawn.

The SPEAKER—The point of order taken by the hon. Minister of Justice is withdrawn and the ruling goes with it.

Hon. Mr. McMILLAN—I do not understand it yet. Is it understood that the hon. Minister of Justice and the leader of the opposition are to select the committee themselves, or is it coming back to this House again ?

Hon. Sir MACKENZIE BOWELL—It must come back to the House of course.

Hon. Mr. MILLS—My hon. friend takes a little different view from that which I entertained with regard to his responsibility to the House in making a motion of this sort. I take it that the responsibility of a member of this Senate in bringing what are practically charges against public men, which, if true, would show that they are unworthy to advise the Crown, or to control the affairs of this country, is quite as serious in the Senate Chambers as it is in the House of Commons. The rule followed in England, and the rule followed in this country is that where charges are being made which affect the conduct of a representative of the people or a member of the House of Lords—here a member of the Senate—that the member who makes such charges shall not bring them forward lightly. They are not brought forward for the purpose of gratifying any personal dislike, nor for the purpose of securing a party triumph, but in order to vindicate the honour of men engaged in the public service whether as advisers of the Crown, or as representatives of the people, and so parties who bring forward such charges are required by the law of parliament to affirm that they have been 'credibly informed.' Now, in order that a party may be credibly informed, he must be informed by some one who, in his opinion, is worthy of credit and that he verily believes. His belief is founded upon his opinion of the reputation and character of the party from whom he has obtained his information. He has been credibly informed and verily believes that if granted a committee in the House of which he is a member, he will be enabled to establish certain facts. Now, my hon. friend says 'I want a committee for the purpose of inquiring whether certain allegations which have been made affecting the character of the government, if they were true, are well founded, and I want to assume the responsibility of saying that they are well founded. I will engage in a fishing expedition for the purpose of seeing what I can make out of this inquiry.' I say such a proceeding is wholly at variance with the principles of parliamentary government, and with the rules and precedents which govern proceedings in parliament. Public men ought not to be attacked lightly. Public men, so far as their character is concerned, ought not to have charges brought against them, without careful consideration, and without the assumption that the party who brings them up for consideration for the purpose of having inquiry made with regard to them holds himself responsible that these charges are well founded. That is the rule recognized in the House of Commons, and I take it that my hon. friend opposite cannot relieve himself from the responsibility which attaches to his conduct if his motion is granted, by

undertaking to affirm that he will assume no responsibility in the matter. His responsibility is such that the law of parliament attaches to one who makes a motion of this kind. He knows how serious this motion would be to some member of the government, or to more than one, if it could be shown that this attempt at the sale of a seat in the Senate was established. My hon. friend has referred to what has been done in other places, and there can be no doubt what the right and duty of the House of Commons is where charges of this sort are made, where one will affirm that he has been credibly informed, and that he believes the statements that have been made to him, and that if a committee is granted to him, he will be able to establish his case. There was, a few years ago, in 1892, a charge somewhat like that which the hon. gentleman proposes now to have investigated, but very much stronger, against a member of the government in the House of Commons. The late Speaker, Mr. Edgar, when a private member of the House, proposed a resolution by which he asked the House to inquire into the conduct of the Postmaster General. He assumed the responsibility of the inquiry which he sought. He said that he had been credibly informed and he verily believed that if a committee were granted to him he would be able to establish, by evidence of witnesses taken on oath, that a large sum of money, which had been voted by parliament for the purpose of aiding in the construction of certain railways, had been diverted from its original object by arrangements made between the Postmaster General at that time and one of the promoters of the road, and that that money, instead of going towards aiding the construction of railways, had been used for the purpose of securing the election of certain friends of the Postmaster General, in the province of Quebec. Now, that was a very clear and specific charge. It was made in the House of Commons. It affected the public revenue. If there is any subject upon which the House of Commons have the right to exercise paramount authority, it is with regard to the use made of the money appropriated by the vote of the House for the public service, and so the House of Commons was entirely within its rights when it proposed an inquiry by the House itself for the purpose of ascertaining whether there was any foundation for the charges or not. My hon. friend was a member of the government at the time, and the party against whom the accusations were made, was also a member of that administration. That motion did not carry. It was put in the usual parliamentary form ; it was supported by very cogent arguments. There was a solemn declaration that the truthfulness of the allegations made in the motion would be established by evidence taken on oath, but that committee was not granted. On the contrary, almost every member of the government having seats in the House of Commons opposed the motion and succeeded in voting it down. My hon. friend himself voted against the inquiry. He declared, or his leader did, that the House of Commons was not the proper tribunal for the purpose of protecting public rights in the public revenues. Sir John Thompson on that occasion made these observations :

> Another observation which I would venture to make is that when accusations of improper conduct are made even against members of parliament as such, we ought to consider most carefully whether it is imperative upon the House to exercise its judicial functions, which we so rarely like to exercise, and which we so rarely exercise well, considering the diversity of feelings, of interests and even of political passions which are apt to prevail in an assembly like this. We have to consider whether the accusations which are brought forward are accusations which some better qualified tribunal in this country is not clothed with powers to determine.

He further said :

> But the government is not before a committee, and it is unconstitutional that a committee should sit to try the government of the day. I have only to conclude by the statement that of all the accusations which have been made in this House, even the accusations which the House declined to entertain at the close of last session, this accusation is the vaguest that I have been able to find, and it is one which I think the House ought not to entertain in its present shape.

Although the charge was made against a member, made in exceedingly explicit language, and the declaration was also made that if a committee was granted the charges would be proved by evidence taken on oath, yet the government at that time refused to consent to the appointment of such a committee. I have no doubt in my mind—I am thoroughly convinced, and if it were necessary to argue the question it could be established beyond all room for controversy—that the course then taken by Mr. Edgar in the House of Commons was the proper course

under the circumstances. An appropriation had been made by the House, and it was undoubtedly the right of the House of Commons, and the right of no one else to ascertain what use had been made of the money it had appropriated for certain specific purposes, and whether those moneys had been devoted to other purposes than those for which they had been granted. On that occasion the government resisted this proposal; they had the matter referred to a commission appointed by the government itself. That is, one of the men against whom the accusation was made, determined who it was that should sit in judgment upon his conduct; who it was that should be appointed for the purpose of trying whether he was guilty or not guilty. I think that was a most improper proceeding, and I say to my hon. friend now, if he will stand up in this House and say that he believes the charges which he assumes to have been made by Mr. Cook in this solemn declaration, are true, that if he is given a committee he will prove that those allegations are true, and that he will be enabled to show, either that the whole government or that certain members of the government, whom he ought to name in his motion, are persons against whom he will be able to establish his accusations—if he says that, then I say he is entitled to a committee, but I say he is not entitled to a committee when he will assume no responsibility, when he will say nothing in respect to any member of the administration, and when he will not say whether he believes any one is guilty or not guilty of the charges. What is the object of the inquiry? Is it for the purpose of besmirching or blackening the character of some public man? Is it for the purpose of trying to damn, by bringing Mr. Cook here, the reputation of some member of the administration? That is not the object of the law of parliament in granting an inquiry of that kind. The intention of parliament is to bring to punishment parties who are guilty of corrupt acts. But my hon. friend ought to be able to say that in his opinion there are members of the administration guilty of some offence in connection with this matter; that there are members of this administration who have undertaken to traffic in seats in the Senate; that there are members of the administration who, if he is given a committee, he will be able to show have offered a seat in the Senate for a pecuniary consideration, to Mr. Cook, or anybody else, he may thus name, but unless he is prepared to do that he ought not to ask for an inquiry of this sort. Any one might to-morrow decide to bring a charge against half the members of the Senate. He might say that if a committee were granted he would be able to show that the members who were appointed to the Senate when my hon. friend was at the head of affairs, were appointed for a pecuniary consideration, that they had bought their way into the Senate, and ask for a committee here for the purpose of ascertaining what sum had been paid, or whether there was any foundation for the statement or not. Now, I say that my hon. friend ought not to found a motion on a statement of that sort. I say again, if he is prepared to declare that in his opinion Mr. Cook was offered a seat in the Senate for a pecuniary consideration, that it was proposed to sell him a senatorship, and if given a committee he will establish that fact, then I say his motion ought to carry in this House. That sort of proceeding ought to be denounced. But, my hon. friend, if he will appeal to members of this House, and there have been many brought in here since the present administration came in, will find a good deal of difficulty to get any member to stand up and say that the government asked from him, or suggested to him, that he should give some pecuniary consideration for the seat he holds in this House. I suppose the seat referred to in this solemn declaration of Mr. Cook is the one to which I was appointed. I understood that he desired the appointment at that time. The government did not appoint him; they appointed me. I know right well this, that it was never suggested to me that I should give some pecuniary consideration for a seat in the Senate. I had a very great deal of reluctance in coming here, and I dare say many other members have felt in the same way. I had been a long time in the House of Commons—thirty years. I took an interest in the proceedings of that House. They were more congenial to me than I believed the work of the Senate would be, and so my opinion and feeling was to go back to the House again. I came here because I

thought I might be of some service to my party, or to the country. Since I have been here many senators have come, and I am perfectly sure that no member of the administration has suggested to any man who sits here that he should pay into the public treasury, or pay into a private fund for party purposes, a sum of money in consideration of the seat he holds in this House. If there is such a man, I should like him to stand up, and announce the fact. I should like him to appear before this committee, if such a committee is appointed, for the purpose of seeing whether there was any foundation, in his estimation, for such a charge. I know it is a calumny upon the administration, and a calumny upon every gentleman who sits in this House upon a patent from the Crown, founded upon the advice of the Prime Minister, and those associated with him. My hon. friend speaks about parties buying their way into the Senate. He knows right well that they are recommended to the Crown by the Prime Minister ; they are not recommended by any other minister. The Prime Minister acts for all who are associated with him, and is the organ of the government for the purpose of submitting to the Crown the name of the party who is about to be appointed to the Senate. So if the charges of Mr. Cook in this matter pointed to any one they pointed to the Prime Minister, and we have here the explicit denial, the explicit declaration of the Prime Minister that there is not a particle of foundation for the charge that has been made. Does my hon. friend want a committee to ascertain whether the Prime Minister has stated what is untrue in this matter, that he is to be put upon his trial, in fact, not for the purpose of vindicating himself from the charge of guilt, but for the purpose of establishing that he is innocent, and that what Mr. Cook has said in this communication is a statement which at all events does not apply to him ? My hon. friend refers to the discussion which took place in Mr. Horsey's election and what Mr. Tucker said and what Mr. Cook telegraphed to Mr. Tucker. We have that all spread out upon the proceedings here. I do not attach very much importance to what Mr. Tucker said during an election. Some men go very far in what they say in an election contest, where they suppose they may gain some advantage by it, and do something which will serve to assist them in securing the seat. But I do not know what some private party may have said to Mr. Cook. There may have been badinage. Some man may have teased him. Mr. Cook is a very passionate man. So far as I am concerned, I was anxious, when his name was first mentioned, to see him obtain a seat in the Senate, because he had been for a long time an active member of the House of Commons, and had fought many a hard fight in a very difficult constituency. I cannot tell what may have been said to him by way of badgering him, but I do know this, that no member of the administration ever said, directly or indirectly, to Mr. Cook, that he was to obtain a seat in this House by purchase.

Hon. Mr. MACDONALD (C.B.)—Can the minister account for the hallucination of Mr. Cook if his statements are all falsehoods ?

Hon. Mr. MILLS—I cannot say whether Mr. Cook was labouring under a hallucination or not. All I apprehend is, Mr. Cook was disappointed when he was not made a senator, and he may have been very angry. I know he is a very passionate man, and what he may have said in his passion, I cannot say. I have heard on one or two occasions of persons badgering Mr. Cook and telling him he ought to get a position cheap, that if a man were opposed to the government he might expect to pay handsomely for his seat, but a man who had been a friend of the administration and supporting it, ought to get a seat in the Senate at a lower figure. I heard of people saying that to Mr. Cook and badgering him, but I never supposed for a moment that Mr. Cook would believe anything of the sort. I do not believe that he did, and I am perfectly sure of this, that no member of the administration ever said anything of that sort to Mr. Cook, or suggested that it should be said by anybody else. What the Prime Minister said is this : 'I am not prepared to admit that a man in public life should be answerable to charges of this character unless they are supported by some kind of evidence which would give them colour at first sight.' Is there any evidence which would give this colour at first

sight ? Will my hon. friend say that he believes that any member of the administration, either directly or indirectly, offered Mr. Cook a seat in the Senate for a pecuniary consideration ? If he does not, why does he wish to have an inquiry ? Why does he want to waste the time of the Senate in calling witnesses here, and expending large sums of money to bring parties here for the purpose of degrading parliament by showing that men occupying the first positions as advisors of the Crown are not worthy to be treated as gentlemen, that they are disposed to adopt a venal course and traffic in positions that are of great public trust. Sir Wilfrid said :

I, however, waive the right of ignoring such an accusation, and I here and now make the statement for myself and my colleagues, that there is not a shadow of foundation in the charge of Mr. Cook; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or for anything else.

That is explicit enough. There could not be any doubt with regard to that statement. Is there any hon. gentleman here who will say he does not believe the declaration of the Prime Minister, but demands an inquiry to find out whether the Prime Minister stated what is untrue or not, whether he is corrupt or not, and whether he is prepared to traffic in seats in this House ? The Senate Chamber, by adopting a policy of moderation and fairness, by applying themselves to the consideration of public questions free from that unreasonable pressure that may exist sometimes in the case of a particular member in the House of Commons, would be able to render great and important service to the State. I have never been of the view that one Chamber is sufficient. I have always held that the public interest required, and the permanency and stability of our institutions required, that there should be two Houses, and I think it is well that one in its origin and constitution should be, as the Senate is, not a party Conservative body, but a conservative body in its constitution, so that it may give greater stability and security to the institutions of the State. In order that we may discharge our functions properly and well, we require to give special consideration to the important questions with which we are called upon to deal. We require to examine them with care, and to take, in respect of them, a broad and statesmanlike view ; but to enter into the most odious class of public questions, to attack the character of public men, to make those attacks the more savage in proportion as the place is more exalted, is not the way to conserve the well being of the state under our constitutional system. My hon. friend is not doing that which is in the best interests of the State or best for the Senate when he proposes a motion such as that now before us. If he will not say that he believes that the government or some member of the government has trafficked in public places, if he will not declare that if given a committee he will establish that fact, then I say he has no right to ask for a committee at all. He has no right to ask for a committee in a matter of this kind. The time of the House ought not to be so wasted. The public mind ought not to be so perverted and the moral sense of the community ought not to be so degraded as it is by accusations against public men that are only justified when the party who brings them forward believes they are well founded and believes it is in the public interest that the wrong which has been done should be exposed. No such statement is made in this case, and in my opinion my hon. friend is not conserving the public interest, is not doing that which is best for the well-being of any party of the country, when he refers to some statement made by Mr. Cook and asks that a committee be appointed to inquire into it. Does Mr. Cook say in this affidavit who the party was ? It was easy to name him if so disposed. Who was the party with whom he had a conference ? Who was the minister who wrote the letter that was read to him by that party ? Who are the parties upon whom he wishes to fasten the guilt ?

Hon. Mr. McCALLUM—That is what we wish to find out.

Hon. Mr. MILLS—Then the hon. gentleman should have gone to Mr. Cook. The hon. leader of the opposition should not come into court, as he proposes, to fish. He should have gone to Mr. Cook. If I believed that Mr. Cook's statement had any foundation of fact I would have gone to Mr. Cook. I would have asked him who my colleague was who wrote the letter. I would have asked him what the correspondence was, and who the party was that presented that

letter. I would have got all the information from him I could. A man would not have gone into court on his own account the way my hon. friend has gone into this matter. My hon. friend has not made the declaration the law requires to be made to bring this matter before us, and he has not got the information which would enable him to say he has been credibly informed and verily believes. He has no information of that sort. He is not able to make that declaration, and he ought not to come here and ask this House to engage with him in a fishing expedition of this kind. What is the object of this ? We can make a better use of our time than in undertaking to show that human nature is more degraded than the public at large supposed it to be. I trust that the House will not adopt my hon. friend's motion. I tell him again that if he is prepared to make the necessary declaration and assume the necessary responsibility as a leading man of this House, he is entitled to have his inquiry. If he is not prepared to make that declaration, then he ought not to take up the time of the House in this way. He might just as well go outside and, hearing all sorts of charges and calumnies repeated about public men privately, then come and ask for a committee in regard to them. That is not the most exalted use we can make of our time, and it is not the way our time ought to be employed. I have no disposition and no inclination to undertake to establish charges against those who are politically opposed to me. If I thought they had done any great wrong I would be prepared to make my statement of what it was specifically. I would try and ascertain that it was well founded before I would bring it into parliament at all, and, in addition to that, I would ask myself the question what public use can it serve, even if true, before I would undertake to ask for an inquiry, and waste time with respect to it. My hon. friend opposite does not attach much importance to this question himself, except as a matter of tactical advantage, party advantage, because he puts himself in this position ; if I do not prove anything, why I am not hurt, because I am not undertaking to prove anything, I have not promised to prove anything. I have not said I believed any of the statements, and therefore there is no responsibility attaching to me in respect to them. I say that is not a position he is entitled to take. That is the position the law of parliament did not intend he should take, and it is because there is no such intention in the practice of parliament that he is required to make the declaration which he has not made that he has been credibly informed and verily believes. He has not been informed at all except by what he has seen in the newspapers. He has not gone to the party for the purpose of ascertaining what are the facts upon which he bases this statement. He proposes to bring him here at the public expense for the purpose of finding out, after he has brought him here, what he ought to have found out before he brings the charge. He has not done so. I say then, that being the case, I trust the House will not entertain the proposition of my hon. friend unless he is prepared to take a bolder position and greater responsibility in respect of it than he has ventured to take up to this moment.

Hon. Mr. FERGUSON—I do not think it is necessary to discuss this question at any great length, especially in view of the speech of the hon. leader of the House to which we have just listened, for I must say that the speech he has just made is not one that is calculated to convince hon. gentlemen that this motion should not be adopted by the Senate. The ground which the hon. gentleman takes is that my hon. friend has not assumed sufficient responsibility. That is the whole of his speech. All the words that he has used, are simply elaborating that one idea, that my hon. friend has not assumed sufficient responsibility in making his motion. With regard to that question, we know very well that my hon. friend, the leader of the opposition, does not mean to divest himself of that responsibility which devolves upon him as a member of this House and of which I know he has the keenest possible sense, and that he has made his motion with the full sense of the responsibility he owes to this House and to the country. That is a matter which may be very well left to my hon. friend himself. His character as a member of this House, as a public man of this country serving in the other branch of parliament as well as here, is not one that would lead any hon. gentleman to conclude that he would make

the motion lightly and would without adequate reasons take up the time of the House or pervert the judgment of the country. I submit that the practice of this House has not been to require any such solemn and emphatic declaration as my hon. friend, the Minister of Justice, says is the law of parliament. I have not been here a great many years, but I have been here to take part in the deliberations of this House. On one occasion when my hon. friend from Richmond (Mr. Miller), whom every one knows to be one of the ablest parliamentarians in Canada, made a motion in this House with regard to the Drummond County Railway transaction. My hon. friend made his motion and surrounded it with the statement that he did not know the facts himself, that statements were made charging corruption and maladministration in connection with that Drummond Railway concern. He said absolutely that he did not know the truth of those statements of his own knowledge. He made the motion. He addressed, on the other side of the House, one of the ablest parliamentarians in Canada, Sir Oliver Mowat, who led the government in this House. We did not find him rising and lecturing the hon. gentleman from Richmond because he did not assume greater responsibility. He had more ground to do it than the Minister of Justice has on the present occasion, because my hon. friend from Richmond was more guarded than my hon. friend, the leader of the opposition, has been to day in not assuming responsibility for the truth of the charges that were made with regard to the Drummond County Railway. Then, again, I turn to the transactions of the House of Commons. I have had no time to look up the cases. I never supposed that such a ground as this would be taken. I referred to the motion in the House of Commons when the present leader of the opposition, Mr. Robert L. Borden, of Halifax, moved for a committee to investigate irregularities in connection with the elections in West Huron and Brockville. What did he do? He read a number of affidavits, principally of the residents of West Huron. They were men that were not known to the members of the House of Commons. All that was known was that they were citizens in this country. He made the statement, 'I do not know whether these affidavits are true or not, but they are the affidavits of reputable citizens.' They were not affidavits of men who had filled the important position held by Mr. Cook, who had been a member of the parliament of this country, who had been a trusted friend of members of the administration, and who makes an affidavit that these charges are true. Yet, in the face of the statement of Mr. Borden, that he did not know that the statements were true, Sir Wilfrid Laurier rose and said, 'The hon. gentleman has made a prima facie case,' and he agreed to grant the committee asked for. I do not ask hon. gentlemen to attach undue importance to what took place at public meetings and telegrams back and forward for political purposes, but Mr. Cook sat down before a notary and made a solemn declaration, and he could not help knowing that he was responsible for every word in that affidavit, and that if he stated anything which was untrue he was liable to be indicted for perjury. That is the affidavit on which my hon. friend makes a motion to this House and I think the ground is amply taken. My hon. friend, standing in this House, is responsible as a public man basing his motion on this affidavit of Mr. H. H. Cook. I think if ever there was a motion for an inquiry before any parliament that I am aware of, sufficiently backed up, this is the one. My hon. friend refers to some badgering conversations in which he says Mr. Cook had taken part. When this investigation is held these badgering conversations may be brought out, and it may be found that Mr. Cook was made the subject of a practical joke. I am sure the members of the government will be delighted if that is so. Mr. Cook did not think they were badgering. He is not an idiot. I have not an extended acquaintance with him, but from the positions he has held in this country, and from my slight acquaintance with him, I do not think he would be so easily imposed upon as that. There are grave reasons why we should take up the question. It seemed to Sir Wilfrid Laurier and to the members of the House of Commons that when affidavits were read by Mr. Borden, having reference to irregularities and frauds in the West Huron and Brockville elections, that the honour and dignity of the House of Commons demanded an inquiry into these affidavits and allegations to know whether they

were true or not. What do we find lies underneath the affidavit of Mr. Cook? We find the charge involved in that affidavit strikes at the dignity of this House. It strikes, probably, more severely, if it were possible, at this House and the honour of this House, than it does at the go-between whom Mr. Cook charges with the base offer or the member of the government said to be implicated, and I think the House would be neglectful of its duty if it did not look carefully into the matter, and I may say, apart from what is contained in this affidavit of Mr. Cook, many things have occurred in this country which have been calculated to give more importance to this matter than otherwise would have been attached to it. I refer especially to declarations made in New Brunswick, and published in government newspapers as having been made by a member of the government. I refer to the speech made at Fredericton Junction in New Brunswick in 1896, by Mr. Blair, the Minister of Railways, and I will read an extract from it, as it appeared some three or four days after its delivery in the St. John Telegraph. He was on that occasion appealing, having accepted the office of Minister of Railways, to the constituency of Sunbury and Queen's for election, the seat having been made vacant by the resignation of the hon. member for Queen's, who is now in this Chamber. He said:

What Mr. King has said to you is absolutely and entirely true. I was and continued to be decidedly averse to agreeing to any proposition that Mr. King should vacate his seat as the representative for these united counties, and that we should lose his valuable services as a representative in the parliament of Canada. My own individual desire was, as he has stated, to have made a temporary arrangement for a seat in the Senate. A friend of mine was perfectly willing, there being no vacancy, to have loaned me, so to speak, his seat in the Upper Chamber for the short, and, as I think, the unimportant session now coming.

I refer to this to show at least that one member of the administration thought so lightly of a seat in this House, that he regarded it as an article of traffic or as goods and chattels, which might be loaned about from one man to another. The same hon. gentleman, speaking on the same occasion, made the further statement:

It was held he could not get a seat from the Conservative party, and must of necessity turn to the Liberals.

Hon. gentlemen will remember there were some weeks lost in endeavouring to get some member of the House of Commons in New Brunswick to retire in order to get a seat for Mr. Blair, and there were rumors that some Conservative member was to be induced to retire. He further said:

As a matter of fact, he was not in such a dilemma. There was no such staunch feeling of loyalty to the defunct party as they would try to make out. The reason he had not got a seat elsewhere was that he felt there was such a thing as giving too high a price. He felt it behooved the Liberal party to see the Senate was not filled up with men whose views did not agree with the views of the Liberal party.

In other words, Mr. Blair was quite willing to give some price to some member of the House of Commons to get a seat, but he thought the giving of a seat in the Senate to a Conservative would cost too high a price, not because the transaction was immoral, but because the Liberals were weak in the upper Chamber, and because it was undesirable that it should be filled up with men adverse to the administration. I refer to these two statements casually, to show that there has been trafficking, at least, with regard to seats in this House, and in the minds of ministers, and it may possibly be—I do not know—that the same gentleman who was quite willing to give a price, as he said himself, to a Conservative member of the House of Commons in New Brunswick, if he would retire and give him a seat, but not willing to give so high a price as a seat in the Senate and thought it was quite right to lend a seat in the Senate for a short period—it may be the same gentleman has his hand in this transaction; I do not know. But, at any rate, these matters I have referred to have the effect of disturbing the public mind in regard to trafficking in seats in this House, and when the affidavit of Mr. Cook was made public, I wondered that the gentlemen in the government themselves were not eager and anxious that an investigation should take place which would settle this question entirely and completely, as to whether there has been any such trafficking as has been indicated by Mr. Cook in regard to a seat in the Senate of Canada.

Hon. Mr. SCOTT—The illustrations that the hon. senator who has just spoken has given of the character of this motion of the hon. leader of the opposition are scarcely

well chosen. He has quoted the fact that in the House of Commons, when a motion was made to inquire into the West Huron election, it was not necessary for a gentleman to rise in his place and say he believed that the statements made in the newspapers were true. That is a fact, but the question of the seat of West Huron was one pertinent to the House of Commons to inquire into. That seat was in doubt. There is no parallel here whatever to the case of West Huron. There the sitting member was attacked, and it was only proper the matter should be inquired into. Then the other instance that the hon. gentleman alluded to was the inquiry made by this House into the Drummond County Railroad. That, in the same way, was before a committee. The company were asking for certain privileges and advantages. It was a proper question to inquire whether these privileges should be granted to them. They wanted certain amendments to their charter. It was proper, before granting the privileges asked for, that the charges made against them should be examined under oath. That is no parallel to this case. Here is a charge made by a person who is entirely outside of this House, who has accused members of the government of a corrupt transaction. The hon. leader of the opposition, in making this charge, spoke of members of the government as being the accused parties. We all know that where a party is accused, even the greatest criminal, the charge must be laid, the facts must be stated. If the charge is made against an individual, even for the smallest offence, the incident of it, the names of the parties, must be given to the magistrate and grand jury before it goes on for trial and investigation, yet this House is called upon to say that fifteen members, comprising the administration, are guilty of a corrupt act. They decline to say through what channel that corrupt act was performed. They decline to say to the party making those charges: 'You must name the member of the government that was guilty, or the agent that was employed.' They say: 'We will get a committee and spring the charges on the accused.' I have known Mr. Cook for many years, and have recognized him as being a leading Liberal in his time, and one that might some day fairly claim a seat in the Senate, but it so happened that at the time Mr. Cook was pressing his claims there were eighteen or twenty gentlemen pressing their claims. All could not be accommodated at the time. My hon. friend on my left (Mr. Mills) got the seat to which Mr. Cook refers in his statement. I do say that the proposal contained in the motion is without a parallel in the history of constitutional government, that the members of the government should be all charged with a very serious offence—I was going to say a crime, and probably it would not be too strong a word—and at the same time they are to be kept in entire ignorance of all the particulars connected with the charge. Mr. Cook, so far back as October last, when challenged for the particulars said :

> I shall very shortly make a full statement of the whole transaction.

Now, Mr. Cook has never made a statement of the whole transaction. Until Mr. Cook is prepared to make a statement of that transaction I think it would be very extraordinary, and due in my judgment entirely to political feeling, if the members of this House were to put the members of the government on trial, more particularly when the members of the government absolutely, as gentlemen and men of honour, state that there is no truth in the statement of Mr. Cook. I think I would have heard of it, if there was any foundation for the charge, because I was one of those who favoured Mr. Cook coming into the Senate.

Hon. Mr. PROWSE—Why does not the minister prosecute Mr. Cook for perjury ?

Hon. Mr. SCOTT—Because it would not be proper. If you touch pitch you will be defiled. If you come in contact with men of that character you cannot fail to be degraded. Mr. Cook has been called on over and over again to substantiate his charge. Why does he not do it like a man ? Why does he not say such a man made an overture to me ? In his document he does not say that a member of the government made it, but it was through an agent that a letter was shown to him, addressed to this agent, that was intended for Mr. Cook. Why does not Mr. Cook produce that, or tell us who the agent was ? Why is this House called upon to name a committee to probe into charges that are not definitely made ?

The principle is certainly laid down very clearly in all the books, that any gentleman making an accusation against a member of Senate, or a member of the government, is bound to assume the responsibility. The hon. gentleman from Marshfield says that the hon. leader of the opposition does assume the responsibility. Let him say so. Let him rise in his place and say, just as Mr. Edgar did in the case alluded to against Sir Adolphe Caron, that he is credibly informed, and believes that the charge can be established by satisfactory evidence. Even on that statement, the House of Commons refused to grant a committee and my hon. friend himself voted against it even on that statement. Let us read what Sir John Thompson says about charges made without due consideration and without the evidence being first placed before the accused. He says :

It rested with the House to carefully consider how far it should accede to the request of a member, in preferring charges against the personal character of another, in entertaining and investigating such charges. That in so doing the House undertook to act in a judicial capacity towards a fellow-member, and ought to be cautious as to the character and class of charges with respect to which it would undertake to exercise such judicial functions.

No language could be stronger than that of Sir John Thompson, even where Mr. Edgar went fully into the fact that Sir Adolphe had received $100,000 from Mr. Ross, who was a member of a construction committee who were building the Lake St. John Railway. He went into all the details, gave the disposition of the money used for election purposes. There was no dispute on that point, yet we find the leader of the Conservative party on that occasion warning the House that they ought to be cautious about entering on an inquiry of that kind, attacking the character and reputation of an individual, without some more substantial proof being furnished. Yet all the facts were gone into on that occasion. The figure was named, $100,000. It was not denied that Sir Adolphe Caron got $100,000 from Ross, but it was said that I think it was $25,000 was a gift from Ross, and was not connected with the money voted by parliament for the building of the railway from Quebec to Lake St. John. Yet, in the face of all that, Sir John Thompson took the ground that it was very improper that the House should make such an inquiry. He said :

The House had an undoubted right at any time to inquire after the expenditure of public moneys by the departments of government, or by others entrusted with the expenditure. But such a class of cases was altogether aside from the present one, as in these charges there was no reference to any complaint of that character, no allegation of any public money having been misappropriated or maladministered.

If there was any maladministration in the department, or misappropriation of the public funds, it would be a proper thing to inquire into. Mr. Cook did not get a seat ; no money was paid by Mr. Cook. It is alleged that somebody said to somebody else that if Mr. Cook would contribute $10,000 he would get a seat. It is on that vague, indefinite and uncertain testimony that the government of this country is to be placed on its trial in the face of the absolute statement of Sir Wilfrid Laurier that there is not an atom of truth in it. I state here, as a member of the government, that I never heard the thing alluded to in the most remote degree.

Hon. Mr. McCALLUM—We take that for granted.

Hon. Mr. SCOTT—I have some regard for my own word as a gentleman. I say that I never heard a scintilla of it until I saw it in the public press. Of course, it is within the bounds of possibility that some member of the government may have done it. I do not believe it could be so, but if it was, why should not the name be brought forward ? Are fifteen gentlemen to stand before this country, put on their trial by a committee of the Senate in order that Mr. Cook may keep the public in the meantime advised that some terrible scandal had been perpetrated by the Laurier administration ? I do not think that is fair. I do not think I deserve, or any colleague of mine deserves to be placed in that position. The very fact of this House granting that committee is an imputation that there is some foundation for the charge, and any gentleman who votes for it votes with the belief in his mind that there is foundation for Mr. Cook making his charge.

Hon. Mr. LANDRY—What about those who vote against it ?

Hon. Mr. SCOTT—Those who vote against it believe that this House has nothing what-

ever to do with it. No seat is affected in this House. It is an idle charge outside of this House, I will not say arising from political feeling, but the public outside may draw their own inferences from it, in order to make a temporary attack on the government, and put them on their trial for a short time. I believe there is a higher feeling influencing this House. There is nothing before the Senate to justify such a course. As I have said, the meanest criminal could not be put on his trial on a charge of that kind. A man would have to go to a magistrate and disclose all the facts. He would have to give the names of the persons and witnesses that have to be called before a man could be put on his trial at all, and yet it is proposed here to constitute a court to examine into this matter to see if they cannot get something to fasten a charge on the government and cast upon them some base imputation that would be unworthy a Minister of the Crown in the face of the statement made by the premier of this country.

Hon. Mr. McMILLAN—Is not the spirit of the motion more to preserve the dignity of this House than to try the ministers ?

Hon. Mr. SCOTT—There is no question of the dignity of this House unless the House believes the minister is guilty of the charge. The people outside do not believe the charge. If this House is ready to support the party newspapers that cast mud at the government, it is an unworthy position for the Senate to occupy. Of course, if the matter has been prejudged, as I imagine it is, from the voices I hear around me, I suppose this House can carry the motion. I do not think, however, they will add much to their reputation or honour.

Hon. Mr. McCALLUM—The hon. gentleman does not add to its honour by refusing a committee. We want to clear ourselves if there is anything in it.

Hon. Mr. SCOTT—Hon. gentlemen do not hold themselves responsible for what this government may have done.

Hon. Mr. McCALLUM—If they are guilty of that charge, I would not want to associate with them very long. I do not say they are guilty. Far from it, but I want to give them a chance to show they are not guilty.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The hon. gentleman from Marshfield took occasion to have a fling at Mr. Blair. I do not know what object there was in drawing him into the controversy. If the hon. gentleman desired some illustrations of the use made of this Senate in the past I could give them, where members were allowed to drop out of this House to contest a constituency, and then, when defeated, to come back again? If that was not making use of the Senate, I do not know what you would call it. During the eighteen years I was on the other side of the House, the Senate was made an absolute convenience by the government of the day. When a member was considered a strong man he was allowed to withdraw from the Senate, and when defeated was put back. That was making use of the Senate. I am referring to the observation made by the hon. gentleman from Marshfield in which he dragged in the cases of Mr. Blair and Mr. King, which have no bearing on or parallel with the case now before us. This question is in a nutshell. All I can say is, I do not think it is consistent with the character of this Senate that a case of this kind should go to a committee. I know of no parallel to it in this Chamber since I have been here, nor in the history of the House of Lords. The government is put on its trial for what some outsider, who had no connection with the body, for what no senator alleges, no one will allege, and what the outsider will not confirm in any way by disclosing in advance who the guilty person was, or who the agent was that was employed as a go-between, between the guilty government and himself. In the absence of those statements it is extremely undignified and improper of this Chamber to grant a committee.

Hon. Sir MACKENZIE BOWELL—When the charge was made against me, as a member of the government, I rose at once and challenged the gentleman to send it to a committee and make an investigation. I objected to it standing on the order paper for a single hour, and Mr. Edgar, if you will look at the report, gave me credit for the position I took. If hon. gentlemen consider themselves at all maligned let them do as I did.

Hon. Mr. PROWSE—I feel that the House has been taken a little advantage of by the

leader of the Senate, inasmuch as I understood, when the proposition was made to the leader of the opposition that the motion proposed by him should be altered and certain names eliminated, that the motion itself would be allowed to go without any division.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. PROWSE—As the hon. gentleman has provoked a discussion on the matter and is determined to divide the House on the question, it is well it should be fully discussed, and I therefore move the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

Bill (7) 'An Act relating to the Grand Trunk Railway Company of Canada.'—(Hon. Sir Mackenzie Bowell).

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 13, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TERMINAL FACILITIES AND ACCOMMODATION AT PICTOU.

INQUIRY POSTPONED.

The Order of the Day being called :

By the Hon. Mr. Primrose :

That he will inquire whether it is the intention of the government to provide, at an early date, for much needed terminal facilities in the shape of an enlarged station house, additional yard, and freight shed room, as well as increased berth accommodation at the railway wharfs, for vessels loading and unloading cargo at the port of Pictou, Nova Scotia ?

Hon. Mr. PRIMROSE said : I do not propose to add anything to what I said on Friday last, when I gave my notice of motion, because I think I placed, as plainly as possible, before the House the actual condition of the matters to which I referred, and I think I have proved pretty conclusively that the accommodations which I mentioned are very urgently needed.

Hon. Mr. SCOTT—I should like the hon. gentleman to allow this inquiry to stand. Mr. Blair has been ill for some days. I sent the question down to his house, and I sent also the remarks made by the hon. gentleman when introducing it, and perhaps he can let it stand till Monday. Mr. Blair has a bad cold and can not get out.

The motion was allowed to stand.

BILLS INTRODUCED.

Bill (C) 'An Act for the relief of James Ward Macdonald.'—(Hon. Mr. Perley.)

Bill (D) 'An Act for the relief of Lilias Middleton.'—(Hon. Mr. Watson.)

INDEPENDENCE OF THE SENATE—THE COOK CASE.

DEBATE CONCLUDED.

The Order of the Day being called :

Resuming the adjourned Debate on the motion of the Hon. Sir Mackenzie Bowell :—

That he will call the attention of the Senate to certain telegrams, letters and an affidavit which appeared in a number of newspapers published in Canada during the month of October, 1900, as follows :—

(From the Montreal Gazette of the 12th October, 1900.)

Owen Sound, Ont., Oct. 12.—At the opening meeting of the Liberal campaign in North Grey, Dr. E. H. Horsey, the Liberal candidate, spoke at Annan, when he was opposed by Mr. H. G. Tucker.

During Mr. Tucker's address, reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cook had left his party because he had been refused a senatorship.

Mr. Tucker afterwards telephoned Mr. Cook and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent, who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10.000.

Mr. Cook refused the position under the circumstances, and stated that he would do all in his power to oust those who were guilty of such barefaced acts of corruption.

Dr. Horsey also stated that he had been approached by Mr. Cook and requested to use his influence in getting Mr. Cook a senatorship.

Mr. Cook telegraphed Mr. Tucker, in reply to a telephone message, the following words :—

'Re your question, I never asked Dr. Horsey to assist me in getting a senatorship. I have

no confidence in the man, and knew he had no influence. I was an applicant for a senatorship, but when it was offered to me the price was too high.

'H. H. COOK.'

Last night at North Keppel Dr. Horsey denied that Mr. Cook had ever named any members of the cabinet, and as a result of a conversation over the 'phone to-day, Mr. Cook telegraphed Mr. Tucker in the following words :—

'Price demanded from me for a senatorship was $10,000.

'H. H. COOK.'

(From the Montreal Herald of the 15th October, 1900.)

The Gazette this morning publishes the following letter from Sir Wilfrid Laurier :—

To the Editor of the Gazette :

Sir,—In the Gazette of this morning there appears a telegraphic report of a meeting held at Owen Sound, Ontario, in which the following statement occurs :—

During Mr. Tucker's address reference was made to the manifesto of Mr. H. H. Cook, and in reply Dr. Horsey claimed that Mr. Cook had left his party because he had been refused a senatorship.

Mr. Tucker afterwards telephoned Mr. Cook, and learned from him that the reason he had left his party was that Sir Wilfrid Laurier and other members of the cabinet, through an agent who was sent specially to Toronto to interview Mr. Cook, offered Mr. Cook a senatorship, and stated that, owing to his long and useful career in the Liberal party, he would receive it upon payment of $10,000.'

Commenting upon the above, you say editorially :

'Mr. Cook was an old, prominent and hard-working Liberal, and was to get his seat at a bargain, for $10,000. What did the unknowns pay ? Who was to get Mr. Cook's $10,000, and what was to be done with it ? These are questions that Sir Wilfrid Laurier must answer personally. He is the head of the government that named the senators. He personally advised the Governor General when senators were appointed. He cannot go to the country on polling day with this charge unanswered, and with the senatorial tolltaker unexposed and unpunished.'

I am not prepared to admit that a man in public life should be answerable for charges of this character, unless they are supported by some kind of evidence which would give them colour at first sight. I, however, waive the right of ignoring such an accusation, and I here and now make the statement for myself and my colleagues, that there is not a shadow of foundation in the charge of Mr. Cook ; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or anything else.

I give the whole charge the most unqualified and emphatic denial, and I challenge the proof of the same.

WILFRID LAURIER.

Montreal, October 13.

(From the Toronto World, October 16, 1900.)

In an interview with a representative of the World yesterday, Mr. H. H. Cook said :

'I have read the statement made by Sir Wilfrid Laurier by way of denial that he or any agent of his demanded from me any sum of money, &c. Sir Wilfrid is to speak in Toronto to-morrow night, and I shall wait to see what he may have to say then upon this subject. In the meantime, I say that the statement already made by me to Mr. Tucker is absolutely true, and I shall very shortly make a full statement of the whole transaction, or what would have been a transaction, had I consented to be bled. Possibly Sir Wilfrid may be willing to escape the responsibility by denying the agency of the parties. There were two of them who approached me, but no such pretense will avail them. The connection of these gentlemen with the members of the government is known to every one, and he will simply not be able to deceive any one by pretending that they did not come to me directy from the government, or that the proposition they made was not made by authority.'

(From the Mail-Empire of 31st October, 1900.)

Affidavit of H. H. Cook in reply to Sir Wilfrid's Denial.—Has documents and witnesses.
—Is willing to place evidence before a royal commission.

Having made a statement to the effect that I had been asked by a person acting on behalf of the members of the present Dominion cabinet, or certain of them, to pay a sum of $10,000 in consideration of my being appointed a member of the Senate of Canada, and this having been called in question, I deem it my duty to make a plain statement to the public of the transaction or attempted transaction. I am the more convinced that it is my duty to do this, because the Prime Minister, Right Hon.Sir Wilfrid Laurier, has, I am informed, made a statement which he evidently desires the public to accept as a denial, or authoritative contradiction, of the aforesaid statement made by me.

I, therefore, say that the facts in connection with this matter are as follows :—

I was a candidate for election as the representative in the Dominion House of Commons of the east riding of the county of Simcoe in the year 1896, and in that contest was supported by Sir Wilfrid Laurier and other members of the cabinet as the candidate of the Liberal party. Failing of election for the east riding of Simcoe, I made application to be appointed to a position in the Senate of Canada, then vacant. In connection with this application I had interviews with members of the cabinet and others, and wrote and received letters from them, the originals or copies of which I have kept.

After these negotiations had proceeded for a considerable length of time I received a telegram from Ottawa, from one of the leading Reform members, known to possess the confidence of the Laurier government, requesting me to meet him at the Union station in Toronto. I did meet him as requested, and he then showed me a letter which had been written to him by one of the members of the cabinet (for the purpose, as he said, of being shown to me), in which he was authorized to inform me that I could have the position I had applied for, provided I would 'do something.' I thereupon asked him what this expression was intended to mean, and what was the 'something' I was asked or expected to 'do.'

He then informed me that I would be required or expected to pay a sum of $10,000.

I told him very emphatically that I would not pay that or any other sum. He thereupon said that he would not accept my answer as final,

but would see me again after I should have had time to give the matter further consideration.

Later I again met him in Toronto, when he again told me that he was authorized to say positively that if I would pay the sum he had formerly named, that is, $10,000, I would be appointed a senator. I again refused to pay any sum of money.

I further say that I have in my possession a large number of letters written by members of the government and persons acting on behalf of one or more such members, and copies of some letters, the originals of which I was requested to return after perusal, and did return; also copies of letters written by me in reply to letters so received, and that these letters and copies of letters bear corroborative evidence in support of the statement above made by me.

And I further say and promise that should an investigation be made by a competent and impartial non-partisan commission into the whole matter of the sale or attempted sale of senatorships, as it has been rcently intimated by the Hon. Sir Mackenzie Bowell may be made, I will appear before such commission and give evidence, and produce the correspondence and copies of correspondence which I have in my possession, and will also furnish the names of witnesses who can corroborate my statements.

Dominion of Canada,
Province of Ontario,
County of York.

I, Herman Henry Cook, of the city of Toronto, in the county of York, lumber merchant,

Do solemnly declare that all the foregoing statements are true in substance and in fact.

And I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

H. H. COOK.

Declared before me at the city of Toronto, in the county of York, this 30th day of October, A.D. 1900.

H. GORDON,
Notary Public, Ontario.

[Seal.]

(From the Toronto Globe of October 31, 1900.)

Sir Wilfrid Laurier's Reply to the Statement of Mr. Cook.

Montreal, Oct. 31.—'In answer to Mr. H. H. Cook's last statement, I reiterate my denial, already published. I never authorized anybody, either directly or indirectly, to interview Mr. Cook on behalf of the government. Nobody had my authority, either written or verbal, from me to approach him, and I characterize the whole accusation as a foul slander.

'WILFRID LAURIER.'

And move the following resolution, seconded by Hon. Mr. Landry, that in view of the gravity of the statements and allegations contained in the foregoing quoted telegrams, letters and affidavit, reflecting as they do upon the privileges and dignity of the Senate, a special committee be appointed to inquire into the truth of the statements and allegations made in said telegrams, letters and affidavit, with power to send for persons and papers, to administer oaths, employ shorthand reporters, and, if deemed advisable, engage counsel; and to report from time to time.

Hon. Mr. PROWSE said: I was under the impression, until yesterday afternoon, that the government was not disposed to oppose the motion made by the hon. leader of the opposition, for a committee to investigate the charges made by Mr. Cook, and I have had very little time to think over the subject, I have no intention or desire, at this stage of the proceedings, to speak on this question at any length, and my observations will be few and short. I wish to say in the first place that to my mind the government have made a mistake, a very great mistake, in making this a party question. It is in no sense a party question.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. PROWSE—It appears to me simply to be a family quarrel on the part of the government and their friends, and the Senate has nothing to do with it beyond protecting their own honour and reputation. It appears to me that by showing opposition to the appointment of this committee, the government is placing itself in a very false position. It would have been much better, in my opinion, had the government said: 'Our hands are clean. We do not oppose investigation. We court investigation, and we are anxious that these charges that are made by this gentleman, Mr. Cook, shall be proved to be absolutely false and unfounded.' But, instead of that, it appears at the very outset that an opposition is raised and a division is to be taken to burk the inquiry altogether. If, unfortunately, the ministry should be found guilty, it would not redound to the credit of the Senate of Canada. The inference must be drawn that there was something in these charges that the government was afraid of being investigated. I hope when this investigation takes place—and I believe that it will take place—for the credit of Canada, and for the credit of the Senate as well, that the charges that have been preferred will be proved to be unfounded, and that it may be in accordance with the statement of the hon. leader of the government that there is not a scintilla of truth or fact in these charges.

If this question did not affect the honour and reputation and character of the Senate

of Canada, I do not know that we would be justified in taking it up at this time. We know that the party in power, or some persons connected with the government, have for some years past declared that it was necessary to reform the Senate, and different systems of reform have been proposed and suggested by the Liberal press in years gone by. It is true, the last year or two we have heard very little about Senate reform. It appears the reforms that the government proposed to make in this body were to be effected by introducing men more in accord with their views. We find no fault with that, when they introduce gentlemen here qualified to sit in this Chamber and deliberate on the great questions coming before the country. When they have a majority in this House, we have no right to find fault with their proceedings, but if gentlemen are placed in this Chamber because they are prepared to contribute largely to political funds of the party in power, it is a disgrace to the Senate of Canada and to the country at large. We have the plainest proof before us that there is a prima facie case made out already in the declaration made by Mr. Cook. It is made in such a way that I cannot see that the government is justified in burking the investigation. I do not object to millionaires occupying seats in this Chamber. Men who have obtained, by legitimate and honest means, large amounts of capital show, to some extent at all events, that they possess financial ability—that they have large and broad views on public questions and especially of the financial side of the business of this country, and this would, in my opinion, be a proper place for a proportion, at all events, of that class of the community to have representation, but I would not say that the Senate is to be filled up entirely with such men. There are men of broad-minded views in the lower walks of life also—men who are not blessed with a great deal of this world's goods, who have as great a knowledge of the affairs of the country as millionaires have, and if those gentlemen come in here with their broad views and extensive knowledge and take part in the debates of this House, it will add to the interest of the proceedings both here and before the country at large. But if gentlemen are to be given seats here for having contributed large sums of money for political purposes, then I say the usefulness of the Senate will soon be gone, and the sooner it is, not reformed exactly, but abolished altogether, the better for the country. I should be very sorry to believe, and I am not yet prepared to believe, that the government of the day was prepared to give Mr. Cook a seat in this Chamber on the payment of $10,000. I leave myself open until I hear the evidence that may be adduced in support of that charge or otherwise, and then I shall be in a position to judge whether the statement is true or false. But I consider a prima facie case has been made out by a solemn declaration, which is equal, in the eyes of the law, to an oath, and the party who makes it and makes it falsely is liable to all the pains and penalties attached to perjury, and it does not do even for the leader of the government himself to say that there is not a scintilla of truth in that statement. The mere declaration of the premier will not satisfy this country that the sworn statement of Mr. Cook is untrue. The lie direct is given in one case or the other, and it is, in my opinion, the duty of the Senate to investigate this matter and probe it to the very bottom. What is the charge brought by Mr. Cook against the present government? I might say, in the first place, that Mr. Cook has been a lifelong supporter of the present party in power. We know that he has run more than one election and has been a successful candidate. He is a man of large means and has spent his money lavishly in securing a seat in the House of Commons. That statement has been declared by himself before the courts on a former occasion. I think in one election alone it cost him between $20,000 and $30,000, showing that he is not a man who is penurious—showing that, in order to assist his party, he was prepared to contribute largely of his private means. Whether that is right or not, is not my purpose now to discuss, but it shows that he was prepared to contribute largely of his means for the support of the party now in power, and I find that my hon. friend the Secretary of State, in his speech of yesterday, admitted that Mr. Cook had claims upon the party. He says :

I have known Mr. Cook for many years, and have recognized him as being a leading Liberal

in his day, and one that might some day fairly claim a seat in the Senate.

Notwithstanding he had contributed all this large amount of money, and it was known to the Secretary of State he had done so, to secure his election to the House of Commons, that did not deprive him of the ability to claim a seat in this Chamber. But he says :

It so happened at the time Mr. Cook was pressing his claim there were eighteen or twenty gentlemen pressing their claims. All could not be accommodated at the time. My hon. friend on my left (Mr. Mills) got the seat to which Mr. Cook refers in his statement.

It appears that the leader of the House was one of the applicants for this position.

Hon. Mr. MILLS—No.

Hon. Mr. PROWSE—That is the inference to be drawn from the statement of the Secretary of State.

Hon. Mr. MILLS—No.

Hon. Mr. PROWSE—If the hon. gentleman denies it, I take his word that he was outside of this eighteen or twenty.

Hon. Mr. PRIMROSE—In the case of so many applicants there was an embarrassment of riches.

Hon. Mr. PROWSE—Then, further on, the Secretary of State made use of the following words :

I was one of those who favoured Mr. Cook coming into the Senate.

In reply to my inquiry, a little later on, as to why the government had not prosecuted Mr. Cook for perjury if his declaration was a tissue of falsehoods, what does the Secretary of State say :

We did not do it because it would not be proper. If you touch pitch you will be defiled.

This "pitch" was the gentleman that the hon. Secretary of State considered worthy of a seat in the Senate :

If you touch pitch you will be defiled; if you come in contact with people of that character, you cannot fail to become degraded.

When did he become degraded ? He evidently advocated his appointment when Mr. Cook was presenting his claims. It appears he was pressing his claims for a long time. He had interviewed the leaders of the party, and during this time, I take it, from what the Secretary of State said, he was an advocate of Mr. Cook's appointment. I think if any man had a claim on account of moneys expended for the party, Mr. Cook had a claim to the position on that ground. I notice also that the premier, in reply to the first statement made by Mr. Cook, says :

I here and now make the statement for myself and my colleagues that there is not a shadow of a foundation for the charge of Mr. Cook.

Now, that is a very sweeping statement for the premier to make, not only for himself, but for his colleagues, that there was not a shadow of foundation for the statement. If that assertion be true, Mr. Cook must have fabricated this statement out of whole cloth. I can scarcely believe that. I cannot but think there was some shadow of foundation for it in some way or other. It may not be brought home to the government—I hope it will not be brought home to the government, but that there was a shadow of a foundation for it, I have not the least doubt in the world, and how the premier could make such a statement I cannot imagine. He says :

—there is not a shadow of foundation in the charge of Mr. Cook ; that I never, directly or indirectly, through an agent or otherwise, made any demand upon him for any sum of money, big or small, or for anything else. I give the whole charge the most unqualified and emphatic denial, and I challenge the proof of the same.

In this statement, the first in which Sir Wilfrid Laurier refers to the matter, he speaks for himself and his colleagues. Later on, when Mr. Cook had made his statutory declaration, having the same effect as an oath, the Prime Minister again appears in print, and this time he says :

Nobody had my authority, either written or verbal, to approach him, and I characterize the whole accusation as a vile slander.

He does not speak there for his colleagues, but for himself, but he nevertheless denounces the whole charge, supported as it was by a solemn declaration, as a vile slander on the part of Mr. Cook. I think that that of itself is quite sufficient to justify this House in appointing a committee. In fact, I consider that the House is bound to appoint a committee and investigate this matter to the very bottom, and to find out who is telling the truth. If it can be proved that Mr. Cook is telling an untruth, and has made this statement and

declaration out of whole cloth, the government will not be besmirched, and there will be no reflection on the members of the Senate here, but the hon. Secretary of State in a speech yesterday told us that everybody could not be satisfied. They had not plums enough to go round. There were eighteen or twenty applicants for the position. But there were other vacancies in Ontario to be filled. How was it that the Minister of Justice got the seat that Mr. Cook was applying for at that time ? How is it that Mr. Cook did not get the seat he was entitled to, in accordance with the view of the hon. Secretary of State ? Other gentlemen have been appointed since the hon. Minister of Justice was appointed. Let us see who they are. The first appointed, after the Minister of Justice, is the hon. gentleman who sits alongside of him (Hon. Mr. Cox), another gentleman who is reputed to be very wealthy, and the question comes up here, and will come up in the minds of the people of the country, and must come up in the minds of the members of the Senate if you defeat this resolution, if you deprive this House and the country of an investigation into these charges, how much did this other gentleman pay for this seat. Did he come down with his ten thousand dollars or twenty or fifty thousand dollars ? Then there are other gentlemen who followed the hon. gentleman from Toronto in this House. The next member is from Cobourg, Ontario (Hon. Mr. Kerr). I think these gentlemen dare not, if they value their own reputation, vote against the proposed investigation. If they do, I can tell them that this country will look upon them with suspicion—will suspect that they bought their position in this House, and I think that they would be justified in looking at it in that light. I say that these hon. gentlemen are bound in honour to vote in favour of the resolution proposed by the hon. leader of the opposition, to make an investigation into the charges against Mr. Cook, and probe it to the bottom, and find out the truth. Then there is another hon. member who was introduced at the beginning of last session, and I do not think I have seen him since. How much did he contribute for his position. That is the hon. gentleman from Brockville (Hon. Mr. Fulford), who I believe is touring through Europe and other parts of the world at the present time. But he is not fulfilling his duties as a senator. He has taken all the honour, but has not taken part in the debates and labour of the Senate, and it would be interesting to know how much that gentleman contributed for the privileges he nominally holds in the Senate.

Hon. Mr. MILLS—I rise to a question of order. If the hon. gentleman has a charge to make, he is entitled to make it, but he is not entitled to insinuate that the hon. gentleman from Toronto, or the hon. gentleman from Brockville, or anybody else, has contributed $10,000 or $20,000 to a government fund for political purposes to obtain a seat in this House. If the hon. gentleman entertains that view, and thinks he can establish it, he is entitled to ask for a committee, and I am one who will not refuse him if he takes that responsibility, but he must not indulge in slandering a large number of hon. gentlemen in this House.

Hon. Mr. PROWSE—I am much obliged to the hon. leader of the House for his lecture. I have not charged these hon. gentlemen with contributing one dollar for their position, but I do say these hon. gentlemen stand on ticklish ground, and if they oppose this resolution of the hon. leader of the opposition, the country will have a right to suspect them of contributing to the funds of the party for their position in this House, and I say to all these hon. gentlemen that it is their duty, in my opinion—and it is not only their duty, but it will be to their credit, to vote for the fullest investigation. It would be to the credit of the hon. leader of this House and his colleagues in the government, not only willingly to support this resolution, but to do their very utmost to probe this question to the bottom and get at the truth of it. That is the charge I bring against the hon. gentlemen, and we will see how they vote on this resolution. It will be most damaging against the government in this House or any other, if they vote against the resolution proposed by the hon. leader of the opposition, and defeat the object which it has in view. But I will go through the list. There are other hon. gentlemen who have

seats in this House, who perhaps never contributed as much money for party purposes as Mr. Cook did, and those that I have already named. I will refer to the hon. gentleman from Hamilton (Hon. Mr. Wood), who has a seat in this House, another rich gentleman. He stands in the same category with the others who have been appointed, and we will see how these gentlemen will vote on this question, whether they will give an independent vote, and vote for the purification of parliament——

Hon. Mr. WOOD—Does the hon. gentleman insinuate——

Hon. Mr. PROWSE—I do not insinuate anything. The hon. gentleman has been appointed to the House since Mr. Cook was an applicant, and Mr. Cook was declared by the hon. Secretary of State to have strong claims for the senatorship.

Hon. Mr. WOOD—I throw back the insinuation in the hon. gentleman's face and say that it is a piece of impertinence.

Hon. Mr. PROWSE—I have no doubt the hon. gentleman has contributed his money for party purposes.

Some hon. MEMBERS—Order, order, order.

Hon. Mr. SCOTT—I rise to a question of order. The hon. gentleman has slandered hon. senators in this House by insinuating that they came here by virtue of their money.

Hon. Mr. PROWSE—I do not think there is any question of order in what I said.

Hon. Mr. SCOTT—The question of order is in slandering several hon. senators who have been appointed to the Senate by insinuating, or more than insinuating, that they paid their way to get here.

Hon. Mr. PROWSE—I did not do anything of the kind.

Hon. Mr. SCOTT—The hon. gentleman asked the question, how much did they subscribe in order to be appointed to this House ?

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to ask how much did they subscribe to the party. I did not understand him to ask the hon. gentleman from Hamilton how much he subscribed to secure a seat in the Senate. We all know he has been a life long supporter of the government. We know also—any one who has gone through a political campaign knows—that he must spend a great deal of money in securing his election unless he has a constituency more virtuous than some others. But the hon. gentleman did not say, neither did I understand him to insinuate, that he paid any money to get here. I will say for the hon. gentleman from Hamilton, whom I have known for years, that there is no gentleman who deserves the consideration of his party more than he does. But the hon. gentleman, in speaking generally of the appointments, spoke of the contributions which, I have no doubt, many of them have made to the party fund. I do not consider that a political crime, if no other consideration is involved, because I think most of us have been called upon to do the same thing.

Hon. Mr. SCOTT—Does the hon. gentleman think it pertains to the dignity of this House if, when some hon. gentleman from the government side responds that when Mr. So and So, and Mr. So and So were appointed to this House, that at the time it was reported currently, they had subscribed a very handsome sum in consideration of getting senatorships ? Is it right that we should take up the newspaper reports ? Will it tend to increase the respect we have for each other that this sort of language should be used on both sides of the House ? If it is used on one side of the House, it is going to be used on the other, and I deplore the use of such language.

Hon. Mr. McCALLUM—I think the question before the House is between Mr. Cook and the government.

Hon. Mr. SCOTT—That is the question. We are not discussing Mr. Wood.

Hon. Mr. McCALLUM—Nobody who has known Mr. Wood would believe that he had paid money to get into this House. I have known him for years, and I know a great deal of him. But this is a straight question. It is the government and Mr. Cook. If there is a question of order let it be decided. I do not see any question of order. I did not understand the hon. gentleman addressing the House to insinuate that hon. members had paid money to get into this Chamber, except that Mr. Cook charges that they told

him that he would get a seat in this House if he paid so much money. That is what I understand.

Hon. Mr. MILLS—He went a good deal further than that and intimated that a great number of members had bought their way into this House.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. MILLS—And he also said that unless hon. gentlemen would vote for that resolution it was evidence that they had got here corruptly. I ask a ruling on that.

The SPEAKER—I do not think the hon. gentleman from Murray Harbour is out of order. As objection has been taken to my giving reasons why I rule, I say nothing further.

Hon. Mr. PROWSE—I wish to make it distinctly understood that I do not desire to make myself offensive to any hon. gentleman in this Chamber. I should be very sorry to charge any man with giving a dollar for his seat in this House. I want that distinctly understood, but I was trying to show the false position the government are placing these men in by asking them to vote against the resolution proposed by the hon. leader of the opposition. Why should they be afraid to have an investigation? Is there anything to be hid? Is there anything to be kept in the background by opposing that resolution? The inference is that there is something, and I say to these hon. gentlemen who have been appointed since Mr. Cook's application, that the government is placing them in a very false position by asking them to vote against an investigation, and I say that if I were in their place I would tell them that, as leader of the party and leader of the government, they could take what course they pleased in the matter, but my hands are clean and I am going to vote for an investigation to maintain the character and reputation and dignity of this Chamber, and the dignity and honour and reputation of the government as well. That is the position I take and that is the reasoning I am drawing in reference to this matter. I do not know that I need go further on this question. I think the matter is plain, and it is evidently the duty of every member of this House to maintain its honour and dignity and to investigate this matter, and if Mr. Cook has stated a deliberate falsehood, a slander against the government, let us make a declaration of it after the investigation, let it be recorded in the minutes of the Senate, that Mr. Cook is not a man to be trusted or believed, and the government is pure and honest and straightforward, which I hope for their own sake and the country's sake will be proved when the investigation takes place. But if the government is going to burk this investigation and prevent the Senate from inquiring into these charges, I tell hon. gentlemen that the country at large, as well as the hon. senators themselves, must come to the conclusion that there is something in the background, something behind the scenes that will not bear investigation. I should be very sorry for this country, and for the government of the country if such an impression should go abroad.

Hon. Mr. LANDERKIN—I do not intend to take up much time to-day in discussing this matter. It is not a new subject. This is a question that was discussed in the country before the general election, and pronounced upon by the people. It was a campaign sheet. It was circulated broadcast from one end of Canada to the other, and the people expressed their opinion on this campaign sheet, and hon. gentlemen of this Senate know what that opinion was. The hon. gentleman who introduced this motion is an old parliamentarian. He has had a wonderful position politically. He has attained the highest position for any one in political life to attain. He spoke of Mr. Cook, of his allegiance to the Liberal party, of his possessing the confidence of the Liberal party, of his having been elected by the Liberal party. That is all quite true. He also intimated that on that ground something should be done—that although the electors had pronounced upon this question, something should be done, that he would yoke the Senate to the chariot wheels of a party and have the question brought into the House, acting in the behests of the party, when matters of that kind should be investigated in the House to which they belong. Why should we go into these matters which pertain to the popular body, when our time might be more properly taken up in discussing matters connected with the development of this country, and more in the interests of the

country, both materially and nationally, and which would maintain and preserve the dignity which the constitution expects the senators would maintain in this high and important House, the Senate of Canada. If the Senate becomes the heeler of any political party, it will then be declared that the usefulness of the Upper House is gone, and the claims for its abolition will come from all portions of the country, and justly so. That is what I believe, and what is the sentiment that should actuate any man who has the honour of holding a seat in the Senate of Canada. The hon. gentleman who introduced this motion had a little idea of what a disappointed man will do, although a member of his party. No one knows that better than the hon. gentleman. No political leader in this country ever received such treatment from the hands of political friends as did that hon. gentleman, at a critical period, when he was Prime Minister of this country. He spoke of Mr. Cook and his allegiance, and the confidence he was entitled to from the Liberal party. The hon. leader of the opposition himself had been in the government with George Foster for ten or eleven years. He had been a member of the government for a number of years with John Haggart; for some years with Dr. Montague. They were gentlemen he trusted, and to whom he gave seats in his government. Those gentlemen, after the address was read by His Excellency the Governor General in this House, discarded their leader, denied their leader, said that he was incompetent—more than that, if their statement is true, they charged him with being a dishonest man, for if he was incompetent, he was receiving the emolument of a man who should be competent to fill his office. These are some of the things that disappointed men will do. George Foster was a disappointed man. H. H. Cook is a disappointed man. The parallel is not even, because Mr. Cook had never occupied the high position that Mr. Foster held in the councils of the party. When the hon. gentleman speaks of Mr. Cook's party services, he gives away his case. The record of his life and his career shows that the hon. leader of the opposition has no case whatever in this matter, and that he is bringing it up merely at the instance of party, and is taking one of Sir Charles Tupper's campaign sheets and bringing it into this House and asking the Senate to investigate it. He will not take upon himself the responsibility of saying that he is credibly informed, and that he believes, that he can establish the charge if he gets the committee. He takes none of the safeguards usually thrown around the constitution. It is heads I win, tails you lose. In other places they take their seat in their hand when they make a charge against a fellow-member in the House, and that is a proper provision. But the hon. gentleman opposite will not jeopardize his seat by this motion. The right hon. Sir Wilfrid Laurier takes up the charge made by Mr. Cook, and gives it the strongest denial that can be given, and if there is any man in Canada whose word can be relied on implicitly, that gentleman is the right hon. Sir Wilfrid Laurier. When did Mr. Cook make this application to be appointed? Four year ago, after he was defeated in East Simcoe. He made his application, if you read the campaign sheet that the hon. gentleman has submitted to the Senate, four years ago. He then pressed his suit. The Minister of Justice was taken in his place. I think members of the Senate will say that the government did a wise thing when they preferred the Minister of Justice to H. H. Cook. I think that is the verdict of this country and of this House. and if it is the intention of members of the Senate to perpetuate party feeling in this House—if they are bound to back the heelers of any party in this country and fight the campaign over in this House, then they will know and find the position the Senate will be placed in by such a course. Instead of making this motion, if the hon. gentleman opposite had moved for a committee to investigate the transportation problem of this country, and discuss that very important matter, which is one of the great questions before the country at the present day, the energies, the minds, the wishes and aspirations of every man in the Senate would have been with him heart and soul to get full information that might tend to the greater development of the trade of this country, and it would have been a great benefit indeed. Instead of that, we are called upon to investigate one of the roorbacks of the late election—one of the waves

from the campaign of last November. What does it look like, I ask in all seriousness ? Mr. Cook states himself that after the election of 1896, he applied to be made a senator, over four years ago, and he kept that bottled up until last year. Then the hon. gentleman opposite does not tell us what minister is charged with this offence. Who are the members that asked Mr. Cook for money ? Who are the agents that asked for money ? He might have made this plain. He might have inquired. He is not treating this House with proper respect. He should have got the information before he introduced his campaign sheet here. He should have done that before he introduced his motion here. You will remember, hon. gentlemen of the Senate, that about a year ago, I think it was—perhaps in 1899—there was an election in West Huron. You will also remember during the same year there was an election in Brockville. You remember the particulars of those two elections. One of them was referred to the Committee on Privileges and Elections. You remember the howl that was sent up then, the outcry that was made that the committee was not competent to deal with that question. They wanted a judicial committee appointed in order to investigate it. They received that judicial committee, but what were the conditions on which they received it ? That committee has been appointed for a year. Have the party that clamoured for the formation of that committee ever brought a case before it since ? Not a single case. They allowed the time to lapse after the election in both cases. They had the information after eight days were over. With in forty days they could have entered a protest. They did not do that, and when a judicial committee was appointed, and when the scope of its inquiry was extended back for a number of years, not another word was said, nothing was done, no action was taken, and there the matter was allowed to rest. Any gentleman in the Senate can get this matter transferred to that judicial committee. That would be a proper place to investigate it. If the hon. gentleman that introduced this motion will carry it before the judicial committee, he can get the legislation to enable him to do so, and there he will have it investigated properly and fairly and with due consideration for the privileges and dignity of the Senate. If the Senate should then be relieved of any scandal, and the government is relieved of any odium before the judicial committee, it would be a better thing than to have the inquiry before a special committee this House appointed to try this case. I do not know that it is necessary for me to talk any more on this subject.

Hon. Sir MACKENZIE BOWELL—Oh, yes, go on.

Hon. Mr. LANDERKIN—I think I have said all that is necessary for me to say on the matter.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. PROWSE—A little more.

Hon. Mr. LANDERKIN—I do not want to say a word against the hon. gentleman who introduced this question. Our relations have always been harmonious. I admire the tenacity with which he clings to his views. I even admire his wisdom, but in this case, I fancy his party zeal has got the better of his judgment, when he is allowing a campaign sheet to engross the attention of this House without the usual safeguards that surround it, I rather think that he is making a mistake that he will not be pleased with after a time. There is no desire on the part of any gentleman of the Senate or any supporter of the government to burk an inquiry in this matter. (Ironical cheers). Not a single desire (Oh, no). We want the fullest inquiry (Ironical cheers). We have such confidence in the government that we defy anybody to put a finger on an act to their discredit. We have faith in the right hon. leader of the government and we know that so long as he administers the affairs of this country the government will be free from discredit. Is it the intention of hon. gentlemen to bring every campaign sheet the party has and ask for a committee ? Will they give us a committee on phamphlet No. 6, that they distributed in the province of Quebec ? Will they give all those and will we have to fight the battles of the general election over again ? I beg to move, seconded by Hon. Mr. Dandurand, that all after the word 'That' in said motion be omitted and the following submitted :

This House affirms that it is at all times ready to investigate any charge of corrupt practice, or

of misconduct in office, which can be properly brought in this House specifically made against any Minister of the Crown, of the government of Canada, when any Senator from his place in this House declares he has been credibly informed and believes it to be true, and that if granted a Committee of Inquiry, he will be able to establish the same ; but that it is wholly contrary to the spirit and principles of our system of government and with the dignity of this House, to institute an inquiry reflecting upon the honour of some minister unnamed in respect to charges that no Senator affirms to be true and which no one says, if granted a committee, he can establish.

Hon. Mr. KIRCHHOFFER—It seems to me we are importing a heated tone to this discussion, and it generally falls to my lot about that time to throw oil on the troubled waters. I have listened to the speech of the hon. gentleman who has just taken his seat, and I must say he appears before me in an entirely new light. We have always heard of that gentleman, and he has been hailed in his nomination to this Chamber, as being humorous, and the jester of the House of Commons. I myself have always known him in the most genial capacity, but we find that since he came into this Chamber, he is determined to show that he has many sides in his character, and that although he has all the genial qualities which have been accorded to him by the public and the press, he is also able to show us the rough side of his tongue occasionally. On this occasion he has shown us the weakness of his cause by taking that course so often quoted as taken by a lawyer who has a poor case, that of abusing the opposite attorney, that is, the gentleman who introduced this resolution. Now, I do not think there is any necessity for discussing this matter from a heated standpoint. We have before us some simple matters of fact. There is a statement made by one gentleman which is contradicted by others. The fact is stated also that while the person who has made this original statement has done so under oath, he has adduced no corroborative evidence with regard to it, and it is pointed out that the Minister of Justice is supported in his contradiction by the statement of two of his colleagues in this House, who have most strenuously corroborated his denial of the charges which have been made, and it is suggested that the old rule of law should be followed, and that testimony which is not supported by other evidence should not be held to be true, and that therefore these charges made by Mr. Cook should not be allowed to be pressed or further investigated. Of course it is also hinted at by certain of the unfaithful and certain unbelievers that as the charges promulgated by Mr. Cook are made under oath, whilst the denials thereof are simply assertions, they should be investigated. I want just here to put myself on record wih regard to this matter, and to make what our Presbyterian friends would call my confession of faith with reference to how this should be received. I say that a simple statement made by Sir Wilfrid Laurier, or by his colleagues in this House, would be accepted by me, and always will be accepted by me as having the same weight and effect as if given under oath, and I am satisfied that the feeling on this side of the House is entirely in accord with what I say with reference to the matter. I further say that I entirely believe that the hon. gentlemen opposite, who made their speeches yesterday in corroboration of the denial, did so intending that they should have just as much weight as if made under oath. But both those gentlemen are lawyers, and they know perfectly well that an affidavit can be drawn stating a fact in perfect truth which would be riddled to pieces if submitted to cross-examination, and I cannot see that there is the slightest inconsistency between the fact that a statement made under oath by Mr. Cook, and the denials given by Sir Wilfrid Laurier and by his colleagues in this House, are not both perfectly true. Now, let us look at this from an independent standpoint. I have not the pleasure of knowing Mr. Cook personally, but I understand that up to the time he made these charges he was a member of the Liberal party. He was a gentleman of unblemished reputation, and he was high in their councils and in their regard. To show how easy it is for a man to fall from this high estate if he does anything against a party, it is only necessary to quote the words of the hon. Secretary of State yesterday when alluding to that gentleman. He was asked why it was he had not gone to Mr. Cook and personally consulted with him with regard to those charges, and his answer was, not that he believed the charges to be untrue, but that he could not touch pitch

without being defiled. I think if the Secretary of State would modify his language and let us know why it was that he did not make a visit to Mr. Cook and ask him with reference to these charges, it would be far better than putting on record such a statement as he made yesterday. Now, let us look at the position the hon. gentleman takes with regard to this matter. We have not only the evidence of Mr. Cook, whose word up to now, or at all events until he broke with his party, would have been accepted as gospel truth, but he makes a statement under oath, and I would ask the Minister of Justice would he, or would the Secretary of State, or would Sir Wilfrid Laurier himself, make an oath that such and such a statement as that made by Mr. Cook was untrue? They certainly would not do so; they could not possibly do so. All that any one of these gentlemen could say would be that, as far as he had any personal knowledge of this subject—as far as the Minister of Justice knew, as far as the hon. Secretary of State knew, as far as the premier himself knew, neither he nor they had made any advances to Mr. Cook in this way, nor had they instructed anybody else to do so, nor had they known personally of any one doing so. Now, that is all that these gentlemen could say, and that is all that they have said. That is all Sir Wilfrid Laurier has said, and it is also all that his colleagues have said here, and I say that it is quite within the bounds of possibility, and not at all inconsistent that both these statements and both these assertions are perfectly true. I say that it is very much to the credit of our colleagues in this House that they do not know anything about this thing. There are certain people who are paid to know things. There are other people who are instructed not to know things, and there is yet another class whose characters stand so high that if anybody has a shady transaction to propose, or anything of that nature, they would be the last people to whom he would make such a proposition, and I say these gentlemen, our colleagues in this House, and Sir Wilfrid Laurier would be the very last persons to whom such a proposition would be submitted. I say further that that does not at all assume that the proposition was not made, because no one supposes that a person entrusted with any such mission as that would go to Sir Wilfrid or to these gentlemen and say: 'Here is Mr. Cook, he is hot for a senatorship; he is well able to afford a good round subscription to the party, and we will soak him for $10,000.' Such a thing would never be said to these gentlemen. The men who would be engaged for such a purpose would not do any such coarse work as that, but it does not follow that the offer was not made all the same. If these gentlemen have nothing excepting ignorance of this matter to defend them when they make these assertions, if they are only able to say: 'We do not know about this thing,' they are just like the agnostics. The agnostics will not say there is not a God. They say we do not know. These gentlemen can only say and should only say—they certainly could only say it if they were under oath—'we do not know of any such offer as this having been made or suggested to Mr. Cook.' That is the only ground they could take, but the other man makes an affidavit. Now, which is the stronger position? They say Mr. Cook has not made any charges of any kind, but he has an affidavit here making the strongest kind of charges, and there is absolutely no refutation with reference to it—absolutely nothing. There are seventeen or eighteen members in the cabinet, and we have had an assertion from three of them. They can only speak as far as they personally know, that they have not made an advance of any kind like that to Mr. Cook. It is a question, which is likely to be true, the charge made by Mr. Cook, or the denial? Sir Wilfrid Laurier can only refute that by a suggestion he has received from his colleagues, and that he believes his colleagues to be telling the truth when they state that they did not make such and such a proposition; but, we do not know that he has even conversed with all of them, or brought the matter up. We have no intimation of that whatever, and, even if we had, I am not prepared to say that I, for one, would not say that he was justified if certain men tell him so and so, in accepting their statement as final. I know the country would not accept it as final from a good number of them. If they go abroad in the country they will find a certain number of the government—a large

proportion of them—are regarded as being as corrupt as they make them, and that they base that conclusion upon the fact that they see them condoning, conniving, and in collusion with the most corrupt acts ever introduced into this country.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. KIRCHHOFFER—We have had again and again election trials which have exposed the most dastardly and most glaring corruption ever perpetrated in this country. We have had judgments given by judges who have tried the election trials, and made scathing indictments against the parties concerned in them. We have had men who took part in these named by the judges, and what do we find has been done by the government in reference to them ? Have they in any way attempted to punish these men who have been in that way marked down, the seal set upon them by the judges who have pronounced judgment against them ? Have they done anything for the purpose of trying to stamp out this corruption which is rampant in the country ? Not one bit of it. They take them by the hand. They make friends with them. They set them in the chief seats. The man who was the original promoter, who was the founder, who was the maker of the machine which has carried on, at their instance in this country, so large a number of the elections—what do they do with that man Preston, the one who instigated and got up the machine ? The Minister of the Interior gives him a position as representative of this country in Europe, at a salary and expenses amounting to $5,000. Can any one suppose that all the members of a governemnt which condones and connives at such actions as these are such that their word can be relied upon ? Do we not know that corruption from one end of the country to the other is rampant, and has always been rampant since the Liberal party came into power in this country ? I say that to-day there is not a more corrupt country on the face of the globe. Take Egypt, Turkey and China, which have been held up as emblematic of corruption, and I say that they are not any worse than is Canada to-day, and that has all come into existence since the Liberals took hold of the country.

Hon. Mr. DANDURAND—How about the Canadian Pacific Railway scandal ?

Hon. Mr. KIRCHHOFFER—The hon. gentleman can give his views and I can give mine. I do not think I am out of order. I am replying to the leader who has given his views on the subject. Not only that, but they gloried in this. They glorified in the shame and disgrace that they brought on the country. There is not a member who has not seen evidence of it before his own eyes. When the west wing of the parliament buildings was burned down and had to be rebuilt, we could see men sitting around doing nothing and drawing a dollar and a dollar and a half a day, because an election was going on just over the river. What is that but corruption ? The government corrupt the country and constituencies and municipalities. They corrupt towns. They corrupt these people by doing large public works in a great many instances where they are not necessary. They corrupt railways by large bonuses and individuals by payments of money. There is a large amount of corruption going on through the country, and the moral tone of the people is lowered and degraded. People are prepared now to take money and go into schemes which a few years ago they would not have thought of doing, and as I say the hon. gentlemen glory in it. The Minister of Public Works tells us that elections cannot be worked or won by prayers, and business is business. His phrases have become household words. Does that not show that the moral tone of the country is lowered, and does it not show that these men are not to be trusted, if they tell their leaders they have not done anything whereby they could be accused of making an offer of this kind. I say, as far as we are concerned in this House, the feeling of this House should be, not to try and condone and cover up any such matter as this, but to investigate it to the fullest extent. If hon. gentlemen on the other side of the House knew what was in the interests of their own party and the interests of the country, they would join hand in hand with us in seeing that this matter is thoroughly sifted and investigated. Then if there is any truth in the charge, the party should be punished. If there is not any truth in it, they are relieved from the stigma which certainly will attach to them

more and more if they vote down such an investigation as this. We have seen the investigation which they tried to put through in the Commons. The constant endeavour of the parties there was to vote them down and burk them and stop them in every possible way. I say we should treat this matter in a more judicial way. The motion is introduced by the hon. leader of the opposition and he has a perfect right to introduce it, and we should all set our minds to work to ascertain whether it is true. If it is not true, the Senate and the whole party and the public spirit of the country will be benefited thereby, and if it is true, then the parties implicated in it should be punished.

Hon. Mr. DANDURAND—I am surprised when I hear the hon. gentleman from the west speak of the date at which corruption appeared in this country. Practically his political career dates from 1896, for if he would look back some years previous, he would add to his store of knowledge some deals of his friends and party that would perhaps be on a par with things that have happened since 1896, to be as modest as possible in the comparison. The hon. gentleman speaks of corruption. If he was old enough to remember what took place in 1891 and 1892 he would know that a minister of the Crown, holding the portfolio of Public Works, had to abandon that office because scandalous accusations had been proven in a regular committee appointed in the House of Commons. If he remembered that period, if he remembered what took place before that committee, he would know that members of parliament had to be indicted by his own party jointly with contractors who had defrauded the government in a sum exceeding one million dollars, and he would know that a former member of parliament, the bosom friend of that late Minister of Public Works, was condemned to jail with those contractors who had robbed the Federal treasury of over a million dollars. If his memory did not carry him back so far as 1891, he would know that in the construction of the Curran bridge in Montreal, a most scandalous steal of money took place, and strong Conservative contractors, the pillars of the Conservative party in Montreal, had to be indicted and brought before the courts. The hon. gentleman's career apparently only began in 1896, although I thought he had been appointed to this Chamber before that date. He speaks of corruption, of having witnessed a number of men idling around the western block when an election in the neighbourhood of Ottawa was taking place. He is quite young in Federal politics if he does not know that a few years previous four hundred men were employed daily and openly picking dandelions in front of the parliament buildings, a job which cost the country $60,000. The hon. gentleman would remember that about the same time a squad of painters was employed to do work for this government, as election times were coming on, and so zealous were they in earning their money that they even painted the sandstone at the entrance of the buildings to the disgust of everyone, and the paint is still there. Certainly the hon. gentleman from the west has only been acquainted with politics for a few years, because he seems to ignore the whole policy of the Conservative party and the weakness and frailty of the human nature of the men who led that party. He seems not to have read Canadian history, and to forget that his party tumbled over in 1873 on the Canadian Pacific scandal which made such a noise as to be reported in the history of Canadian politics. The hon. gentleman is much younger than he appears. Coming down to the motion and the amendment laid before this House, what are the principles embodied in them? What are we asking this Chamber to proclaim in voting for the amendment—that there will be two conditions requisite to obtain a committee of inquiry against a minister of the Crown. First, a specific accusation to which any British subject is entitled, humble though he be. If he be accused of having stolen a five-cent piece, or of having stolen a million, whether he be a humble labourer or a man holding a high office, there must be a specific charge against the man, in order that he should be able to meet it and defend himself. What is there in this accusation? We have the solemn declaration of Mr. Cook. Here is his declaration in a nutshell:

> After these negotiations had proceeded for a considerable length of time I received a telegram from Ottawa, from one of the leading Reform members known to possess the confidence of the Laurier government, requesting me to meet him at the Union station in Toronto. I did meet him as requested, and he then

showed me a letter which had been written to him by one of the members of the cabinet (for the purpose, as he said, of being shown to me), in which he was authorized to inform me that I could have the position I had applied for, provided I would 'do something.' I thereupon asked him what this expression was intended to mean, and what was the 'something' I was expected to 'do.'

He then informed me that I would be required or expected to pay a sum of ten thousand dollars.

The signer of the affidavit mentions two persons whom he does know, the party who interviewed him and who held a letter signed by a cabinet minister. There are sixteen or seventeen ministers holding portfolios and without portfolios. Who is the one accused? Does the accuser pretend that he does not know from whom came the intermediary? Not at all. But that intermediary held the letter in his hand, and that letter was signed by a cabinet minister, and he declares he saw it. Who is that member of parliament, and who is the cabinet minister who signed the letter? He saw the name. Does the hon. gentlemen opposite pretend that we will go into a charge of such a serious character without the name when the accuser can give that name, when he pretends to have seen the letter signed by a cabinet minister. I would ask the hon. gentlemen opposite how they would stand, in what position they would be placed, if this inquiry were granted to-morrow and we go on—and I hesitate even to mention names in the face of such grevious accusations—but suppose that that gentleman should come here and declare that that letter was signed, or that he was told that that letter was signed by the hon. Postmaser General. No one in the length or breadth of this country would believe such an accusation against the Postmaster General, but to-day the Postmaster General is on his way to Australia. He will be back in five or six months, after the session is over. Suppose that that is the name that that gentleman will swear to, how are we to go on with this inquiry? Will not the simple fact of mentioning the name of the Postmaster General stop the inquiry for the session? We do not know who will be struck, or who will be aimed at, and is it more than simple justice to men holding high offices in the land to treat them as humbler people are treated when accused in a court? We can pick up rumours on the street, or take them from the newspapers, or in the electoral sheets, and throw them across this Chamber, and say we will investigate. But there must be first a specific charge, and there must be a declaration from one member of the House of Commons or a member of this House that he believes the accusation.

Now, I have heard hon. gentleman here to-day speak of the standing of Mr. H. H. Cook in the Liberal party before he made that declaration, and I have heard the hon. gentleman from Prince Edward Island state that if an investigation was granted, he hoped it would prove that Mr. Cook was not to be trusted. I hope that there is some hon. gentleman in this Chamber who can rise and say, for the purpose of having the investigation, that he will trust Mr. Cook's solemn declaration by declaring that he believes in it. How is it there should need to be an investigation to find whether Mr. Cook is trustworthy when there is not a gentleman in this Chamber who will back his declaration by affirming that he believes in it. I look in vain in this Chamber for any one ready to rise and say that he believes in that accusation, and if there is nobody who believes this vague charge, sprung upon the people at the last elections, when the act complained of had occurred months and months before, I say this Chamber should not go on a fishing excursion to see if there is not something in that accusation. Some two or three years ago I said I could not reconcile myself to calling the hon. gentleman opposite the leader of the opposition, for I never suspected that there would be party divisions here, and I did not think he should accept the title of leader of the opposition in a Chamber composed of independent, unbiased and non-partisan members. But when the hon. gentleman, the leader of the opposition, as his friends style him, made his motion and read Mr. Cook's declaration, I was told by a Conservative friend of his that he would not believe Mr. Cook under oath. I do not wonder that none of the hon. gentlemen facing me——

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say I made that declaration?

Hon. Mr. DANDURAND—No—as the hon. gentleman was making that statement a

Conservative friend of his, sitting near me, said he would not believe Mr. Cook under oath. Since then I wondered if no one had more faith in Mr. Cook than my neighbour at the time. Apparently there seems to be some unanimity in the estimate of his veracity, for no one will rise here and declare that he believes the charge made by Mr. Cook. In such a vague declaration—no names mentioned——

Hon. Mr. McCALLUM—The hon. gentleman was sitting round here a little while, and I should like to know who he means when he says he heard a Conservative senator say that.

Hon. Mr. DANDURAND—The hon. gentleman is not the one.

Hon. Mr. McCALLUM—That will do.

Hon. Sir MACKENZIE BOWELL—I do not like to repeat what gentlemen have said to me on this question, because I was sure that no one on the other side intended to contest this motion from the fact that Mr. Cook had made this declaration.

Hon. Mr. DANDURAND—When we come to a declaration of this kind, every member of the Senate owes it to his colleague, who may be accused in this vague way by some one outside of the House, to look into the accusation as laid down, and obtain further information, if Mr. Cook had it, and bring the accusation, backed by a member of this Chamber, who takes the responsibility of saying that he believes the accusation can be substantiated. The hon. gentleman may fail in the proof of the accusation, but if this Chamber thinks that he has been prudent in declaring that he believes it to be true, he will be absolved from any rash act in the premises, so that if Mr. Cook—I have not the pleasure of knowing the gentleman, I have never met him, he does not belong to my province—if there is some member of this Chamber who has been in contact with that gentleman, who has known him and can trust him to the extent of saying 'I really believe what he says,' let him rise in his place and make the necessary declaration, so that in the future we will be guided by no wrong precedent.

Hon. Mr. MACDONALD (B.C.)—On account of the statement by the hon. Secretary of State, that this House is placing the government on its trial, I do not wish to give a silent vote. I repudiate any such desire, and feel sure that no member of this House desires to place the government on its trial. But I claim the right, and this House claims the right, to sift and probe to the bottom questions affecting the political standing of the Senate and of the country. The question under discussion affects the integrity and high political standing of this Dominion. This no one can deny. Such being an undisputed fact, I am surprised at the attitude of the Minister of Justice on so important a question. When we consider the malicious nature of the charge made by Mr. Cook, which, I hope, and I think the House hopes, will be found to be unfounded, should it not have been the duty of the Minister of Justice, as high Attorney General of Canada, to have instructed the Solicitor General to take steps to bring the maker of the charge to the bar of a tribunal of justice, or adopt the course now proposed, appoint a committee.

Hon. Mr. DANDURAND—I would meet him in the court if he makes a specific charge.

Hon. Mr. MACDONALD (B.C.)—My hon. friend who made the motion has not said that he would prove his charge if he got the committee, for this reason, he is a judge in this matter, and the Minister of Justice has forgotten that point, that the man who made the motion, if he pronounced the party guilty before the witnesses were heard, could not be a judge. He would prejudge the case. I fully believe the statement made by Sir Wilfrid Laurier, that he knows nothing of the matter, and I also fully believe the statement of the hon. Secretary of State in which he repudiates any knowledge of negotiations with Mr. Cook for a seat in the Senate. Why, then, should the Minister of Justice, believing that, as I believe it, refuse an inquiry into this serious charge? I regret exceedingly that it should be considered that the government is placed on trial by this House. I am strongly of the opinion that there is no wish on this side of the House to besmirch the fair name of this country, or of our public men, who are charged with the administration of public affairs. I have nothing to find fault with in the speech of the hon. gentleman opposite (Hon. Mr. Landerkin) except his bring-

ing up of old matters which have nothing to do with this question.

Hon. Mr. LANDERKIN—It was the history of the party.

Hon. Mr. MACDONALD (B.C.)—We have nothing to do with a party; we have the matter before us to-day.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's attack on me did not do any harm. I rather enjoyed it.

Hon. Mr. MACDONALD (B.C.)—There is no question that has come before the House for a number of years on which I thought both sides could be more agreed than this of ferretting the truth of this matter out. I am surprised that the Minister of Justice was not the very first man to move in the matter. The question is now before the country, which looks to its being cleared up, not by whitewashing or by letting Mr. Cook drop gently so as not to hurt him by the fall, but by sifting it in an open tribunal. The Liberal press, the electors and this House look for this and nothing less. The hon. Minister of Justice informed the House that the mover of the resolution should have used the words 'credibly informed,' and that if a committee were given him he could prove the allegation. The words 'credibly informed' are often used, and might have been used in this case as a parliamentary formula without attaching importance to the exact meaning. With regard to the other words which it is said should have been used in the resolution, proving the allegations, the minister will see that the mover of the resolution is to be one of the judges in this case. Sir Mackenzie Bowell, I have no doubt, carefully avoided saying anything reflecting unfavourably on the administration, nor does he wish that it should be caught in an undesirable position. Will the hon. minister say if the motion contained the words to which he referred, that he would not oppose it? I am satisfied he will not say that, so that the motion is as good without those words as it would be with them. I am in favour of an investigation, but I look to see the government come through it triumphantly.

Hon. Mr. WOOD—I do not wish to continue the debate, but I wish to give my reasons for voting for the motion now before the House. I regret that any political feeling has been introduced in this debate. I think, too, that a good many arguments advanced on both sides would have been better omitted at this stage in the consideration of this matter. If we are to have a committee to investigate this subject, it does not appear to me proper that we should now, in advance of the appointment of that committee, discuss the merits of the question. I do not think it desirable either that we should go back and cast reflections on either political party, or upon their management of public affairs in the past. The hon. mover of this amendment, and the hon. gentleman who seconded the amendment, made several references to the past history of the Conservative party in this country.

Hon. Mr. DANDURAND—In answer to the hon. gentleman from the west.

Hon. Mr. WOOD—That hon. gentleman referred to certain scandals which were exposed, I think he said in 1891, and made the statement that the government then in power, on their own indictment, had charged one of the ministers of the Crown and some persons who were associated with him outside, of certain corrupt practices and had furnished the proof to convict them. If that is the case, and I believe it is, I think it reflects honour on the ministry of that day that they had the courage to take that course, and I should commend hon. gentlemen opposite to be influenced by a similar motive, and adopt a similar course in the investigation of this case. I must say when the hon. gentleman made those statements it occurred to me that he might have had in his mind this fact, that the exposures made in 1891 had some influence in determining the results of the election in favour of the present government in 1896, and it is possible that the present government refuse to follow the same course of investigating charges of this kind, lest in the next election the result should be disastrous to their own party. A great deal has been said with reference to this Senate being too much of a partisan body, that the character of this investigation would be partisan. It was also stated by the hon. gentleman who moved the amendment that the electors had decided this question—that it was an old question,

some four years old, and therefore we should not consider it now. The arguments used by the last speaker that a specific charge should be made, and that unless the statements were made by some member of the House that he believed these charges were true, is a repetition of the arguments used yesterday. Indeed the amendment introduced to-day, if I understand it, embodies practically the views advanced by the Minister of Justice yesterday. Now, I say that all these lines of argument appear to me unnecessary, and not pertinent to the issues before us now, and for this reason : it is not disputed by hon. gentlemen opposite that this Senate has the power to appoint this committee. No contention has been made that it is not perfectly proper that they should investigate this charge. The only point of objection which they raised to the proposition of the hon. leader of the opposition is this, that he does not state when he makes his motion that he believes the charges to be true, and that he believes he can prove them to be true. There is no question about the power or right and propriety of the Senate to take this action ; the simple objection to it is that no one on this side of the Chamber has gone far enough to say that he believes the charges to be true, and can furnish evidence to prove them true. Whether that is a rule that should be adopted or not, I do not consider myself sufficient of an authority to express an opinion that would have very great weight. I listened very carefully to the speech of the hon. Minister of Justice yesterday, and I admit that a great deal that he said influenced my mind, and seemed to me to have great weight. I entirely agree with him that it would be very undesirable for this body to take notice of reports or of charges made indiscriminately in the newspapers, or by irresponsible parties, or that we should spend our time in the appointment of committees for the purpose of investigating them. On the other hand, it appears to me that it is perhaps stretching the rule a little too far, or making the rule a little too binding, to say that we should never investigate any matter unless some member of this House was prepared to rise in his place in the House and state that he had investigated it, and believed it to be true, and was prepared to furnish evidence to prove its truth. Some charges come under our notice which it would be, perhaps, impossible for any member of the House to go that length and make so positive a statement as that, and yet there are charges which it is of the greatest importance should be investigated, and the truth of the charges known. Reference was made yesterday to the course which was adopted in the House of Commons when the present leader of the opposition introduced his resolution to have a committee to investigate certain charges of corruption in connection with some elections in the province of Ontario, and I believe that the premier, when that resolution was introduced, said that he thought the present leader of the opposition, Mr. Borden of Halifax—he was then a member of parliament—had made out a prima facie case, a case which demanded investigation. The charge was a serious one. The matter was one of great importance, and he felt, in the public interest, he had made out a prima facie case affecting the public generally, that it was a case which should be investigated, and he granted a committee. So far as I know, there is no positive rule of this House or the House of Lords to which we can refer, to guide us in coming to a decision in this matter. As far as I am concerned, I have done the best I could to ascertain what the rules of the House were, or whether there were any very distinctive precedents to guide us in the matter, and I have not been able to find any. It appears to me that we are to be guided according to the best of our judgment, and act in this matter as we consider best in the public interest ; and looking at it from that standpoint, it appears to me a very serious case has been made out. A very grave charge has been brought forward by a prominent man in Ontario. He has made his statement under oath. It is a matter which, if not investigated, no doubt, will be believed in by a large number of the people of Canada. The tendency of such a charge being allowed to stand uncontradicted, is to give it a certain amount of credence throughout this country, and it will generally lower the tone of public life. It is a reflection upon the character of our public men generally. I believe it is a reflection upon the honour of this

House, and it appears to me that, looking at it from this standpoint, it is in the interest of the Senate and of the public generally that a charge, made as this charge has been made, should be investigated, and the truth or falsity of it made known.

Hon. Sir WILLIAM HINGSTON—I think we are under an obligation to the hon. gentleman from Westmoreland for the judicial manner in which he has dealt with the question, in which respect he has not followed one of the previous speakers, whose speech would have been an admirable one on the hustings, but was , to my mind, less suited for this honorable Chamber. We are told that the charges are not specific. They appear to me as specific as they can be made in the English language. We are asked not to consider the charges, because forsooth the one who makes them is claimed to be not entitled to credence. To my mind that is a most unfair way of dealing with the question. The charge is made by a gentleman who has, for a quarter of a century, I believeti occupied a seat in the other House, and whose record, I think, was clean, notwithstanding that he may belong to a party with which I am not supposed to be in closest sympathy. He belongs to a family which I know. They are considered honourable, certainly and intelligent, and until now, nothing, so far as I have heard, has been breathed against them. Is the accuser truthful ? We are not required to trust to his unsupported words. He states that he will bring documentary evidence, letters and copies of letters he has received and sent, and he pledges himself by affidavits to do so. Notwithstanding all the promises on Mr. Cook's part, I confess I have had great difficulty in making up my mind as to what is best to be done in the matter, but happily I am relieved of embarrassment by the right hon. the premier himself. He says, in a letter to the Gazette in October last, after having taken cognizance of the Cook charges :

> I give the whole charge the most unqualified and emphatic denial.

And he adds :

> I challenge the proof of the same.

How, let me ask, how are we to get proof of the same if we do not take it up here ; and what is still more to be desired, how are we to have proof that the charges are unfounded unless they are examined into ? I do not suppose for an instant that the Prime Minister would throw down the gauntlet, and at the same time say to the Minister of Justice, 'Do not have an investigation.' And I do not think the Minister of Justice is the man to whom such request could safely be made. But he says, 'I deny it emphatically, and challenge you to prove it.' There is the challenge, and in very precise and unmistakable language. It appears to my mind, hon. gentlemen, that there is only one course open to us. The charge is made, sworn to, and there is a denial to it, and I believe with equal sincerity. As the challenge is thrown down, and what we have to do in order to preserve the dignity and usefulness of this House, is to accept the challenge, and I am in favour of that course.

Hon. Mr. KERR—I desire to make a few observations upon this important matter now before the House, and will endeavour to be as brief as possible, which intimation I observe, is acceptable to both sides of the House. To my mind, the question before us is a very serious one, a question of great importance and far-reaching. I will not follow, if I can avoid it—and I will try to do so—those who, perhaps, may not have treated it with judicial calmness, and, perhaps, I shall not be able to do it, because I do not claim for myself that which some others may not possess—entire judicial calmness. In the first place, I want to call the attention of the Senate to the nature of the charge made, and to the evidence adduced, so far, in support of this charge. Briefly stated, the charge is that some member of the government, having authority to do so, offered a senatorship to Mr. H. H. Cook, some four or five years ago, in consideration of money. That is a very serious charge. I do not know whether hon. gentleman recollect, but they know the law, and I would remind them what that charge is. It is a charge which, if proved, might consign any member of parliament to the provincial penitentiary for a period of fourteen years.

Hon. Sir MACKENZIE BOWELL—That is where he ought to go if the charge is proved. That is right.

Hon. Mr. KERR—That is the charge made against the present government, or some member of it.

Hon. Sir MACKENZIE BOWELL—If it is true, the member ought to go to the penitentiary.

Hon. Mr. KERR—That is a serious charge. What is the evidence in support of that charge? I want to call the attention of hon. gentleman to the law with reference to it. They know what the rule is, and what the law is quite as well as I do, but I just want to stir up their pure minds by way of remembrance. The English law, under which we are proud to live, and whose protection we claim, presumes every subject of His Majesty not only to be loyal, but to be honest, until the contrary is established by satisfactory evidence. But I have watched, —since these charges were launched before the last general election—from day to day to the present hour, and I find that almost invariably that rule has been reversed. You may make a charge of murder against a man; you may place him in the criminal dock, and His Lordship presiding upon the trial will tell you that you are bound to presume that man innocent until his guilt is established by sufficient and satisfactory evidence, and are we then to reverse that rule, and to say that because Mr. Cook, or somebody else, has made this grave charge against the government that, therefore, we are to presume they are guilty, and cast upon them the onus of proving their innocence? That is what is asked:

Hon. Mr. PROWSE—No, no.

Hon. Mr. KERR—Hon. gentlemen will allow me to differ. I say, in effect, they say that. I find that I have an unfortunate habit of stirring up a good deal of remarks during the course of my addresses. I say you reverse that rule; I have heard more than one hon. gentleman who has spoken in support of the motion say that the government ought to prove that these charges are unfounded. What does that mean? It means a man is bound to prove a negative—to prove that he is not guilty. I tell you the rule is that you must prove a man guilty or make out a prima facie case against him before you can call upon him to prove his innocence.

Hon. Mr. McCALLUM—Who said they were guilty?

Hon. Mr. KERR—I did not say that any one said so. Who is it that is making this charge? I am going to be as charitable as I can, and I do not find it necessary, for the purposes of my argument, to bear heavily against Mr. Cook, because Mr. Cook has been my life long acquaintance, but I do say that from the commencement to the end of his matter, so far, Mr. Cook has been more sinned against than sinning. He has allowed himself to get into dangerous hands. That is the position I take. Mr. Cook was a respectable man. He belongs to a respectable family. He belongs to the family of Cooks who were pioneers in this country and pioneers in Liberalism, and who were not afraid to ally themselves with the Liberal party and pronounce their Liberalism when it was something to call oneself a Liberal in this country. But thanks to such families as his and others, Liberalism to-day in Canada cowers under no shadow, and it does not cower under much of a shadow in this Senate, and the Senate will soon——

Hon. Mr. McCALLUM—Soon be Reform.

Hon. Mr. KERR—Yes, but I hope not too much lop-sided; I shall be sorry to see the day when we are all one stripe, although we were told by the hon. gentleman from Brandon that we were not supposed to have any party feeling in this Chamber. I was rather amused in following the hon. gentleman, because sometimes I could hardly imagine I was listening to the hon. Senator from Brandon in his judicial spirit speaking on this question, or whether I was hearing some one, his namesake, if he has one up in Brandon, repeating some of those campaign speeches which were attended with such disaster to his friends in that riding in the late election. I rather came to the latter conclusion, however, uncharitable that may be. I have read every line of Mr. Cook's original charge, and read every word of his declaration, which is equivalent to an oath, and Mr. Cook has not stated in that declaration that the government, or any member of the government, offered him a seat in the Senate for $10,000, or any sum, and I defy any hon. gentleman in this House to successfully contradict my statement. There is the declaration. He does not say that any member of the government made the

offer, but he does say that some one professing to have authority from the government, professing to be an agent of the government, made a certain offer to him, and said that he had authority from the government to make that offer.

Hon. Mr. FERGUSON—And showed him a letter.

Hon. Mr. KERR—I tell the hon. gentlemen that in a court of law the statement would go for nothing, and it will go for nothing in this court, which is the highest court in the realm.

Hon. Sir MACKENZIE BOWELL—Then what becomes of the charge against the government ?

Hon. Mr. KERR—I am following out my argument. The hon. leader of the opposition can speak again. Mr. Cook says he has in his possession letters and copies of letters which, in his opinion, corroborate the statement made by the man who approached him. I have given Mr. Cook all the credit which he is entitled to under the circumstances, and I am bound to tell hon. gentlemen that I think Mr. Cook would have shown to far greater advantage in this matter if, as soon as this corrupt offer was made to him, he had denounced it and made it known and pursued those who made the corrupt offer ; but Mr. Cook carefully concealed from the public, and he has carefully concealed from the public to this hour, the name of the man who professed to be the agent of the government. What can the government do ? They do not know the man. They cannot contradict him. They do not know his name. They have not the slightest idea of the man. But the Prime Minister of this country has, with all the responsibility attaching to his high office—and whether hon. gentlemen will agree with me or disagree with me, I have known the Prime Minister of this country perhaps longer than most hon. senators in this Senate——

Hon. Sir MACKENZIE BOWELL—I do not think so.

Hon. Mr. KERR—And I say that after more than a quarter of a century's knowledge of the character of the Prime Minister of this country, I believe him to be utterly and entirely incapable of the act imputed to him in this charge, and forsooth Mr. Cook has made a charge. The Prime Minister on his own account and on behalf of his colleagues has denied it.

Hon. Mr. LANDRY—Not every time.

Hon. Mr. KERR—Yes, every time.

Hon. Mr. LANDRY—Not the second time.

Hon. Mr. KERR—Yes.

Hon. Mr. LANDRY—No.

Hon. Mr. KERR—The hon. gentleman can find it while I am speaking.

Hon. Mr. LANDRY—I cannot find it at all.

Hon. Mr. KERR—The Prime Minister invariably denies it.

Hon. Mr. LANDRY—On his own account.

Hon. Mr. KERR—And for his colleagues.

Hon. Mr. LANDRY—Not the second time.

Hon. Mr. KERR—If hon. gentlemen are anxious for the dignity of this Chamber—and I will not yield to any hon. gentleman in my desire to see this Chamber a dignified body lifted up above party politics if you will—let them try and make this House what it was intended to be, a copy of that august chamber in the old land known as the House of Lords. My hon. friend from Prince Edward Island, in the course of his argument found it necessary to pass several of us in review and left the impression on my mind that in order to make ourselves right before this Senate we should each disclaim any improper action on our part in respect of our appointment to this Chamber.

Hon. Mr. PROWSE—No ; simply that hon. members should vote for the resolution. That is all.

Hon. Mr. KERR—All that I can say, so far as I know, and so far as I believe, it was thought by the government of the day that I had won my right to a seat in the Senate in open fight, and they gave me the honour, and I trust I will never disgrace it.

Hon. Mr. PROWSE—I would ask the hon. gentleman this question : If Mr. Cook had come and paid his $10,000, does he believe he would have had a seat in the Senate ?

Hon. Mr. KERR—No, nor if he had paid $50,000. I believe he would have got it just as soon if he had paid nothing. I am bound to say to the hon. gentleman from Murray

Harbour, that if there is any money consideration I never heard of it. No one would suspect that in my case. A remark was extorted from some of Mr. Cook's friends, 'Why, it seems strange that Mr. Cook, who in the courts is said to have given evidence that he spent $22,000 or more to get a seat in the Commons, why when he got a chance of a senatorship for less than half that sum he did not pay his $10,000 and get a seat for life in this Chamber.' The hon. gentleman can have a committee if he asks for it in the right way.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. KERR—Yes, yes. When I read the first charges, the next thing I saw was a report of the speech by the hon. senator from Hastings in which he said that he would feel it his duty to move in parliament that a committee be appointed, or something to that effect.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. KERR—I said if he makes the motion in the proper way I will support it, and so I will to-day, and the amendment that has been proposed here is the proper way in which to bring this matter before the Senate. My hon. friend from Victoria has said that the words 'credibly informed and verily believe' are a mere parliamentary formula. True, they are a parliamentary formula, but they are more than a matter of form. They are a matter of substance, and I tell hon. gentlemen, whether they give me credit for knowing the constitutional practice and usage in the British parliament and in the Canadian parliament hitherto, or not, that in matters of this kind the invariable practice is to require the member making the motion to assume some responsibility that the charge is not all on the surface. But I must congratulate the hon. mover of the original motion on his wise discretion in not taking that course. I regret that I did not hear his speech yesterday, which no doubt was able and to the point, but I understand that he did not assume the responsibility in his remarks of saying that he believed the charge was true. I have yet to hear one hon. gentleman supporting this motion rise in his place and say he believes the charge to be true. Do hon. gentlemen believe the charge to be true? If they do not, how can they expect us to investigate a charge which they themselves are not prepared to say they believe to be true, and yet they say we make the greatest mistake of our lives if we vote down the original motion. I want hon. gentlemen to understand that although I am rather young in this House, I am somewhat of an old parliamentarian, and I never had a member of the government for the last quarter of a century tell me how I should vote. I shall vote according to my light and my conscience and I ask every hon. gentleman, on both sides of the House, always to do that. I do not want to burk this inquiry. If we pass this motion it will lead to all manner of irregularities in the future, and the amendment is moved merely to protect the principles of responsible government. Government could not be carried on in this country if every man were at liberty to make a charge and have some one stand up on the floor of this House or the other chamber and make a motion of this kind. The legislature in its wisdom, the parliament in its wisdom, the British parliament as well as the Canadian parliament, have seen fit to lay down this mode of procedure, and what harm can it do for the mover of this resolution, or any other gentleman moving a similar resolution, to assume the responsibility of saying that he is credibly informed and verily believes the charges to be true, and that he will establish them if he is given a committee. I supposed, if the hon. gentleman, at the time this charge was promulgated, had not in his possession the evidence to sustain it, he would at once communicate with Mr. Cook who would give him every letter, and copy of letter, and every scrap of evidence he had to enable him to say whether he would be safe in repeating this charge upon the floor of parliament. But so far as we are informed, not one step of that kind was taken. Perhaps the hon. gentleman is wise too in not asking for that information. I strongly suspect that Mr. Cook is not very anxious to have this inquiry gone on with, but if it is brought up in the right way, I am anxious to have it gone on with, and I shall do my best in any capacity to probe it to the bottom, and if there has been any wrong-doing on the part of a member of the government, or the government, let justice be done, hew to the line, no matter where the chips fall, or whom they hurt.

Hon. Mr. MACDONALD (B.C.)—That is the sentiment.

Hon. Mr. KERR—That is my standpoint. I vote against this motion because there is no responsibility attaching to it. In criminal matters the legislature has protected innocent people in this way. Formerly any man could go before the grand jury and lay a charge against his neighbour, and have a true bill brought in without a preliminary investigation. Now, in order to prevent frivolous charges being made, the legislature has intervened, and says you shall not go directly before a grand jury and make a charge against a man, who may be innocent, without the authority of the Attorney General or the judge presiding at the court, and if in matters of that kind the legislature has been so careful, surely the least that can be required here, is to regard the very reasonable condition, that whoever makes a charge of this kind, shall not only formulate his charges, but shall pledge himself that he credibly believes that they are true, and that if he is granted a committee he will be able to establish them. But, here it is said we must deal with this in a judicial spirit. Hon. gentlemen know, as I know, that in nearly every riding in Ontario, when this charge was made, that the supporters of the opposition rang the changes on it, to lead the unthinking electorate in many parts of the country to believe that it had been sustained, and made out clearly that the government stood before this country convicted of selling the high office of a senatorship for $10,000. Was that a right use to make of this? When we talk about fair play, let us have fair play all round. Those who want this matter inquired into can get all they want. Just attach yourself to that resolution or some other resolution, and pledge yourselves to the truth of these charges, and that you believe you can sustain them, and I will be one of the first to assist hon. gentlemen in establishing them before the committee or anywhere else. But if hon. gentlemen do not want that, if you just want, when it comes before a committee, to come back before the Senate with nothing proved, and nothing to report, the government and supporters of the government on this side of the House will be laughingly told, "You sent it to a committee without the usual conditions attached, or anybody being responsible; nothing has come of it, and you are yourselves to blame for granting the committee.' That would be the first thing to be thrown in the teeth of the Minister of Justice and the Secretary of State in this Chamber.

Hon. Mr. MILLER—What would the responsibility amount to in this Chamber?

Hon. Mr. KERR—I ask you to vote for the amendment and you will get your committee.

Hon. Mr. McCALLUM—There is no necessity for excitement in this matter. I think we can discuss it cooly. It struck me while listening to the whole of the arguments that the government of this country are standing before the people in a shameful position, and the members who support them, or those who get the members to support them in this matter. What is the object in asking for this committee? It is to find out whether there is any truth in what Mr. Cook said or not. Some members go so far as to say, they would not believe Mr. Cook on oath.

Hon. Mr. KERR—I do not believe anybody said that.

Hon. Mr. McCALLUM—The hon. gentleman's ears are not always open to what is said. I have known Mr. Cook for years, and certainly I would believe Mr. Cook on oath. I would believe him in any business transaction, no matter what the amount of money involved. But what are the government doing here? They refuse an investigation. My hon. friend from Cobourg says he would do this and do that to probe the matter to the bottom, but the first thing he wants to do is to burk an investigation.

Hon. Mr. KERR—No.

Hon. Mr. McCALLUM—The hon. gentleman does not want an investigation at all. He wants the House to vote this thing down, and then he says he will vote for a committee. I have no feeling in this matter. I say if Mr. Cook swears that so-and-so was the case, as stated in this declaration, the Senate of this country would be far astray if they did not grant an investigation. I have nothing at all to say in answer to what my hon. friend from Murray Harbour stated,

but it looks strange to see some hon. gentlemen rise and say that he is reflecting on them. My hon. friend from Grey says that this question has been settled by the province of Ontario. Was it settled when he was left at home ?

Hon. Mr. LANDERKIN—I am here.

Hon. Mr. McCALLUM—He should have been more moderate. Was it settled by the people of Grey ? If so, they did not send the hon. gentleman to parliament.

Hon. Mr. LANDERKIN—The gerrymander operated.

Hon. Mr. McCALLUM—The hon. gentleman should be modest. He came here to give us fun, and not to talk in that way. If this was settled in Ontario, what did the province of Ontario say ? I do not claim that the province said this charge was true, because they do not know. But it was not settled then. I do not say the charge was true. I never said so. When the hon. gentleman from Montreal (Hon. Mr. Dandurand) speaks of a former Minister of Public Works being driven out of parliament by a committee of his own friends, it says a good deal for the Conservative party. Instead of being a disgrace to them, it is a credit to them. What is the hon. gentleman trying to do now ? Trying to stifle inquiry ?

Hon. Mr. KERR—No.

Hon. Mr. McCALLUM—Who says no ?

Hon. Mr. DANDURAND—I do.

Hon. Mr. McCALLUM—The hon. gentleman is trying to stifle inquiry when he says 'We must have a member of this House take the whole responsibility of this charge.' That is not the way. If the government, when this question was first brought up—and I took very little stock in it when it came up first—had courted an investigation it would not have seemed so suspicious, but when I see the anxiety of the government of the day—when I see them trying to burk investigation, and see the newcomers backing them up with such warmth, it makes me suspicious that there is something behind it. If there is anything behind it, let us know it ; if there is nothing behind it, so much the better for the government. I hope, for the sake of the reputation of the Senate, and of the parliament of Canada, that there is not a word of truth in this charge. There is enough of that sort of thing in the neighbouring republic. I know at one time my hon. friend, the hon. Minister of Justice, used to advocate that the Senate of this country should be appointed by the local legislature. I do not know that it would be an improvement—certainly not if there is any truth in what Mr. Cook says, because you could buy the members of the local legislature a great deal easier than you could buy the government of Canada.

Hon. Mr. THIBAUDEAU—Oh, oh.

Hon. Mr. McCALLUM—Who says, oh, oh? I don't accuse anybody. If hon. gentlemen look at what is taking place in the United States, where senators are elected by the local legislatures, they will find that the longest purse is generally successful. I do not reflect on anybody with reference to that, but it is coming here that I want to prevent if possible. If Mr. Cook proves his case, I am sorry to say we would be in very much the same boat. I do not say he is going to prove it. When men say they would not believe Mr. Cook on oath, it is a very serious matter. It is a thing I would not say about any man. I would consider myself mean to say so. I have risen merely for the purpose of explaining the reason why I consider the investigation should be granted, and I think the government are standing in their own light in refusing an investigation. A gentleman like the Minister of Justice cannot for a moment, in his own interest or in the interest of his party, and the good name of his government, refuse an investigation. The people of the country will say there is something back of it. If the Conservative party wanted to gain a party advantage, they might say they would be glad if they were defeated on this, because the people would say there is some rascality behind it—which I do not say until some rascality is exposed—or these gentlemen would not try to vote down an inquiry. Just think of it ! Who is it going to hurt ? Hon. gentlemen talk about our time being taken up. Could it be occupied on any question more important than the preservation of the purity of public life in this country and the well-being of the Senate ? If seats in this House

are to be sold—it is the first time I have heard of such a thing, and I cannot believe it is so—what will the people of the country think? The hon. gentleman from Cobourg (Hon. Mr. Kerr) says he is going to probe the charge to the bottom, and the first thing he does is to vote down an attempt at an investigation. Others say it is settled already in the province of Ontario, but it was the means of leaving the hon. gentleman from Grey (Hon. Mr. Landerkin) at home. If what the hon. gentleman says is true, the people of Ontario believe the charge. The people of this country believe what I say, and what I say, I believe, and to contend that the question is settled already, with the majority in favour of the opposition in the province of Ontario, is absurd. I shall vote for fair-play and a fair inquiry, because a man is worse than a fool who would make such a charge if there was nothing in it. If there is nothing in the charge he should be punished, and I would join with those who would punish him. Any man who would undertake to slander the government and the Senate of Canada ought to be punished, and punished severely. The honour of the Senate is at stake. Some hon. gentlemen may make light of it, but if this investigation is refused, people will be inclined to say when an appointment is made to the Senate, 'That fellow has money; he bought a seat in the Senate.' Is it to be said that any member of this House could offer sufficient inducement to the government to make him a senator? I do not believe it, and I want to clear the government's skirts if they do not want to clear them themselves.

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

Contents:

The Hon. Messieurs

Carmichael,	Mills,
Casgrain (de Lanaudière),	O'Donohoe,
	Pelletier (Sir Alphonse)
Cox,	Power (Speaker),
Dandurand,	Scott,
Dever,	Shehyn,
Ellis,	Snowball,
Fiset,	Templeman,
Gillmor,	Thibaudeau (Rigaud),
Jones,	Thibaudeau (Vallière),
Kerr,	Wark,
King,	Watson,
Landerkin,	Wood (Hamilton),
McHugh,	Yeo,
MacKay (Alma),	Young.—30.
McSweeney,	

Non-Contents.

The Hon. Messieurs

Aikins,	MacKeen,
Armand,	McCallum,
Baker,	McDonald (Cape Breton)
Bernier,	McLaren,
Bolduc,	McMillan,
Bowell (Sir Mackenzie),	Miller,
Casgrain (Windsor),	Montplaisir,
Cochrane,	O'Brien,
Dickey,	Owens,
Dobson,	Perley,
Drummond,	Primrose,
Ferguson,	Prowse,
Hingston (Sir William),	Reid,
Kirchhoffer,	Sullivan,
Landry,	Vidal,
Macdonald (P.E.I.),	Wood (Westmoreland.
Macdonald (Victoria),	—34.
McKay (Truro),	

The original motion was declared carried on the same division reversed.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman when he will be prepared to name the committee? I am quite willing to allow the committee, so far as our friends are concerned, to remain as stated in the motion, with the addition of the hon. senator from Richmond. That would entitle the government to six members. The six members the government think proper to select I am willing to agree to if the Senate approves.

Hon. Mr. MILLS—I will send the list tomorrow before the meeting of the House.

Hon. Sir MACKENZIE BOWELL—It is understood that the Senate will agree to whatever committee the hon. gentleman and myself may select—it must be approved of by the Senate.

Hon. Mr. MILLS—Certainly. I would not bind the Senate to accept absolutely what we would agree to, but will submit it.

Hon. Sir MACKENZIE BOWELL—What I wanted to be understood to say was this, that if there were any hon. gentlemen whom age, or illness, would prevent from coming, or who might not think it necessary to come, we will not take advantage of that in order to have what is termed a catch vote.

Hon. Mr. MILLS—That is quite understood.

The SPEAKER—In order to make the proceedings strictly regular, notice should be given that to-morrow the committee will be appointed.

Hon. Sir MACKENZIE BOWELL—I give notice that to-morrow I will submit the names of the committee to act under this resolution.

BILL INTRODUCED.

Bill (6) 'An Act respecting the Supreme Court of the Independent Order of Foresters.'—(Hon. Mr. Kerr.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 14, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SALARIES OF JUDGES.

INQUIRY.

Hon. Mr. DRUMMOND—I desire to ask the government a question, if the Minister of Justice is prepared to answer it now, with reference to the salaries of judges. If he cannot answer it now, I will give notice that I shall make the inquiry on Wednesday next. I should like to ask if the government are aware that the present salaries of judges were fixed in the year 1873, or twenty-four years ago, whether they are aware that the cost of living and all expenses connected with living have very much increased since that date, whether they are aware that the judges' salaries in this country are very much below those ruling in any other country, having institutions similar to our own; whether they are aware that, as a matter of fact, the salary of the chief justice is smaller than the salary paid to a metropolitan police magistrate in the city of London, and whether they are aware that the average salary of the judges in the Superior Court here ranges from three to five thousand dollars a year. In England the average salaries of judges of the lowest court are $25,000 a year, and in Scotland $19,000 a year, and I wish to know whether they propose taking any steps to amend this state of things, which I think is scandalous?

The SPEAKER.

Hon. Mr. SCOTT—Is the hon. gentleman putting the question in writing?

Hon. Mr. DANDURAND—I wish to say that I am very glad the hon. gentleman raised this question. I, with him, belong to the city of Montreal. The salary of a judge at $5,000 is outrageously too low. Every one knows that men in those high positions must live up to the station to which they are called by the government, and I always wondered that it was not felt to be the duty of the government to grant a salary in proportion to the honour attached to the position. I shall, with very great pleasure, hear the hon. gentleman, when he puts his question, enlarge upon the condition of things in the large centres, and show—and I will help him in that—that the salaries of the judges are absolutely and unquestionably inferior to the exalted position they hold.

Hon. Mr. MILLS—I have had some correspondence with leading men at the bar on the subject of judges' salaries, and I have not forgotten the fact mentioned by the hon. senator, that the salaries were fixed a good many years ago when the cost of living was much less than it is at the present time. After discussing the subject confidentially with a number of leading men at the bar in my own province, and with some of the judges whom I confidentially communicated with in other provinces more than a year ago, I prepared a Bill making the salaries what I thought the present requirements called for, in order to secure the best men at the bar in the different provinces for appointments on the bench. That subject is before my colleagues. It has not yet been discussed by them. Their attention has been taken up with other matters, and I am not in a position to say at this time, what action may be taken upon the subject.

Hon. Sir MACKENZIE BOWELL—Of course, if the hon. gentleman has prepared the Bill it would depend in a great measure on the action of his colleagues as to whether he will be permitted to introduce it, and if it is to be introduced, it must be in the other House, I take it for granted, because it would be exclusively a money Bill to increase the judges' salaries. Although a layman, I am fully in accord, from my past experience, with the remarks made by the hon. gentle-

man from Montreal in reference to the necessity of placing the judges of this country in a position that they can maintain the dignity pertaining to their office. I speak from experience in this matter, that for the Supreme Court—I mention that court particularly—when I had the honour of being in a position to consider these questions, it was not only with difficulty, but it was almost impossible to obtain the highest talent we had in the provinces to fill the vacancies that occurred. Now, that is not a state of affairs that should exist. If we are to have a Supreme Court, we should have the best talent in the Dominion on the bench, and should not grudge the judges a fair salary. I give that as my opinion from the experience I have had in the matter, and from the difficulties which presented themselves in obtaining that talent which I think the country demands for the bench.

Hon. Mr. DRUMMOND—In addition to what I have said, I may add, I intend to pursue this question at a later period, so as to elicit, if possible, what the decision of the government may be. I feel that the standing and the respectability of the judiciary is a matter of vital importance to this country. Thank God we have a judiciary that commands the respect of the community, and who do their duty faithfully and well, but that is no reason why we should subject them to the hardship—I say it is a hardship—to be paid on an absolutely insufficient scale, to maintain their respectability and meet the demands which are constantly made on them in their position as expected by the community. I shall therefore pursue the question further at a later date, and ask the government what decision they have arrived at, and I am quite sure the view of the majority of the members of this House and of the whole community will be to urge upon the government an efficient measure of relief.

Hon. Mr. KERR—Being a member of the legal profession, it might be expected that I would make an observation or two on this subject. I am sure that we all are under an obligation to the hon. senator from Montreal for bringing this important question to the notice of the House. I think I echo the sentiments of every member in the Senate when I say that they are in entire accord with the views which he has so properly and so forcibly expressed. I know that every word that he has uttered on this question so far will be felt to be a word fitly and timely spoken so far as the province of Ontario is concerned, and, I have no doubt, so far as other provinces are concerned. The judges of the courts of Ontario are men of the very highest character. They are men whose judgments, if not always right, are always upright, and there is scarcely a judge upon the bench, particularly of the High Court, who is not yearly making a very large financial sacrifice in holding his position as judge. I have thought for many years, and I think so now, and I desire to emphasize my view, that it has not been creditable to the province of Ontario especially that the judges have been so poorly paid. I trust that the government will not only consider this matter at an early date, but I hope they will push it to a practical conclusion, and that the salaries paid in Ontario will be worthy the great province, the judicial business of which is so largely accumulating. I can hardly understand how people abroad can imagine that our judges are men of such learning and ability and be satisfied with the small salaries which they have been receiving. Although justice in this matter has been tardy, I hope it will not be much longer delayed and that the government will deal with it and decide to bring down a measure that will do that justice which we all feel necessary, and which we trust will soon be rendered, and that the judges will be placed in a position above financial cares and worries, and receive adequate and proper remuneration for the high and important duties which they are called upon to discharge.

THE INDEPENDENCE OF PARLIAMENT—THE COOK CASE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

The following resolution having been adopted by the Senate; with respect to the charges made by Mr. H. H. Cook:—

That in view of the gravity of the statements and allegations contained in the foregoing quoted telegrams, letters and affidavit, reflecting as they do upon the privileges and dignity of the Senate, a special committee be appointed to inquire into the truth of the statements and allegations made in said telegrams, letters and affidavit, with power to send for persons and papers, to administer oaths, employ short-hand reporters, and, if deemed advisable, engage counsel; and to report from time to time, said com-

mittee to consist of the Hon. Sir Alphonse Pelletier, and the Honourable Messieurs Baker, Ferguson, Landry, Jones, Kirchhoffer, Miller, Young, Wood (Westmoreland), Dandurand, Kerr, and the mover.

The motion was agreed to.

ADMINISTRATION OF JUSTICE IN YUKON TERRITORY BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (D) 'An Act to amend the Yukon Territory Act, and to make further provision for the administration of justice in the said Territory.'

Hon. Sir MACKENZIE BOWELL—Is this Bill confined exclusively to the administration of justice ?

Hon. Mr. MILLS—Mainly.

Hon. Sir MACKENZIE BOWELL—What other subjects does it deal with ?

Hon. Mr. MILLS—There is nothing special, except certain powers which it may be necessary to confer for the purpose of giving effect to that provision.

The Bill was read the first time.

BILLS INTRODUCED.

Bill (31) 'An Act respecting the Orford Mountain Railway Company.'—(Hon. Mr. Owens.)

Bill (24) 'An Act respecting the South Ontario Pacific Railway Company.'—(Hon. Mr. Wood, Westmoreland.)

GRAND TRUNK RAILWAY BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (7)) 'An Act relating to the Grand Trunk Railway Company of Canada.'

He said: This Bill is simply giving power to the Grand Trunk Railway Company to secure the right of a certain number of small lines existing in the United States. It is fully explained in the schedule attached to it, and can be discussed when it goes to committee.

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

The Senate adjourned.

Hon. Sir MACKENZIE BOWELL.

THE SENATE.

Ottawa, Friday, March 15, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SECOND READING.

Bill (6) 'An Act respecting the Supreme Court of the Independent Order of Foresters.'—(Hon. Mr. Young, in absence of Hon. Mr. Kerr.)

AN ADJOURNMENT.

Hon. Mr. MILLS—It has been suggested to me that when the House adjourns to-day it should stand adjourned until Tuesday. Several hon. gentlemen would like to go away for Monday, and in the present state of public business, the discussion now proceeding in the House of Commons, being a discussion with regard to the financial statement, I do not think the public business would at all suffer if we adjourned till Tuesday. If that is the general wish of hon. members, I move that when the House adjourns to-day it do stand adjourned until Tuesday next at three o'clock in the afternoon.

Hon. Mr. McCALLUM—I have no wish about it, but it is all right.

Hon. Mr. FERGUSON—As a general rule members living at a distance do not like these short adjournments — that is when there is really business of importance before the House. This is a case, however, in which it is evident to every hon. gentleman that nothing can suffer from the adjournment and I think it is quite proper.

Hon. Mr. PROWSE—A very short time ago the hon. leader of the House and his colleague in the government thought it necessary to call me to order, and they found that they themselves were out of order in making their objection. I wish to call the attention of the leader of the House to the fact that it is necessary that there should be a unanimous vote to carry this motion.

Hon. Mr. MILLS—Yes.

Hon. Mr. PROWSE—And I would remind him, too, that if he wishes to be conciliа-

tory and to get the good-will and friendship of the House, he must not rise in his place and in a few irritating remarks accuse an hon. gentleman of slandering hon. members of the House. That is the language used, which, I think, was quite uncalled for. It is my privilege and my right to object to the passing of this motion. I do not wish to do so, because, perhaps, it would inconvenience some hon. members who would like to stay at home on Monday, but I do object on principle to these short adjournments which have taken place in times past. When there is no business before the House, I do not object to adjourn for a week or two at a time, as was done a short time ago, but to adjourn every now and then for a day or two is making a burlesque of the Senate and not maintaining its proper dignity. There are three orders on the paper for Monday, and these will have to be postponed, and we do not know what other important measures will be introduced by members of the Senate. I shall not object further to the proposition, but we must in future consider whether these short adjournments are advisable or not.

Hon. Mr. MILLS—I was seeking to accommodate certain members who desired an adjournment until Tuesday. I stated that I did not think the public business would suffer. If the House takes the view of the hon. member who has just spoken, I have no objection to withdraw my motion and meet on Monday.

Some hon. MEMBERS—No, no.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 19, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

TERMINAL FACILITIES AT PICTOU, N. S.

INQUIRY.

Hon. Mr. PRIMROSE inquired—

Whether it is the intention of the government to provide, at an early date, for much-needed terminal facilities in the shape of an enlarged station-house, additional yards and freight shed room, as well as increased berth accommodation at the railway wharfs, for vessels loading and unloading cargo at the port of Pictou, N.S.?

He said: Since I brought this matter before the House, I have received a memorandum giving me information as to the area of the station yard and the area applied to the different purposes of the road, but as it all goes to confirm statements I made to the House as to their total inadequacy, I simply content myself with asking the question.

Hon. Mr. SCOTT—The answer sent me by the deparment reads as follows: 'The matter is being looked into and being considered, but no decision has as yet been reached.' The minister himself stated to me verbally that he thought when they had a better supply of cars there would not be much difficulty about it. He seemed to think the absence of freight cars caused the block in the yard, not only there but elsewhere. He has ordered a large number, but they are not yet available. The matter is under consideration by the department.

COMPLAINTS FROM THE DOUKHOBORS.

INQUIRY.

The Order of the Day was called,

By the Hon. Mr. Bernier:—

That he will inquire whether the government has received from the Doukhobors, or from somebody on their behalf, any reports, representations, complaints or memorials respecting the resources or the laws of this country, their satisfaction or dissatisfaction with the treatment they have received, or with the conditions or institutions of this country?

Hon. Mr. SCOTT—We cannot get all the answers here to-day, and I would ask my hon. friend to let this motion stand for a week, and also the following inquiry on the same subject.

Hon. Mr. McCALLUM—I should like to know how long it is going to stand, because I may have something to say about it when it is called.

Hon. Mr. MILLS—I may say to my hon. friend that my secretary went to see the Minister of the Interior, and he was not

able to give an answer to-day. It may be in my hands to-morrow, but I cannot say.

Hon. Mr. McCALLUM—All right.

The motion was allowed to stand.

DOUKHOBOR IMMIGRATION.

INQUIRY POSTPONED.

The Order of the Day being called,

By the Hon. Mr. Bernier :—

That he will ask :—

1. In what country were the Doukhobors living before coming into Canada?

2. What were the inducements made to them so as to secure their immigration into Canada? And by whom were those inducements made.

Has the government entered into any contract with them, or with somebody acting on their behalf, respecting their immigration or settlement in this country? And if so, what is the nature of such agreement?

How many of them have come to the country? How many have settled in Canada? And where are they settled?

Has the government set apart, for their exclusive settlement, any portion of the public lands? And if so, what is the acreage of those lands, and where are they situated?

Under what conditions or circumstances have the Doukhobors been introduced in this country?

Have they been granted, in any shape or form, and at any time, some subsidies?

What has been the cost of such immigration, indicating how much per head and the total cost?

Are the Doukhobors to recoup the government of any outlay made on their account, or of any money advances made (if any made) to them ? And if so, in what way and when?

Are or will the Doukhobors be exempt from military service?

Has any promise been made to them, or any agreement entered into with them or with some of their agents, by the government, or somebody acting or alleging to act on behalf of the government of this country? If so, what is the nature of such promise or agreement?

Hon. Mr. SCOTT said : In regard to this question, the deputy minister tells me it is quite impossible to get the information here. They have to send elsewhere.

Hon. Mr. McCALLUM—This is a very important matter. The character of these immigrants is being discussed by the people of the country, and they want to understand all about it. I thought the subject would come up to-day, and I was prepared to give my opinion with reference to the statement which the hon. Minister of Justice made the last time the matter was before us. I do not want my people to be slandered by being compared with this immigration that is coming into the country from Europe. I characterize it as a disgrace to the people of the country that any such immigrants as these should be encouraged to come into Canada.

The motion was allowed to stand for a week.

BILL INTRODUCED.

Bill (E) 'An Act to amend the Trade Marks and Designs Act.'—(Hon. Mr. Templeman).

YUKON TERRITORY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (D) 'An Act to amend the Yukon Territory Act and to make further provision for the administration of justice in the said territory.'

He said : This is practically an administrative Bill, and it is more convenient to give an explanation of each clause as it comes up for discussion. Hon. gentlemen will see that it is simply to provide for the trial of a certain class of offences by police magistrates in the same way that the same class of offences is tried in Ontario. With regard to civil cases of a limited jurisdiction, we give to the police magistrates a jurisdiction similar to that possessed by the county court judges in Ontario for the trial of civil cases. The amount is larger, but not, perhaps, relatively so. In Ontario, the jurisdiction given is less than one hundred dollars in some cases. We give to police magistrates under this Bill a jurisdiction to four or five times that amount, but relatively it is not larger than the jurisdiction exercised by the county court judges in Ontario. This is to facilitate the work of administering justice in that territory, where the amount of litigation in proportion to population is very much larger than it is in any other portion of the Dominion.

Hon. Mr. FERGUSON—How are the cases, which are to be dealt with under this Bill, now treated in the Yukon ? What court now deals with them ?

Hon. Mr. MILLS—The High Court.

Hon. Mr. FERGUSON—Only ?

Hon. Mr. MILLS—Only.

The Bill was read the second time.

DELAY IN TRANSLATING REPORTS.

Hon. Mr. MILLS moved that the House do now adjourn.

Hon. Mr. LANDRY—Before the House adjourns, may I be permitted to call the attention of the government to the delay that occurs in the translation of all the public documents. There are some documents that were brought down two years ago that are not yet translated. I think it but fair that the government should see that the translation is done promptly.

Hon. Mr. SCOTT—Are these documents that have been ordered to be translated by this House ?

Hon. Mr. LANDRY—This House, and generally.

Hon. Mr. SCOTT—The government have no control over this House.

Hon. Mr. LANDRY—I am calling attention to public documents.

Hon. Mr. SCOTT—As far as the translation of this House is concerned, the translations are ordered by the House. I do not know that the government are responsible in any way.

Hon. Mr. LANDRY—I am speaking of reports of some of the public departments.

Hon. Mr. MILLS—Will my hon. friend name the reports that have not yet been translated into French ?

Hon. Mr. LANDRY—The Agriculture Department ; we have not had a translation for two years of some of the reports of that department.

Hon. Mr. PRIMROSE—I think the matter to which the hon. gentleman refers was under the consideration of the Printing Committee at their last meeting, and steps have been taken.

Hon. Mr. LANDRY—The hon. senator is referring to 'Hansard.'

Hon. Mr. PRIMROSE—No. The matter was up before the Printing Committee, and steps were being taken to rectify the delay.

Hon. Sir MACKENZIE BOWELL—That must be an error. The Printing Committee has nothing to do with the printing of departmental reports. The hon. gentleman was referring to the translation of departmental reports.

Hon. Mr. LANDRY—Yes.

Hon. Sir MACKENZIE BOWELL—The Printing Committee has nothing to do with that. I do not know what the practice is now, but when I was in the government, the report of the department over which I presided was ordered to be printed, and was charged to the department.

Hon. Mr. SCOTT—No ; they are charged to parliamentary vote. All reports are printed by order of parliament, for the convenience and information of parliament. As a rule they go from the department. The minister lays the first copies on the Table, and if hon. gentlemen will look at the cover of the reports, they will see that they are ordered to be printed and paid for by parliament. The translating is done by officers of parliament altogether, and not by the department. The hon. gentleman from Stadacona was referring to some blue-books issued by the Department of Agriculture. I am aware there has been serious delay in the printing, due to the accumulation of work. I spoke to Mr. Fisher about it, and found that the report in question—the Farm report, I believe it was——

Hon. Mr. LANDRY—The different reports of that department.

Hon. Mr. SCOTT—They are being issued now at the Bureau.

Hon. Sir MACKENZIE BOWELL—All reports are ordered to be printed by parliament, and under that order the reports are sent to the printer by the departments.

Hon. Mr. FERGUSON—I may remark that when the inquiry was made before the Printing Committee with regard to this subject, it was found that the Printing Department was not to blame—that the delay was in consequence of the translating wholly.

Hon. Mr. LANDRY—I do not want the government to state the evil. That is stated already. What I want is a remedy for the present state of things.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 20, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (F) 'An Act respecting the Bell Telephone Company.'—(Hon. Mr. McMillan.)

Bill (G) 'An Act respecting the demise of the Crown.'—(Hon. Mr. Mills.)

COMPLAINTS FROM DOUKHOBORS.

INQUIRY POSTPONED.

The Order of the Day was called :

By the Hon. Mr. Bernier :—

That he will inquire whether the government has received from the Doukhobors, or from somebody on their behalf, any reports, representations, complaints or memorials respecting the resources or the laws of this country, their satisfaction or dissatisfaction with the treatment they have received, or with the conditions or institutions of this country?

Hon. Mr. BERNIER—I understood that this inquiry was postponed till Tuesday next.

Hon. Mr. MILLS—The second inquiry was postponed.

Hon. Mr. BERNIER—I thought this one was postponed as well as the other.

Hon. Mr. McCALLUM—I think the understanding was that they were both postponed together.

Hon. Mr. SCOTT—All right.

Hon. Mr. BERNIER—At any rate I shall ask that this inquiry be postponed till Tuesday next.

Hon. Mr. MILLS—I am prepared to answer this question, but if my hon. friend desires it to stand, I am content.

Hon. Mr. McCALLUM—Is the hon. minister prepared to answer it now ?

Hon. Mr. MILLS—Yes, the first question, but if it is desired we can let it stand.

The inquiry was allowed to stand.

VALIDITY OF PROVINCIAL PROHIBITION ACTS.

INQUIRY.

Hon. Mr. FERGUSON rose to—

Call the attention of the House to the following article which appeared on the 11th instant in the Guardian newspaper, published in Charlottetown, P.E.I.:—

'Prohibitory Law All Right.

'We learn that while at Ottawa recently the premier and Hon. B. Rogers submitted to Hon. David Mills the question of the validity of the prohibitory law passed here at the last session of the legislature. The Minister of Justice gave the opinion that notwithstanding the Manitoba Prohibition Act had been found invalid, the Island Act is a good law and quite within the power of the legislature to enact. This is good news.'

And inquired of the Minister of Justice :—

1. Is the above statement correct?
2. Did the Minister of Justice report officially on the prohibitory liquor law passed by the Prince Edward Island legislature during its last session, and was such report favourable to the constitutionality of the said law?
3. Did the Minister of Justice report officially on the prohibitory liquor law passed by the legislature of Manitoba in the year 1900, before the said law was declared 'ultra vires' by the court of Manitoba? And if so, was such report adverse to the constitutionality of the said law?

He said : I may explain that there is, to my mind, a distinction between an opinion given, as it appears this one has been given by the Minister of Justice to gentlemen of the government of Prince Edward Island—an opinion that the Prince Edward Island law is valid and constitutional—and the official report which it is the duty of the Minister of Justice to make every year on the legislation of each province. My object, as my hon. friend will see, is first to find whether this statement as published in the local paper is true, and, secondly, whether an official report has been made by the hon. Minister of Justice on the constitutionality of this Act of the Prince Edward Island legislature, and also on a similar Act by the legislature of Manitoba, not a special report on these Acts apart from the general report on the legislation of the province in any particular year. From my experience I know it has been the custom for the Minister of Justice in each year to report upon any instance in which the legislation of any province infringes upon the powers and privileges of the parliament of Canada. My hon. friend will see that my object in asking these questions is

simply to find out whether this report has been made in these cases.

Hon. Mr. MILLS—The statute of the late session of the Prince Edward Island legislature has not yet been before me, and no official report has been made upon it. I had an unofficial conversation with the two local ministers, I think, who called at my room one night at the hotel, but, so far as any official opinion on the statutes is concerned, none has been given, because they have not yet come before me for careful consideration. I called the attention of the ministers in that unofficial interview to a decision of the Judicial Committee of the Privy Council, in which it was held the provinces had, in some cases, the power of prohibition, and I expressed the opinion that if their legislation was within the rules of the decision in that case, which, upon a cursory examination it seems to be, of course their statute would be valid, but I cannot commit myself, in an unofficial conversation with parties, either to bind myself or the government, because I have not, up to this moment, examined it with any care.

Hon. Mr. FERGUSON—Then my hon. friend's answer to this first inquiry is that it is not correct that he has declared the law to be valid ?

Hon. Mr. MILLS—I have given no official opinion upon the subject ; but from such examination as I gave the Act. I thought it intra vires.

Hon. Mr. FERGUSON—My hon. friend has not touched the third question at all.

Hon. Mr. MILLS—On the Manitoba Act, that Act went almost immediately before the courts, and I have made no special report upon it whatever, nor do I know—I have not yet read the judgment—upon what particular ground the Act was held ultra vires.

Hon. Sir MACKENZIE BOWELL—Has it been sent to the Department of Justice ?

Hon. Mr. MILLS—I am not sure that it has. At all events, I have not considered this provision of the statute of Manitoba. I have no doubt that the court of Manitoba carefully considered the decision of the Judicial Committee, and in some respects that statute must have gone outside of the judgment of the Judicial Committee, or the court would not have held it ultra vires. I assume that to be the case.

YUKON TERRITORY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (D) 'An Act to amend the Yukon Territory Act and to make further provision for the administration of justice in he said territory.'

In the Committee.

On the first clause.

Hon. Mr. BAKER—The hon. Minister of Justice did not explain, upon the second reading of the Bill, the necessity for the enlargement of the provision for the administration of justice in the Yukon. Has it been found that the existing arrangements have not met the requirements of the population ?

Hon. Mr. MILLS—That is the case. It is to relieve the congestion which exists in the High Court that these less important cases have been handed over to the police magistrates of Dawson and White Horse. My hon. friend is perhaps aware that White Horse is situated at a considerable distance from Dawson. It is near the entrance into the Yukon Territory. Travelling in that country, at certain seasons of the year, is extremely expensive, and the court called our attention to the subject and suggested that it is most desirable that a police magistrate, or a judge, should be stationed at White Horse. We are making provision by this Bill to relieve the congestion that exists in the court, and to enable justice to be more easily administered. The number of cases is very great indeed, in proportion to the population.

Hon. Mr. FERGUSON—If I remember correctly, last year we had a Bill before the House, which did not become law, providing for an additional judge in the Yukon district. I think the necessity for increased judges in the Yukon was then made pretty clear. I am to understand, therefore, that it is not proposed to go on now and appoint an additional judge, as it was proposed in the Bill last year, but it

is thought that the appointment of the two magistrates will suffice. It will lighten the work of the judges and it will not be necessary to appoint an additional judge.

The clause was adopted.

On the second clause :

2. Such police magistrates shall hold office during pleasure, and shall not be debarred from practising their profession as advocates.

Hon. Mr. BAKER—This provision is, to my mind, extremely objectionable. If authority be given to a member of the bar in the Yukon to exercise judicial functions, both in civil and criminal matters, it will seriously handicap his confreres if he is permitted to practice his profession, and unless some reason is given by the hon. Minister of Justice why that should remain as a part of this clause, I think it would be well for the committee seriously to consider whether it should not be struck out.

Hon. Mr. MILLS—We permit the police magistrates in Ontario to practice in all civil cases, and we have never found any inconvenience arising from it. In criminal cases they practiced until a comparatively recent period, and then there was a measure passed which deprived them of the right to go into court in a criminal case. The effect of that law would seriously interfere with practitioners. I felt, myself, as a practitioner, that the measure was extremely inconvenient and not altogether just. One of my partners in London was a police magistrate, and the effect was that I could not take a case in the criminal assizes at all. I could well understand why there might be reasons that the police magistrate and his partner ought not to deal with cases that may come before him, but I can see no reason in the world why they should be restricted in cases that may go directly into the High Court and with which the police magistrate may have nothing to do—not a whit more than any other member of the bar. If it is thought desirable that greater precaution should be taken to prevent a police magistrate appearing in any case that was before him—I do not think any one would be guilty of so scandalous a proceeding—if it is thought that it is necessary, I should be quite willing to insert a provision in the Bill to that effect, but I do not think that in that country you ought to deprive a police magistrate, whose jurisdiction may not be at all touched by the cases that go before the High Court, from practicing before the court in any matter which has never been before him, and in which he has no concern.

Hon. Mr. BAKER—By the terms of the Bill the police magistrate is given concurrent jurisdiction with the High Court judge up to a certain amount, and I do not wish to qualify it by a strong adjective, but it seems to me perfectly monstrous that a man, in such a community as that especially, should be vested with judicial functions, and yet be able to practice his profession in the midst of it. If necessity exists for the appointment of a police magistrate, the country is abundantly able to pay him for his services. I see the next clause provides in blank for the payment of a salary. If a necessity exists, the country should be called upon to pay a man adequately and to give him an opportunity to exercise his judicial functions without interfering with other members of the profession and without, as would certainly be the case in such a country as that, raising a suspicion that would amount to a scandal.

Hon. Mr. KIRCHHOFFER—I think it is a most pernicious clause.

Hon. Mr. MILLER—If the words were 'advocates in a higher court,' it might answer. We certainly would not allow a police magistrate to do any work in connection with his own court.

Hon. Mr. KIRCHHOFFER—I think even that is objectionable, because it would give him an advantage which should not be permitted. Hon. gentlemen must recollect that it is an entirely different country from the eastern provinces, and a practice which might obtain here without any danger might be a critical one up there. We had a case in the earlier days of the Yukon, when Mr. Wade was Crown prosecutor, and at the same time practised his profession. We heard nothing but condemnation of his actions. From the position which Mr. Wade occupied as a Crown prosecutor, being a very clever man, he was able to have a very strong influence over the commissioner, and the first thing the parties thought of in contested cases that were likely to come before them was to secure the service of Mr. Wade, and it

was felt that the moment they got Mr. Wade on their side, they had succeeded in winning their case, and it prevailed to a large extent. By his influence over the commissioner, Mr. Wade was able to control the cases that he took hold of. Great interests are involved and enormous fees—fees which transcend anything known in this country at all—are paid in the Yukon country. Where hundreds of thousands of dollars are involved they can pay enormous fees to secure certain legal services, and it would place a power in the magistrate's hands that would be most pernicious. There are people in high places who have relatives up there who are likely to be appointed to these positions, and I think it would be a dangerous thing to allow that to be done.

Hon. Mr. MILLS—My hon. friend is perhaps aware that for many years the police magistrate of this city, Mr. O'Gara, acted as police magistrate and practised his profession in the courts of the country at the same time, and I never heard of any complaint being made against him in the discharge of his professional duties, and the same is true of many of the magistrates that are now acting as police magistrates in the towns and cities in the country.

Hon. Mr. DANDURAND—I may say the same thing of the municipalities that surround Montreal. Some of them are quite as large as Dawson City. There is St. Cunégonde, St. Henri, St. Louis, Mile End, and they have recorders who are lawyers practising in the district of Montreal. One of them is a member of parliament, so that he is a politician, recorder and practising barrister, but he discharges his duties as recorder with perfect satisfaction, and I have heard no complaint in those municipalities, which are quite as large as Dawson.

Hon. Mr. LANDRY—Has the recorder of Montreal the right to practice also ?

Hon. Mr. DANDURAND—No, I am speaking of these places surrounding Montreal.

Hon. Sir MACKENZIE BOWELL—To what extent have the police magistrates power to deal with such cases ? Do they go beyond the deciding of questions affecting payment of wages ? I do not remember any case, in the city in which I live, except where servants had complained of their masters or mistresses not paying their salaries. They have jurisdiction in those cases: have they in others ?

Hon. Mr. MILLS—My hon. friend is right.

Hon. Sir MACKENZIE BOWELL—It is confined to that in civil cases—non-payment of wages. If I understand the hon. gentleman from Missisquoi, he says this Bill gives them concurrent jurisdiction with other courts.

Hon. Mr. MILLS—I have amended the clause in this way, that they shall not be debarred from practicing their profession in the Territorial Court of the Yukon.

Hon. Mr. BAKER—That makes it even worse.

Hon. Mr. POWER—The amendment proposed by the Minister of Justice meets one of the objections to this Bill. There are two things to be considered, first, the supply of professional men in the Yukon is rather limited, and, on the other hand, the courts there are not subject to the same keen criticism, perhaps, that they would be subjected to in a city like Montreal, Ottawa or Toronto. It seems to me that there is not the same daily scrutiny of the whole country that exists in these cities. The people in the Yukon are rather more disposed to find fault than people in eastern cities, and I think there should be some provision inserted in the Bill which would hinder the partner of a magistrate, or any person professionally connected with him, coming before the magistrate. That would be necessary. I do not undertake to move an amendment, but I think the clause should provide that no such magistrate, or any one professionally connected with him, shall take part in any case coming before such magistrate.

Hon. Mr. BAKER—Move that the consideration of the second clause be postponed.

Hon. Mr. MILLS—I consent to that.

The clause was allowed to stand.

On the third clause.

Hon. Mr. BAKER—Of course the Senate will not fill the blank in this clause, but in the meantime it may not be impertinent for the Minister of Justice to take the Senate

into his confidence, and state on what scale of liberality the salary will be placed. It is important that that should be informally given to the Senate in order that we might know whether any necessity exists for giving a magistrate an opportunity to supplement his salary by the practice of his profession.

Hon. Mr. MILLS—I am not in a position to give my hon. friend the opinion he seeks at this moment. We want to make the most reasonable arrangement that we can. All the salaries charged there are very high indeed, and we have constant complaints made that the living allowances that we are obliged to grant judges of the courts are not sufficient, although those living allowances to-day amount to a very large sum, and, taking in connection with salaries, make them, I think, higher than any salaries of judges in Canada, except of the Supreme Court, so hon. gentlemen will see that we are anxious to let those gentlemen who may be appointed to act as police magistrates supplement the salaries we may pay them, by continuing to practice their profession. Everything is abnormally high compared with what we pay elsewhere, and it is because of that we are obliged to do in the Yukon country what might be considered objectionable if done in other portions of the Dominion. I will give the hon. gentleman the information which he seeks just as soon as I have an opportunity of discussing the matter with my colleagues, and coming to a conclusion as to what the salary ought to be, but at the present time we have not dealt with this subject, and I thought it was not desirable to delay bringing forward the Bill here, because here we are unable to insert the amount of salary fixed in the Bill, but I will try and give the information to my hon. friend opposite and to the Senate just as soon as a conclusion is reached upon the subject.

Hon. Mr. FERGUSON—Is there any good reason, as contemplated in this section, why different salaries should be paid to these men ? Now, as it is in the power of the Governor in Council to divide the territory equally between the two, would there seem to be any good reason why there should be a difference ?

Hon. Mr. MILLS—Oh, yes, very good. In the Dawson country, I suppose at the present time, there must be twenty times more business to be done than at White Horse, and so we would not pay a magistrate at White Horse as large a sum, and on account of its proximity to Skagway, I do not think the cost of living will be as high there as at the other point.

The clause was adopted.

On clause 4,

No person shall be appointed a police magistrate hereunder unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years.

Hon. Mr. POWER—I would ask the Minister of Justice if he does not think, considering the very wide jurisdiction which is given these magistrates, considerably greater than the jurisdiction given county judges in the province of Nova Scotia, that a barrister or solicitor should be expected to be of a little more than three years standing ? In the province of Nova Scotia a county judge, when appointed, must be of seven years standing. Under clause 6 of this Bill, the jurisdiction of the magistrates is much greater than that of the county judges of Nova Scotia, and I think the magistrate should be a barrister of not less than five years' standing. I think this sending of young fellows, who may have been admitted three years, but have not been doing any business worth while, and giving them such large jurisdiction, is rather doubtful policy, and I would suggest that we substitute five for three.

Hon. Sir MACKENZIE BOWELL—I would ask the Minister of Justice why the territories should be left out ?

Hon. Mr. MILLS—They are included in the Interpretation Act, so the word 'province' covers territory as well.

Hon. Mr. BAKER—I should think a solicitor of three years' standing would in many cases be very inferior material to make a judge of. He might, when his judgment was more matured, be a very good man, but it is reducing it too low to permit a solicitor who has been only three years in practice to ascend the bench, and give

concurrent jurisdiction to a certain extent with the High Court of Justice.

Hon. Mr. MILLS—My hon. friend will see that, even if he divide the sum mentioned here by five, he will have about what the real value is of the case that this man may try. One hundred dollars is as important for adjudication here as five hundred dollars is in the Yukon Territory, and we fix the sum in this Bill so as to correspond very nearly to what our division court practice is in Ontario, and what, in many cities, is known as the small debtors court, may discharge. Who are the men usually engaged in those duties? They are not professional men at all, and my hon. friends opposite will remember very well in the province of Ontario, when the magistrate adjudicated upon small debts—the old courts of request—and they arrived at justice in a way on the whole satisfactory to those who were brought before them.

Hon. Sir MACKENZIE BOWELL—That was about fifty years ago.

Hon. Mr. MILLS—Yes, and you have a more backward condition of things in the Yukon country at the present time than you had in Ontario then.

Hon. Sir MACKENZIE BOWELL—There are a great deal sharper people to deal with in the Yukon.

Hon. Mr. MILLS—That may be—people who require a strong hand, but you take any man who is admitted to the bar, and he has a pretty good knowledge of the general principles of law from the very outset, and to say that the magistrate must be a man of more than three years' standing, might make it necessary that some one should be sent from a distance to that country. If my hon. friend saw the correspondence in my office, and the complaints made by parties that they were not sufficiently paid, and if I were to show him letters in which it was stated that the cost of living amounted to over ten thousand dollars a year, when persons were living very plainly, he will see what very formidable demands may be made upon the government and upon parliament with regard to compensation. Now, we are not obliged to appoint a man of three years' standing, but if we find a man who has been but three years at the bar, who is otherwise qualified, and who is ready to accept, I do not think we ought to be hindred and delayed by fixing a longer period. It is true that many persons have named a longer period, but I do not think, nor do I believe any lawyer who has considered the subject is of opinion that the Crown is bound by that provision here inserted in the provincial statute, so that I think, when my hon. friend will look at the character of the cases that will be brought before this tribunal, he will see that a lawyer of three years' standing, if he is a man of fair capacity, ought to be qualified to discharge the duties creditably, and so as to satisfy the population in that new country.

The clause was adopted.

On clause 5,

Each of the police magistrates so appointed shall have the criminal jurisdiction possessed by a police magistrate of a city or an incorporated town, and may by his commission, or by order of the Governor in Council, made at any time after his appointment, be vested also with the civil jurisdiction hereinafter defined.

Hon. Mr. FERGUSON—May I ask the Minister of Justice whether the jurisdiction of the police magistrate in criminal matters is the same in all the incorporated cities and towns of Canada? Because, if not, this would be quite indefinite.

Hon. Mr. MILLS—It is not necessarily the same.

Hon. Sir MACKENZIE BOWELL—Is the jurisdiction of the police magistrate in Toronto greater than that of the police magistrate of Belleville?

Hon. Mr. MILLS—The jurisdiction of police magistrates in the towns and cities of the provinces are the same, but they may not be the same in one province that they are in another.

Hon. Mr. FERGUSON—Then would not the language of this clause give rise to doubt as to what the jurisdiction is? If there is any variation in the powers of police magistrates, this will certainly confer an indefinite power.

Hon. Mr. MILLS—They will confer the widest power that is conferred. I will

let that clause stand, because we may take power to fix the jurisdiction by commission, but so as not to exceed the jurisdiction in any town in Canada.

Hon. Sir MACKENZIE BOWELL—Would it not be much better to state the powers and then it will not be necessary to make reference to any Bill; or confine the power to that exercised in some one province?

Hon. Mr. MILLS—I will let the clause stand until I look into that.

The clause was allowed to stand.

On sub-clause (a) of clause eight.

The following classes of cases are excepted from the jurisdiction of such police magistrates:—
(a) Actions for gambling debts;

Hon. Mr. BAKER—What court in the Yukon takes cognizance of gambling debts?

Hon. Mr. MACDONALD (B. C.)—You cannot recover a gambling debt.

Hon. Mr. BAKER—The inference is irresistible, from the language of that clause, that there is a court in the Yukon Territory for the collection of gambling debts.

Hon. Mr. MILLS—My hon. friend knows that election bets are recoverable by law.

The clause was adopted.

On clause ten,

Hon. Mr. MILLS—This and the following clause refer to the Territorial Court, and not to the magistrate's court. The appeal from the Territorial Court is to the Supreme Court. There is no appeal, of course, from the Magistrate's Court to the Territorial Court.

Hon. Sir MACKENZIE BOWELL—Is there no court to which an appeal could be made in the Yukon district from the magistrate's decision without compelling the appellants to come to Ottawa? In the province of Ontario, if the party desires to appeal, he can go from the magistrate's to the County Court, and so on to the Queen's Bench. This provides, in case of an appeal, that he must come to Ottawa, and the expense and distance would make an appeal almost impossible. Is there no court in the Yukon Territory to which he can appeal?

Hon. Mr. MILLS—Provision is made for an appeal from these magistrates to the High Court, the Territorial Court in the Yukon. I will have to look over the Bill again, but the appeal to which my hon. friend refers is in criminal cases arising in the Yukon Territories, of which the judges are the members and not the police magistrate. Clauses 10 and 11 refer to the Territorial Court and not to the Magistrate's Court at all. However, I will see that the language is sufficiently expressive before we take the matter up on Monday next.

Hon. Mr. CASGRAIN, from the committee, reported that they had made some progress and asked leave to sit again on Monday next.

SECOND READINGS.

Bill (31) 'An Act respecting the Orford Mountain Railway Company.'—(Hon. Mr. Owens).

Bill (24) 'An Act respecting the South Ontario Pacific Railway Company.'—(Hon. Mr. Wood, Westmoreland).

BILLS INTRODUCED.

Bill (8) 'An Act respecting the Grand Trunk Railway Company of Canada.'—(Hon. Sir Mackenzie Bowell).

Bill (20) 'An Act respecting the Nakusp and Slocan Railway Company.'—(Hon. Mr. Kirchhoffer).

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 21, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ADMINISTRATION OF THE YUKON TERRITORY.

INQUIRY.

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

Ask the government for information respecting the following matters in the Yukon district:—
1. Has Mr. Ogilvie, commissioner in the Yukon, been recalled, or has he resigned his office voluntarily? Should he leave for either reason, who succeeds him?
2. What has been the revenue of the Yukon from all sources for the year 1900?
3. Is it the intention to reduce the royalty on gold from 10 per cent to 5 per cent?

4. Have any or all of the gold dredging leases in the Yukon been cancelled ? If so, how many and for what reason ?

5. By whom is the issue of licenses for the importation and sale of spirits, wine and beer in the Yukon regulated ?

6. What has been considered the necessary qualification of an applicant for a license ?

7. Is it the intention to deal with the business of licenses in a more open and general way than has been hitherto done ?

He said : In asking these questions with regard to the important Yukon country, it is not my intention to make any charges against the administration, although I cannot approve of all that has been done. I wish simply to have information for parliament and the country. I am quite willing to make every allowance for the difficulty in administering that distant region, in keeping poorly paid officials in the path of rectitude. Young men on low salaries in a country where there is gold everywhere but in their own pockets, are apt to think themselves justified in trying to get some of the gold to line their own pockets. It is to be hoped that hereafter the government will take care that the qualification for officers in that country shall be nothing but entire fitness and not partisanship or favouritism, although it is quite possible for a partisan and a favourite to be a good official. The chief qualification, however, should be fitness for the office. The first question, as to the retirement of Mr. Ogilvie, is not so important as who is to be his successor, and the country will expect the government, with the experience they have had, to appoint a thoroughly good man to that position. It is an exceedingly important one. There is certain legislation, and regulations of an important character, to be carried out, and the man who is appointed to that office, if Mr. Ogilvie is retiring, should be a man who has some knowledge of legislation and law. The second question, that of revenue, has already been answered in another place by the Minister of Finance, but it will be none the worse if repeated here. The expenditure has been heavy, but if usefully applied, and if a large portion has been spent in improving the sanitary condition of Dawson City, the money will have been well and usefully spent. The condition of that city for the past couple of years has been deplorable, and I hope that a large portion of the revenue has gone towards its improvement. The third question relates to the reduction of the royalty. It has been mentioned in another place, but I have seen no official statement, that the government intend to reduce the royalty from 10 to 5 per cent. From my own knowledge of that matter, I think the miners would be quite satisfied to pay the 10 per cent royalty if a good portion of it was spent in making roads in that country, by which they could get their supplies to the mines easily, and if a portion of it is spent for the improvement of Dawson and other municipalities ; but if the government have decided to reduce the royalty to 5 per cent, I do not suppose there will be an objection from any source. Questions five, six and seven refer to a very important matter, that is, the spirit licenses which have been given in the Yukon. I am sure no one will try to maintain, on the floor of this House, that the licensing for the sale of spirits in the Yukon has been carried on in a proper system. There is no doubt that a great deal of favouritism has been shown to men who took spirits into that country, and who have made money. Licenses have been given by the department here that have been hawked about the country, and sold for large sums. It is quite certain that spirits cannot be kept out of that country, and it requires stringent regulations to govern its sale. It should be left entirely free and open, excepting as to the limiting of the number of houses, and not giving license to any one merely because he happens to be a friend or an acquaintance. I should regulate the licenses to retail houses by the number of persons in the villages and towns, as they are regulated in other parts of the country, and make high licenses as guarantee that the house should be highly respectable. As to wholesale, I should leave that question to regulate itself, but I should exercise the greatest stringency, and the greatest fairness at the same time, towards the retailing of spirits and wine in the Yukon country.

Hon. Mr. MILLS—In reply to the first question, I may say that Mr. Ogilvie was desirous of being relieved, and a successor has been appointed accordingly. The second question is as to his successor. The successor of Mr. Ogilvie is the Hon. James Hamilton Ross. Mr. Ross was for many years connected with the government of the North-west Territories. He enjoyed the

confidence of the people of that country, perhaps to a greater extent than any other resident. He was conversant with the conditions of the population in the new country, and perhaps no better man in all Canada was available for the position, formerly held by Mr. Ogilvie, in the Yukon country than Mr. Ross, and so Mr. Ross has been appointed and will soon enter upon his duties in that country. Then the next question the hon. gentleman asks is as to the revenue. The answer is, $1,804,026.81. The next is as to the reduction of the royalty. The answer is yes. The reduction has taken place. The fourth question of the hon. gentleman relates to gold dredging leases. The answer is that the holders of leases 64, 65, 176, 177, 221 and 222 have asked permission to relinquish their leases, and those leases have been relinquished. In Nos. 178 and 179, errors were made by the lessees in securing the portion of the river to be covered by the lease ; and lease No. 131, the area described in the lease was covered by grants for placer mining purposes, and placer mining has been given a preference to the dredging leases. For Nos. 237 and 238 the lessees have asked permission to relinquish their leases, and the lessees of lease No. 262 have refused to accept the lease. That is all the information that I can give the hon. gentleman on the subject of the leases. Other than those mentioned, the leases, no doubt, continue in force.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman say whether any of the money paid on those leases has been returned, or is to be returned ?

Hon. Mr. MILLS—I am not aware. The fifth question is 'By whom is the issue of licenses for the importation and sale of spirits, wine and beer in the Yukon regulated.' The answer is for the importation, by the Governor in Council ; for the sale, by the Governor in Council or the commissioner in council. In reply to the sixth question, there have been no special regulations as to the qualifications of applicant for a license. The issue has been in the discretion of the minister, and upon the information as to the character of the person, and his fitness to be entrusted with the license, which has been given to the minister. My hon. friend calls my attention to the fact that this matter now rests with the commissioner altogether. In the seventh question the hon. gentleman asks 'Is it the intention to deal with the business of licenses in a more open and general way than has been hitherto done.' The matter is now regulated by order. Copies of the regulations are laid on the Table herewith. They are somewhat lengthy, but they can be inspected by any hon. gentleman who desires to examine them with greater minuteness.

CENSUS OFFICERS FOR THE NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY inquired :

If the census officers for the North-west Territories have been appointed ? And if so, who are the several officers for the electoral division of East Assiniboia, with their post office address ?

Hon. Mr. SCOTT—No officers have yet been appointed by order in council for the North-west Territories, excepting the chief census officer who is Huysmans de Deftal, of Duck Lake. The others have not yet been appointed.

Hon. Mr. PERLEY—What time of the year is it expected the census will be taken? If it is, as I understand, about the first of April, it strikes me that the officers will have a short time to prepare themselves for that work.

Hon. Mr. MILLS—The expectation is to take the census in April.

Hon. Mr. PERLEY—Is there a fixed day ?

Hon. Mr. MILLS—I think the first day of the month. I have not carried the exact date in my mind.

ERRORS IN THE MINUTES.

Hon. Mr. PROWSE—I wish to call attention to an error in the Minutes at page 150, where it is recorded :

The Honourable Mr. Perley moved, seconded by the Honourable Mr. Owens,

That rule 106 of the Senate be suspended, and that permission be given James Stovel, of the town of Edmonton, to present a petition for a Bill of Divorce from his wife, Margaret Stovel.

The question of concurrence being put thereon, the same was, on division, resolved in the affirmative.

Now, as a matter of fact, there was no question of concurrence put on the motion, and if there had been a division on the mo-

tion, the rule could not have been suspended. The necessary correction would be to strike out the words 'carried on a division,' because it must have been carried unanimously, or the rule could not have been suspended.

Hon. Mr. MILLS—My hon. friend knows there are many hon. senators who are opposed to the granting of divorce, and they must be assumed to be opposed to every motion relating to that particular subject, and so every motion relating to the subject of divorce is entered as carried on a division, if carried at all.

Hon. Sir MACKENZIE BOWELL—That is quite true as a matter of practice, but it will be observed at once that the point taken by the hon. gentleman from Prince Edward Island is correct, because the rule cannot be suspended unless it is by unanimous consent. That is the point that he has taken. The understanding of this House, and also of the other House, is that, it being a matter of conscience with some members, all motions relating to divorce Bills are carried on a division, to obviate the necessity of having a division on every stage of a Bill. Notwithstanding that, the point taken by the hon. gentleman is correct. The entry as it stands places on record a precedent which may be quoted in future when an attempt is made to suspend the rules without the unanimous consent of the House.

Hon. Mr. MILLS—The practice has so long prevailed with regard to this subject that the rule has never been held to apply. If any hon. gentlemen, at the time the question was put, had taken exception, of course the motion could not have been put, but the motion was put, and the entry was made in this case as it has been for a series of years on all motions relating to divorce cases.

Hon. Mr. PROWSE—The question arises whether a matter of sentiment, in which really no principle is involved, shall take precedence of the rules of the House. I do not find fault with gentlemen who take the view they do against divorce, but they did not press for a division on this motion ; consequently it must be admitted that the suspension of the rule was carried by a unanimous vote ; but the record shows that there was a division, and the rules of the House must have been deliberately violated, which should not appear on the record. I would suggest that the words 'carried on a division' be struck out, and then our rules would be consistent.

Hon. Mr. MILLS—No, the entry is proper as it stands. It follows the practice of the House for years. If my hon. friend insists on the enforcement of the rule, notice must be given on all future occasions. He will no doubt contribute to the inconvenience of the House by so doing. We must respect the opinions of those who are opposed conscientiously to divorce, and we do so by inserting the word 'carried on division' in the record. We cannot do so in any other way except by requiring, in all those cases, the usual notice, and I think my hon. friend will not confer any advantage upon the majority in the House by insisting upon a strict observance of the rule.

Hon. Mr. BAKER—My hon. friends seem to be working at cross purposes. It is true the motion for the suspension of a rule must be carried unanimously, and I believe that was done yesterday, but when the report was presented it was carried on a division, as is always done.

Hon. Mr. MILLER—The rule has been as stated by the hon. Minister of Justice in all proceedings in divorce cases. The entry appears 'carried on a division.' As the hon. Minister of Justice says, the practice that we have followed contributes to the convenience of the House. If any hon. gentleman insists on having a division, the names must be taken down, and it would not serve any useful purpose.

Hon. Mr. BAKER—The rules must be unanimously suspended ; then the motion to adopt the report is carried on a division.

Hon. Mr. BERNIER—I do not want to discuss whether the hon. gentleman from Murray Harbour (Hon. Mr. Prowse) is right or not, but if such objections are insisted upon, some members of this House, who are opposed entirely to divorce, will in the future insist upon a real division being taken, and the yeas and nays recorded. It is not a mere matter of sentiment with us. It is a matter of conscience and principle, and if such objections are taken, then I say some

of us will consider it our duty to record all the votes in every case.

Hon. Mr. FERGUSON—My hon. friend from Missisquoi states this matter correctly. There were really two propositions before the House. One was the suspension of the rules ; the other, concurrence in the report. It is quite proper that hon. gentlemen, who do not believe in divorce, should like to have their votes recorded against the principle on every occasion ; still, for the convenience of the House, they allow the rule to be suspended to advance the work of the House ; but the second proposal, the motion to adopt the report, was a separate one, and should have been recorded separately on the journals of the House, which would meet the views of those who have conscientious objections to divorce, as the record would read 'carried on a division.'

Hon. Mr. LANDRY—As we are debating the phraseology of the Minutes of Proceedings of the Senate, I would call the attention of the House to this fact : yesterday we had a motion made by my hon. friend from Prince Edward Island (Hon. Mr. Ferguson), that he would call the attention of the House to a certain article which was given in his notice. That was a motion which, in my opinion, should be in our Minutes of Proceedings to-day. Every time a member calls the attention of the House to any article or telegram that has been published, a record is made of that fact in the Minutes of Proceedings. I find nothing of the kind in the proceedings of to-day. I think it should be inserted.

Hon. Mr. MILLS—It will be in the Debates.

Hon. Mr. LANDRY—I am not speaking of the 'Debates.' The hon. Minister of Justice knows I am not speaking of that. I am calling attention to a motion that was made and which was not recorded in the Minutes of Proceedings. I am not speaking of the 'Debates' at all. That is not a reply to my objection. Has the hon. gentleman nothing to say ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—I noticed there is no reference to my inquiry in the proceedings of yesterday. I did not know that it was the practice to record such inquiries.

Hon. Mr. LANDRY—It is the practice, as you will see by referring to a recent motion of the leader of the opposition. You will find his motion is set forth in full in the Minutes of Proceedings, and it has always been done in former years.

Hon. Mr. MILLS—I understand from the Clerk it has not been done in previous years. If a member desires it to appear, the practice is to mention it.

Hon. Mr. LANDRY—I deny the assertion made by the hon. Minister through the channel of the Clerk of the House, and I will bring up to-morrow precedents to show the hon. minister that his information is not correct. I am sure of what I am talking about.

Hon. Mr. FERGUSON—It is my desire that the practice of the House should be followed in regard to my inquiry of yesterday.

GRAND TRUNK RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (S) 'An Act respecting the Grand Trunk Railway Company of Canada.'

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—This Bill is an important one, and those who are interested in it would like to have it go before the Railway Committee as early as possible. Under one of the rules of the House it is provided that a Bill of this character must be posted for twenty-four hours before being sent to the Railway Committee. Under the circumstances, and there being no possible objection to the Bill, it having been thoroughly discussed in the lower House and before the committee, and the clause which was supposed to have been objectionable having been amended in order to meet the views of the members of the committee and of the House of Commons, there can be no objection to the suspension of the rule which requires the posting of the Bill for twenty-four hours, in order to enable it to be sent to the committee to-morrow. There are two Bills that have been introduced affecting the Grand Trunk Railway, and as the railway officials will

be here to-morrow to look after the other Bill, I trust the House will consent to the suspension of this rule in order that this Bill may be sent to the committee. I may explain further that it is provided that the principle of the Bill must have the consent of the stockholders and shareholders in Europe, and it is necessary to give one months' notice for a general meeting to be held on the 30th of next month, in order to ratify the bargain which has been entered into, and which is provided in this clause. So that every day is of importance to the Grand Trunk Railway Company. Once it passes both Houses, a notice can be given of the meeting to be held. If it is delayed too long it may prevent that and create great difficulty. With the consent of the House, I move the suspension of rule 60 so far as it affects this Bill.

The motion was agreed to.

NAKUSP AND SLOCAN RAILWAY COMPANY'S BILL.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (20) 'An Act respecting the Nakusp and Slocan Railway Company.'

Hon. Mr. TEMPLEMAN—Explain.

Hon. Mr. KIRCHHOFFER—The object of the Bill is as follows :

Whereas the Nakusp and Slocan Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The Nakusp and Slocan Railway Company, hereinafter called 'the company,' may construct and complete its railways and works within five years from the passing of this Act ; provided that as to so much thereof as is not constructed within that period, the powers of the Company shall cease and determine.

2. From and after the passing of this Act the head office of the company shall be in the city of Montreal, but the directors of the company may, from time to time, by by-law, change it to any other place in Canada.

Hon. Mr. TEMPLEMAN—That does not give us much information. We want to know what particular work the company has to do, and why it asks us for an extension of time. I want to know where the railway they propose building leads to. I am asking for information, as this is a British Columbia question. I am afraid my hon. friend is not much better informed than I am as to the object of the Bill.

Hon. Mr. KIRCHHOFFER—The hon. gentleman is mistaken. I can explain it thoroughly. The railway is to run from Nakusp to Slocan. The hon. genleman should know, as a resident of British Columbia, if he does not know, where this road is to run. Now, with reference to the other part, this railway was to have been constructed within a certain time, and it has not been constructed in that time and the company requires an extension of the time. I think the line has got a little beyond Slocan, and has not reached Nakusp. With regard to the other part, it is more convenient to have the head office in Montreal, and the company require the sanction of parliament to make the change. If the hon. gentleman thinks I do not understand the Bill, he is mistaken. I do not take up a Bill that I do not understand.

Hon. Mr. TEMPLEMAN—The lucid explanation of the hon. gentleman is very amusing. The Nakusp and Slocan Railway has been in operation a number of years. The hon. gentleman says it has got beyond Slocan and has not reached Nakusp. The road has been in operation from Nakusp to Slocan for several years. What I want to know is why the extension of time is required ? I have no reason in the world for opposing the Bill. The original Act is not before us, and it is difficult to know what the amendment is for. The Nakusp and Slocan Railway was built very largely by the province of British Columbia, by bonds and land grants granted by British Columbia, and I wish to know why this extension of time is required. No doubt, in the Railway Committee, we will get a fuller explanation than the hon. gentleman has given us.

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

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 22, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (7) 'An Act relating to the Grand Trunk Railway Company of Canada.'—(Hon. Sir Mackenzie Bowell.)

Bill (31) 'An Act respecting the Orford Mountain Railway Company.'—(Hon. Mr. Owens.)

Bill (8) 'An Act respecting the Grand Trunk Railway Company of Canada.'—(Hon. Sir Mackenzie Bowell.)

AN ADJOURNMENT.

Hon. Mr. MILLS—I observe that there is but one item on the paper for Monday, and, with the consent of the House, I move that when the House adjourns to-day it do stand until Tuesday at three o'clock in the afternoon.

Hon. Mr. PROWSE—Hear, hear.

Hon. Mr. FERGUSON—I should just make the remark, in relation to this, that it would be very desirable, if it is intended that the House should adjourn from Friday till Tuesday, that it should be brought up on Thursday, so that members might avail themselves of the opportunity of leaving to-day and perhaps taking in a trip to Toronto or some other place, and if such a course as this is in contemplation we should know of it earlier.

Hon. Mr. MILLS—I could not give notice of it very long in advance, because I did not know precisely what would be on the Order paper for Monday.

The motion was agreed to.

RECORDING INQUIRIES IN THE MINUTES.

Hon. Mr. MILLS moved that the House do now adjourn.

Hon. Mr. LANDRY—Before the House adjourns, I desire to call the attention of the government to the few remarks I made yesterday on the propriety of including in the Minutes and Proceedings of this House every motion that is made calling the attention of this House to certain facts and concluding with an inquiry. I was told yesterday that that was not the course followed in previous years. I said yesterday I would give proof to the contrary, and I intend to-day to give that proof. I will not go far back. I shall only take seven years, and if I find that the course I indicated yesterday was pursued every year, I think that I will have made good my statement. I shall take 1894 for the first year. On the 11th of April of that year, Mr. Ferguson of Niagara :

> Called the attention of the House to the advisability and importance of an ocean route by Hudson bay and Hudson straits for the transport to Europe of the cereals of the northern portion of North America, especially those of Manitoba and the North-west Territories, and inquired of the government whether they had received any further information on the subject of the navigation of Hudson bay and Hudson straits since the report made thereon by the late lieutenant-governor in 1887.

That is the entry that we find in the journals of the Senate for that year upon a simple inquiry. The report adds that the motion was debated. I shall take only two instances in each year. On the 5th of July of the same year, Hon. Mr. Boulton called attention to the provisions of the treaty with France, then before parliament for ratification, and concluded with an inquiry—'debated.' In 1895, Hon. Mr. Wark, on the 27th of June, called attention to the unprofitable system of cultivating the soil so prevalent over much of this continent, and concluded with an inquiry—'debated.' On the 18th of July, 1895, the Hon. Mr. Power called attention to the unsatisfactory return presented to an address of the Senate dated 11th of July, 1894, for a statement showing in detail the several sums paid for public printing, and made an inquiry—'debated.' We had two sessions in 1896. In the first session, on the 12th of February, Hon. Mr. McInnes, of New Westminster, called attention to telegrams which had appeared in the Daily Colonist of the city of Victoria, and made an inquiry—'debated.' The same year, on the 27th of February, the Hon. Mr. McInnes, of New Westminster, called the attention of the Senate to the fact that the government steamer Quadra had been but a few months of the year in commission, and made an inquiry—'debated.' In the second

session of 1896, the first session of the last parliament, the Hon. Mr. Poirier called the attention of the government to a letter published by Mr. Guelcho in the Montreal Star relating to Canadians having been induced by false representation to emigrate to Brazil, and made an inquiry—' debated.' On the 2nd of October of the same year the Hon. Mr. Clemow called the attention of the leader of the Senate to a statement made by the hon. the premier of Canada in a speech delivered by him in Ottawa on the subject of 'The Washington of the North,' and made an inquiry—' debated.' In 1898, on the 4th of April, the Hon. Mr. Macdonald, of Victoria, called the attention of the government to an order in council approving of regulations for the disposal of timber berths in the district of Yukon, and made an inquiry—' debated.' The same year, on the 10th of May, the Hon. Mr. Landry called attention to the answers given by the Secretary of State and the hon. Minister of Justice to his questions, and made an inquiry —' debated.' In 1889, on the 18th of April, the Hon. Mr. Macdonald, of Victoria, called attention to the increasing commerce and revenue of British Columbia, and made an inquiry—' debated.' The same year, on the 18th of April, there is a long statement made by the Hon. Sir Mackenzie Bowell, calling the attention of the government to a telegraphic despatch published in the Evening Journal of Ottawa, and concluding with an inquiry—' debated.' On the 19th of April, Hon. Mr. Primrose directed the attention of the government to the numerous wrecks on our coast, and followed it by three questions, which were debated. In 1900 the Hon. Mr. Landry called the attention of the government, on the 19th of June, to certain facts, and to different assertions made by the Minister of Justice and by the Secretary of State, and asked which of the assertions was true—'debated.' On the 12th of July, the Hon. Mr. Templeman called the attention of the Senate to correspondence laid on the Table between members of the government at Ottawa and the government of British Columbia, relative to the dismissal of the government of that province, and inquired if there was any further correspondence on the subject of the dismissals—'debated.' I have cited just two instances in each year, showing that such inquiries have always been recorded in the minutes. In addition to the two I have given from the minutes of 1898, there are about ten others recorded Having proved what has been the practice of this House, I need not dwell on the subject further. The hon. Minister of Justice must see that he was not well informed when he told me that a different course had been followed in the Senate.

Hon. Mr. MILLER—Will the hon. gentleman state the motion with regard to which he is making his contention ?

Hon. Mr. LANDRY—The hon. member from Prince Edward Island (Mr. Ferguson) called the attention of the House to an article which had appeared on the 11th instant in the Guardian, a newspaper published in Prince Edward Island, and wound up by inquiring if the statement was correct.

Hon. Mr. MILLER—That ought to have appeared in the minutes.

Hon. Mr. LANDRY—The hon. gentleman from Marshfield quoted the extract from the newspaper, and concluded by inquiring 'is the above statement correct ?' It is a similar motion to those that I have cited, and I ask, following the precedent which has been established in this House, following our uniform practice, that this motion should be entered in the minutes of proceedings of this House.

Hon. Mr. MILLS—I do not know precisely of what the hon. gentleman is complaining, except that a rule, which has been very largely followed in other cases has not been followed in his own case. If the hon. gentleman were contending that every question, or inquiry, that is made of the administration in this House ought to appear on the journals of the House, he is introducing a new practice. That has not been the practice heretofore.

Hon. Mr. MILLER—He does not contend that, as I understand.

Hon. Mr. MILLS—I understand that he does.

Hon. Mr. LANDRY—The hon. member does not understand yet.

Hon. Mr. MILLS—Will the hon. gentleman explain ?

Hon. Mr. LANDRY—Motions of inquiry may be of a different nature. An hon. mem-

ber might make a simple inquiry and ask of the government what happened on a certain occasion or ask the government what is their policy on any subject. On the other hand, an inquiry may be preceded by a statement calling the attention of the House to certain facts, and when an inquiry of that sort is made, I contend that it should be entered in the Minutes of Proceedings, and all the precedents that I have cited are based on the same principle. Every time an inquiry is preceded by a statement of facts, or alleged facts, then that inquiry should be entered in the minutes.

Hon. Mr. MILLER—I think my hon. friend is perfectly right in both cases, and perhaps a word with regard to the origin of the practice might not be out of place. There can be no question that simple inquiries of the government, such as we are in the habit of having on our paper every day, as the minister stated, do not go on the journals.

Hon. Mr. MACDONALD (B.C.)—That is, without notice.

Hon. Mr. MILLER—But inquiries such as my hon. friend alludes to, of which he cited so many instances, have been treated, not as an inquiry, but as a motion. The practice was introduced by Sir David MacPherson on a precedent which he found in the Proceedings of the House of Lords. By stating certain facts and making an inquiry, a full discussion, equal to a discussion upon any motion, was permitted in the House of Lords, and that rule was adopted by the House and carried out, I think with some degree of irregularity as to its ultimate result. In the House of Lords the instances show that where a full debate has taken place upon a statement of facts and an inquiry, the discussion was generally confined to one day, and did not appear on the journals. But with us the discussion on many of these questions has spread over several days, and then the question arose how we could adjourn the debate. I contended always that it was irregular when there was no motion before the House, that we should adjourn the debate from day to day, and that, according to the precedents of the House of Lords, we should not adjourn, but should drop the discussion on the first day. The House, however, got into the usage of adjourning debates on such inquiries from day to day as upon a regular motion, and it has now become the settled practice of the House that a discussion can arise upon an inquiry, when a statement of fact precedes the question, just as if it were a regular motion made in the House, and that it is entered on the minutes and can be adjourned from day to day. No such practice prevails in the House of Commons. We have gone further than the precedent of the House of Lords in adjourning discussions on such inquiries from day to day, and the minister may not be as conversant with it as many of us who have been in the House longer than he has been. If the inquiry in question were preceded by a statement of facts, it should go on the minutes, according to the practice since 1877.

Hon. Mr. MILLS—I understand the hon. member opposite is calling the attention of the Senate to the fact that some inquiry which he made has not appeared in the journals of the House.

Hon. Mr. LANDRY—No, I never complained of that. I complained of the fact that an inquiry by my hon. friend, the member for Prince Edward Island, has not been entered. It is not a personal matter with me, it is simply a matter of principle, and I want what is done at one time to be done at all times.

Hon. Mr. MILLS—That has not been the practice.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. FURGUSON—Yes.

Hon. Mr. LANDRY—Yes.

Hon. Mr. MILLS—I beg to differ with the hon. gentleman. The first case, when the new practice was introduced into the House, was a case when an inquiry was made by the late Hon. Sir David MacPherson, to which the hon. senator from Nova Scotia has referred, and on that occasion a discussion took place and a motion for the adjournment of that discussion was made by the hon. Secretary of State. In order to adjourn the discussion, to introduce a practice which does not exist, as my hon. friend says, in the House of Lords, it was necessary to enter the matter upon the

journals of the Senate, and I think that was the first instance in which that practice was introduced.

Hon. Mr. LANDRY—What year?

Hon. Mr. MILLS—In 1877. A great many inquiries have been made in this House which do not appear in the journals. I have a list of such inquiries before me. On the 17th of April, 1877, an inquiry was made by Sir David MacPherson upon which some discussion took place, and that does not appear. An inquiry by Mr. Cornwall, in 1878, does not appear. An inquiry by Hon. Mr. Power on the 7th of May, 1879, does not appear. An inquiry by Mr. Trudel on the 10th of March, 1881, does not appear, and an inquiry by Mr. Power, our present Speaker, May 15th, 1882, does not appear.

Hon. Mr. LANDRY—Are they all preceded by a statement of facts?

Hon. Mr. MILLS—I understand that they are.

Hon. Mr. LANDRY—If the hon. minister understands that as well as he understood me a few minutes ago, his understanding does not amount to much.

Hon. Mr. MILLS—My hon. friend may be insolent if he sees proper. He has generally adopted that tone towards me ever since I have held a seat in this Chamber, and if the hon. gentleman thinks it proper that that course should be persisted in, I have nothing to say.

Hon. Mr. DEVER—The hon. gentleman does not know how to be anything else.

Hon. Mr. MILLS—I think I possess as much intelligence at all events as my hon. friend opposite.

Hon. Mr. LANDRY—Oh, more.

Hon. Mr. MILLS—And I have endeavoured to answer his questions courteously, according to my view of parliamentary practice. I have given a statement, which I think is a well founded one, with regard to these questions, and those cases that I have mentioned, and I do that upon the information which I have received from an hon. gentleman who took the trouble to look them up. I might refer to others that I have in the list before me, but I have referred to enough to show that there is no such uniform practice as the hon. senator contends for. I can well understand, where a debate has occurred and a motion has been adjourned till a subsequent day, that an entry of some sort should be made in the journals of the House, in order that the reason for the renewal of the discussion should appear, in order that it should be perfectly apparent that the discussion on the following day is a discussion based upon an inquiry or some matter or other which may be regarded as a motion, which would justify the House in the continuance of that debate.

Hon. Mr. MILLER—That is the way they got the adjournment.

Hon. Mr. MILLS—I have no doubt my hon. friend has correctly stated the original rule, and in looking at the cases before me, I have come to the same conclusion. I find, at page 383, Bourinot, the following note:

> In the Senate the discussion is sometimes permitted to run over several days on such an inquiry, which is not customary in the Lords, since the debate on a mere question cannot be adjourned, neither is any mention made in the Lords' journals, as in those of the Senate, of a debate on such an inquiry, since it is in the nature of a motion.

Then, he refers to several instances of the debates reported in 'Hansard' to show that he correctly states the practice. The practice of the House of Lords is to ask a question, and at the same time to move formally for papers, and then the motion is on the journals, because there is a motion. In this case which is complained of, there was no motion made, and so there was no way of getting the matter upon the journals, because the debate was confined to a few moments discussion, and was completed on the day on which it was originated. I think the matter is perfectly obvious. If the House desires that the journals should be fuller than they are, and that a fuller rule should prevail, then an amendment can be made to our practice, but I am quite certain that it will be found that the journals will be overloaded and made much more bulky than they are, and that no practical good purpose would be served by the change.

Hon. Mr. LANDRY—I just want to add a word in personal explanation. If the hon. gentleman thinks I have been insolent to

him, I withdraw very willingly every word that might hurt his feelings, and I do it with pleasure. But, he will allow me to differ with him. He says the only thing that would justify that practice is, when a debate is adjourned till another day. In all the instances that I quoted just now, there is not one single case where the debate was adjourned. In every case the debate was finished the same day. The Speaker is in the Chair, but he will remember the motion he placed before the House, and which is reported in the journals of the House. He asked the government whether they would not submit a more satisfactory return to said address, after having called the attention of the House to the unsatisfactory return which had been previously made. In all those instances the simple inquiry is preceded by a statement of facts, and that is the test. I ask that the practice which has been followed since 1877 be now adhered to. I did not go back further than 1892, but I understand now the practice was introduced in 1877, which is still stronger in my favour. It gives a date for the new departure, and from then till the present time, when a motion has been made preceded by a statement of fact, it has been entered in the journals of the House, and the hon. minister cannot say it is not the practice when I give him for each year two cases. I did not want to weary the House by citing all the cases, but there are twelve cases in the single volume for 1898, where it is laid down that when an inquiry is preceded by a statement of fact, it goes regularly on the journals of the House.

Hon. Mr. MILLS—Let me read a statement which I have in my hands, which will show that the hon. gentleman is not strictly accurate in the statement he makes. If hon. gentlemen will look at the debates of June 18, 1898, and May 11, 1898, they will find that on each of those dates a lengthy question was asked, which, although debated, does not appear in the journals of the Senate. In the Debates in April, 1899, and June, 1900, three similar questions were asked by Sir Mackenzie Bowell which do not appear on the journals, which therefore goes to show that the practice has not been strictly adhered to.

Hon. Mr. MILLER—Were those questions preceded by a statement of facts ?

Hon. Mr. MILLS—Yes, as I am informed. It, therefore, goes to show that the practice has not been strictly adhered to.

Hon. Sir MACKENZIE BOWELL—Is it not a fact that the hon. gentleman himself called attention to an omission in the journals of a motion which he had made at the time ? That is my recollection.

Hon. Mr. MILLER—My own impression was that, after the practice had been introduced by Sir David Macpherson on a question where the debate extended over two or three days, the question, when preceded by a statement of facts, was entered on the journals and carried on from day to day, and established a precedent with regard to all these cases. Of course, I have not followed the journals to see whether any such motions were not entered on the journals. Perhaps motions eliciting only a short discussion were not, but my impression was that, from the time the precedent was established of adjourning debates on these inquiries, all such inquiries were entered on the journals. I considered it irregular at the time, and when I was in the Chair I said so, but the House having adopted that practice I considered I was bound by it.

Hon. Mr. FERGUSON—I do not think the question is as stated by the hon. Minister of Justice, that is whether we shall introduce a new method of dealing with these motions. I conceive it is rather whether we should not adopt some uniform practice. My hon. friend is strictly correct in saying that very many inquiries are not preceded by a statement of fact, and such have not gone upon the journals. But I have learned by inquiry, with regard to my own motion, that a practice has prevailed of asking hon. gentlemen if they desire to have such inquiries, when preceded by a statement of facts, appear, and if no such desire is expressed, they do not appear. I think that is not right. There ought to be a uniform practice in dealing with these motions : My hon. friend from Richmond, who is a very old member of the House, and well posted in its practice, tells us that as far back as 1877 this kind of inquiry was introduced, and that such inquiries have

been recorded ever since as motions. When a debate has arisen upon them, they have been treated as motions. There may have been exceptions as to the recording. My hon. friend, the Minister of Justice, is, no doubt, right in saying so. My hon. friend, the leader of the opposition, in a case of the kind, was asked if he wished to have the inquiry appear in the minutes, and it did not appear. I think all motions of this kind should be treated alike, and the practice of the House is so preponderatingly in favour of regarding them as motions and entering them in the journals, that, in future, all should be treated as motions and entered.

Hon. Mr. MILLS—If we are to have a uniform practice, I think we ought to follow the precedent of the House of Lords, and have no discussions on questions. The practice of having long discussions on inquiries in this House is not commendable.

Hon. Mr. LANDRY—Did I understand the hon. gentleman that it was the 9th May, 1898, when such an inquiry as the one he has just mentioned was omitted ?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—I find in the minutes such an inquiry recorded on the 9th May. It was one of the ten or twelve of that year that I did not cite. On the 9th May I called attention to certain facts, and that motion went into the journals. In conclusion, I may say this to the hon. gentleman : I have asked that a practice, which was introduced in 1877, and followed up to this day, be followed. It might be changed if the House wishes to do so. I have no objection at all, but I do not think this change should be made by the Clerk, or any other official of the House. I contend that it is the House itself which should make the alterations, if alterations are to be made. If this inquiry is not put into the journals, I shall move that the entry be made ; such a motion would comprise the inquiry, and in that way I am sure to get it in the journals.

Hon. Mr. FERGUSON—It has already been decided to insert it in the journals.

Hon. Sir MACKENZIE BOWELL—Would it not be well to express an opinion as to the necessity of uniform action on the part of the Senate in connection with these motions ? It is quite evident from what the hon. gentleman has stated, and what the hon. Minister of Justice has stated, that there has been no uniform practice—that in many cases the entries have been made, and in other cases they have not. I can remember distinctly the hon. gentleman, a year or two ago, calling attention to the fact that an inquiry he had made, and which he considered of importance, was not entered on the journals at the time. Either all questions should be entered or a change should be made and none entered—that is, questions based on statements of fact—well, I will not say statement of facts, because some statements are made to which the attention of the House is called which turn out not to be facts, so we cannot adopt a rule upon that basis. If I call attention to a statement which I consider of sufficient importance, the government might say at once that is not the fact, and it would not go on the journals unless it was established that it was the fact. But if a statement be made of what is alleged to be facts, and either a motion or an inquiry is made upon it, should it not appear on the journals ? Many members put these questions in order to have them appear on record, and who is to be the judge as to which should go on record and which should not ? I might put a question and say that I did not want it to appear on the journals, but some other members might wish to have it appear in order that there might be something on record to show what action was taken on the question. We must lay down a uniform rule and act upon it. My own impression is that it would be better to follow the precedent which the hon. gentleman from Stadacona has called attention to, in order that all questions which the member may think of sufficient importance to bring before the House should be put upon record. I do not think, as the hon. minister says, that questions of that character are so numerous that they would encumber the journals. The inquiry which I made the other day, based upon certain statements which had been made by certain parties, the discussion on which was adjourned, and a motion based on it, will appear on the records, but let us decide positively what shall be done in all such cases.

Hon. Mr. MILLS—I would suggest that my hon. friend from Richmond, the leader of the opposition, the Secretary of State, and myself, meet and discuss the matter without formal appointment.

Hon. Sir MACKENZIE BOWELL—I would suggest that the Speaker should also be added, and let us come to some decided rule.

Hon. Mr. MILLS—I have no objection.

Hon. Mr. SCOTT—Looking up one of the cases to which the Minister of Justice has referred, that is the dismissal of Proulx and Poitras in June, 1897, Mr. Landry set forth certain facts and asked a question. It does not appear in the journals of that day, 18th June, but there is an entry in the journals of a similar character that does not appear in the debate.

Hon. Sir MACKENZIE BOWELL—That is what we complain of—want of uniformity.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 26, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

BANKRUPTCY LEGISLATION.

Hon. Mr. MACDONALD (B.C.) rose to give notice that on Friday the 29th inst., he will inquire if it is the intention of the government to introduce a bankruptcy law this session of parliament. If not, will the question be considered by the government during recess? He said: I think I ought to give my reasons for asking this question. The Board of Trade of London, Eng., is moving to have a bankruptcy law for the whole Dominion, and they have been urging the boards of trade throughout the Dominion to ask for such legislation. I shall read the report of the London Board of Trade on the subject:

Hon. Sir MACKENZIE BOWELL.

The London Chamber of Commerce have had under consideration the absence of a Dominion bankruptcy law, and have adopted the following resolution:—

'That this section is convinced the Anglo-Canadian trade has materially suffered from the absence of a Dominion bankruptcy law, and urges most strongly that the chamber should make representations to the Dominion government with a view to legislation on this subject, and should also address the boards of trade throughout the Dominion, expressing the hope that they will urge on the government that the matter be, if possible, considered during the next session of parliament.

These are my reasons for asking the question next Friday.

DOUKHOBOR IMMIGRATION.

MOTION.

Hon. Mr. BERNIER moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate copies of all correspondence relating to the immigration of the Doukhobors; and also copies of all petitions, reports, memorandums or representations sent to the government by said Doukhobors, or by any one on their behalf, since their settlement in Canada.

He said: I have only a few words to say with regard to this motion. In recent years, the government have been at great expense in connection with the immigration of certain people, among them the Doukhobors. Nothing at the time was too good for them. Delegations were sent to them, and addresses were presented to them. It was almost a craze with certain people. We were told that they were the most moral and most desirable of all immigrants. Now, we have the other side of the medal. They have hardly been here for two years, and they are up already with their grievances. They object to our land laws, to our laws in relation to marriage, and to our registration laws. A petition, it appears, has been sent to the government, setting forth those grievances. If what appears in the papers is true, they object to taking up homesteads individually, on the ground that private ownership is opposed to the law of God. Their second objection is to our marriage laws. They do not believe any civil or any other ceremony is necessary to constitute a marriage. The third objection is this, that only such a feeling of love as is born of the recognition of moral character, creates a real legal marriage.

They also object that, under Canadian law, divorce can be obtained only through the courts, and that if a person remarries, without obtaining a divorce, he is liable to imprisonment. They cannot recognize as correct, and cannot accept any human law as to the marriage union. They have sent an address based on these objections to all civilized nations, asking if there is a country where they could live in accordance with their own views. Whether they can find such a country or not, I am not aware; at any rate the duty rests with us to take the matter up and cope with this problem, because it is a very serious problem according to my views. I cannot put it before the House better than in the terms which I find in the Halifax Chronicle, a newspaper friendly to the government:

> It is well, perhaps, that this matter has come up in this way, at this time. Not much damage can yet have been done. The few thousands of foreign riffraff so far brought into the Dominion can probably be swept out of the country or got rid of in some way without serious injury. But we want no more of it. Immigrants have recently landed in Halifax, and not a few of them, whom all that have seen them report as anything but a promising acquisition to any civilized land, and as a most probable good riddance to their native countries. It is revolting in the extreme to think of blood such as this being destined to mix with our good, clean British and French Canadian blood to its certain corruption. The early filling up of our vacant lands is a small matter as compared with the preservation of the wholesomeness of our population.

It appears that more immigrants of that sort are to come. I find in a despatch of the 16th March that Mr. Preston has visited Asia, going three hundred miles towards the eastern end of the Black Sea, where a number of the Malok race are, as a result of his visit, preparing to come to Canada, and I have seen also another despatch suggesting the idea of sending here the Boers to work on the railways.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BERNIER—It seems to me that a stop should be put to all that sort of immigration, and aside from all political consideration, I hope that the government will take this matter into their hands and in the future will see that a better discretion is exercised in bringing in any sort of immigrants.

Hon. Mr. MILLS—My hon. friend has on the notice paper certain questions. Is he permitting those to stand for the present?

Hon. Mr. BERNIER—I wish to make the motion first and ask the questions afterwards.

Hon. Mr. MILLS—The hon. gentleman is not taking them in the order in which they appear on the paper.

Hon. Mr. BERNIER—No.

Hon. Mr. MILLS—The hon. senator has made an attack upon the Doukhobor population—that is the immigration into the North-west Territories,—and, as I understand, it is an attack based on the theory that those people do not agree with him in their views, either as to their obligations to society or their religious convictions. I did not know that this country was disposed to prepare a creed for its immigrant population. It has never been proposed by any one heretofore that there should be particular articles of faith subscribed to by the foreign population in order that they might become settlers in the Dominion of Canada. That is practically what the hon. gentleman proposes.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. BERNIER—I did not propose anything of that sort.

Hon. Mr. MILLS—The hon. gentleman proposes that these people shall not be encouraged to come to this country. He contends that they are not a desirable class.

Hon. Mr. PROWSE—Hear, hear.

Hon. Mr. MILLS—That they are not the kind of population we ought to secure as settlers in this country, that our progress in securing a more select population has been so satisfactory in the past that we ought to persist in it, and that the efforts pointing in the direction of securing the settlement in Canada of the Doukhobor population, ought to be abandoned. Then the hon. gentleman gives us a reason for that, that the Doukhobor views with regard to the marital relations and with regard to proprietary interests in property are not those which he entertains, and persons who dissent from his views ought not to be encouraged to come here. I do not agree with the doctrines which the hon. gentleman contends for. I do not think that we ought to undertake to prescribe an orthodox creed

to which we would require the immigrant population to subscribe, nor to certain views of political economy that would be necessary in order to find introduction into this country. The hon. gentleman has referred to the Doukhobor population. I am informed that there has been no offence committed by any member of that body since they first came to Canada, and, so far as their observance of the law is concerned, they are as law-abiding a population as has come from any country in Christendom in order to find a home in this country. There is a further fact, that the Doukhobor population are industrious, and, so far as my information goes, they have never claimed the rights, nor have they made any encroachment upon the rights of any other section of the population. If industry and good conduct are grounds upon which we should encourage a population to come to this country, then the Doukhobor can obtain a certificate from us in this particular. I do not know that the Doukhobor population, in their views with regard to the marital state,—that it is one of divine origin and ought not to be based upon civil contracts—differs so widely from the views entertained by some other sections of the population. I remember in the speeches and letters of Count Cavour, in Italy, a very able and interesting discussion of this subject, and he points out the necessity for regarding the marital state as one created by civil contract, and that, I think, is subscribed to by most people to-day, but it does not prevent an ecclesiastical marriage being established between the same parties where that is thought desirable. The civil marriage, to which some of the Doukhobors object—I do not understand the whole Doukhobor population objects, for we have a good many thousands in the country, and I think the petition on this subject was signed by but twenty-nine of them—is one which is found necessary in dealing with the subject of legitimacy and of succession, and I have no doubt, when the Doukhobors understand precisely the ground of our contention, they will be quite disposed to acquiesce in what is contended for by the majority of the people, and what the law provides for in this country. I do not think my hon. friend has made out any case that would justify this House in undertaking to interpose in the matter and to induce the government of this country to put an end to the immigration of the Doukhobors as settlers in Canada. We have an immense area of unoccupied land. We have room for a great many millions of people, for many times the population we have at the present time, who may profitably engage in agricultural pursuits. The growth, the prosperity of this country, the development of its resources, and the necessary provision for its defence require that we should encourage the settlement of people amongst us, and if the people are industrious, not given to crime, having some respect for the rights of others, I think that we may fairly assume that the descendants of such a population will make fairly good citizens, and in this respect the Doukhobor population, I think, fills the requirements. We are securing people from the continent of Europe, from south-eastern Asia, as the hon. gentleman has referred to, and I do not know that it matters very much to us from what section of the civilized world a white population comes to this country for the purpose of making this country their home. In my opinion, the literature, the history, the scientific pursuits in which many of our people engage, will make our population, no matter from what source they may be originally drawn, a homogeneous population. When I look at the population of the United States, many of whom were persons in very much more straitened circumstances than any of those who have yet come to Canada, when I see what progress they have made, how readily they have adapted themselves to the Anglo-Saxon forms of government, the Anglo-Saxon institutions, how readily they have conformed to the laws and have become enthusiastic admirers of that system of government under which they have come to live, I have no doubt whatever that any of the peoples who have come to this country will be equally ready to adopt our form of government and to become admirers of British institutions. The public schools of a country, the literature of a country, the habits and customs of a people, all exercise an immense influence on the population that comes to a new country from older ones, and I believe that our institutions will serve to convert those people, no matter from what section of Europe

they may come, into a law-abiding and industrious Canadian population, as readily as the United States institutions have accomplished there the same object. The people who have gone to the neighbouring republic have not all been men of means or people of wealth. They have not all been highly educated people. Many of them are extremely poor, and many of them extremely ill informed, but in settling in the United States they were surrounded by persons of American birth and the institutions of the country have moulded them into American citizens scarcely distinguishable from those of Anglo-Saxon origin. I see no reason why the institutions of this country may not accomplish the same object, and, for my part, I rejoice to see a people coming to this country, law-abiding, disposed to do what is right with their neighbours, and ready to engage in industrial enterprises to earn their own livelihood and to contribute to the growth and prosperity of the country. The Doukhobors are serving this purpose, and although their religious views, and their views of government, and their views with regard to the obligations of the members of society towards each other may not be exactly those to which I myself subscribe, or those of English origin, they will in time, no doubt, accept our views so far as we are right; they will discover their superior adaptability to the institutions of the country and to the requirements of the times, and we can leave time to correct those mistakes of opinion to which the hon. gentleman opposite attaches so much importance, I think with perfect certainty that they will accomplish that purpose.

Hon. Mr. McCALLUM—I desire to make a few remarks on this question, and I may have to refer to the language used by the Minister of Justice in his speech on the address in reply to the speech from the Throne. I thought there was something behind to be covered up. When the leader of the opposition was speaking of this question, all he said was, that he was pleased that we had a large immigration into the North-west, but he was not altogether satisfied with the class of people who were coming into this country. My hon. friend, the Minister of Justice, in reply, had to go all over the world and talk about bringing people equal to any in the world from the Mediterranean and the Black Sea. He was particularly unfortunate in his reference to the Highlanders, my countrymen. He said that after a while they learned to speak English and made good settlers, and he wanted to class them with the scruff from Russia in the North-west. He wanted to compare my people, who are the descendants of statesmen and warriors, with that venal tribe that he speaks of, who left their homes to till the soil in the North-west. That is the inference I take from what he said. If it had come from any ordinary gentleman, I would not think anything about it. But this comes from the Minister of Justice—from a learned man. That is the character he gives my people. He classes them with the Doukhobors. The hon. minister has read a lot—a great deal more than I have, but I cannot sit here, while I have a tongue to speak, and allow my countrymen to be misrepresented. Has the hon. gentleman read the history of the Highlanders? No doubt he has, but he has misconstrued it. Has he read the history of Huntley and the Gordon Highlanders—the Sutherland Highlanders—the Glengarry Highlanders, and the Camerons of Locheil? I can go through the whole lot of them, and I may last speak of my own, the Argyle Highlanders. They are fighting today all over the world in behalf of liberty and good government. I would ask the Minister of Justice has he not read in British history that my countrymen, from the day of the union of Scotland and England, known as Great Britain, now as Great Britain and Ireland, whose emblems are the shamrock, the thistle and the rose—shamrock green, thistle keen, together with the rose, Britons hold your own—have stood by the British Crown on every sea and in every land, and never turned their backs on the foe? I cannot remain silent while my countrymen are being placed in the same category as Doukhobors because they could not talk English. Does the hon. gentleman know that these men who fought under Abercrombie and Wolfe in America, under Wellington in Europe, under Campbell in India—does he fancy for a moment that all of them could talk English? I know they could not. I know when a boy I conversed with some of those veterans who did all this fighting, and they considered it as the worst thing in the world to show the white feather. It is too

much that the descendants of these people to-day should be classed with the scruff of Europe—to be classed with Doukhobors. I say if the Highlanders and the Germans of this country stand such an insult I am mistaken. I am a Highlander of the Highlanders, and I hope some one here will resent the insult that is offered to the German race. The hon. gentleman has read history. Some have read too much history. Has he read the history of Canada? Has he read the description of the battle of Queenston Heights, and how the Glengarry Highlanders marched from Burlington Heights to Queenston Heights through the night to be prepared to pitch the Yankees down the heights the following day? Did the Glengarry Highlanders speak Gaelic or English? I venture to say that four-fifths of them spoke Gaelic and not English, and nine-tenths of them spoke Gaelic, their mother tongue. Yet the hon. gentleman wants to class such people with Doukhobors who take their women and drive them as the Boer does his oxen to do his ploughing with them. This is the class of people brought into this country by the government, and when I heard the Minister of Justice speaking of my countrymen and the Germans as he has done, I thought there was some dirt to be covered up. I do not want to be unjust, or to do him a wrong, but I told him then, when he sat down, that he had not fairly represented the character of my people. I say so now. We should not be anxious to settle this country with such people as the Doukhobors. I say away with them. They make slow progress. Let the quality of our immigration be good, if we do not get quantity. I read an article from the Montreal Star, published by Mr. Graham. He is the responsible editor. Graham is a good name in Scotland, and all over the world. I do not know whether he is a descendant of the ancient Grahams of Montrose or Dundee, but he is trying to do to-day with his pen and printing press what his ancestors tried to do with the sword. Let us see what he says, when forced to speak on behalf of my country men, when they are classed with the lowest of humanity :

Hon. Mr. McCALLUM.

MARRIAGE WITHOUT LAW.

Doukhobors in Canada Issue Address to All Nations.

In Revolt Against Canadian Institutions—Land, Marriage, Divorce and Registration Laws are Distasteful to Them—What is to be Done?

Montreal, Mar. 13.—The Doukhobors, the gentle Russian Quakers, who were brought to Canada a couple of years ago at great expense, are in full revolt against the laws of Canada and the recognized code of civilized morality.

They have issued an appeal to the nations of the world asking that they may be given a refuge from Canadian tyranny.

They object to our land laws, to our marriage laws, and to our registration laws.

And because they cannot have their own way, they are now looking for some other country where their religious liberty will not be oppressed.

These statements will appear remarkable to the average Canadian, who has until now believed that this was the freest country under the sun, and that no such thing as oppression existed beneath our Canadian skies. Yet these uncivilized peasants, who fled from Russia to escape the tyranny of a Czar and his Muscovite officials, and who have been the recipients of nothing but kindness from the government and people of Canada, are dissatisfied because, forsooth, they cannot have their own way in the matter of land tenure, in promiscuity of marriage, or the practice of free love, and in the neglect of the simplest rules of obedience to the state.

STORY OF THE REVOLT.

The story of this Doukhobor revolt against the laws of Canada is an interesting one.

In June last the Doukhobors settled in the neighbourhood of Yorkton, N.W.T., addressed a petition to the Dominion government setting forth the grievances which they consider the Canadian laws impose upon them.

Their first objection was to their taking up homesteads individually, on the ground that private ownership of land is opposed to the law of God. They wished to have a tract of land set apart for their brotherhood, in the same manner that reserves are set apart for Indians, the title to the whole tract being vested in the sect and not in the individual members of the community.

OBJECTED TO MARRIAGE LAWS.

They next objected to our marriage laws. They do not believe a civil or any other ceremony is necessary to constitute a marriage, and they consider it a violation of the law of God to be compelled to take out a marriage license and pay two dollars therefor. On this point they say :—

'We cannot accept such a law, for we believe that it also breaks the law of God. We cannot believe that a marriage can become legal because it is recorded in a police register and a fee of two dollars paid for it ; on the contrary, we believe that such recording and payment annuls marriage and breaks up its real legality. We believe that the real legalization of a marriage union is when it is brought about freely as a result of pure feeling, of a mutual moral affection between man and woman.

THE ONLY REAL LEGALITY.

'Only such pure feeling of love, born of the natural recognition of moral traits of character creates a real legality of marriage according to the law of God, and not a record of same in a police register and a money fee. And every marriage which had its source in the pure feeling of mutual love will be legal before God, although it were not registered and other people would not recognize its legality. And every other marriage, not the result of free will and pure love, but contracted unwillingly or as a result of lust, or money, or any other consideration, will always be illegal before God, although it should be registered in all the police records, and would be considered legal by everybody. Therefore, we believe that legalization of the marriage bonds belongs solely to God, and we cannot consent to transfer the legalization of our marriages from God to the police.'

FREE LOVE IDEALS.

They also object that under Canadian law 'a divorce can be obtained only in the courts, and that if a person should remarry without a divorce so obtained he is liable to imprisonment for many years.' This, too, is opposed to their free love ideas, and they cannot conscientiously submit to it. Here is their argument on that point :—

'As to divorce, we believe that every man who has divorced his wife is an adulterer, and forces her to become an adultress, and that every remarriage, or marrying a divorced man or woman, is also adultery. But, alongside of that, we believe also that the law of God is the law of freedom, that open sin is lighter than a secret one, and that if a marriage union is contracted not through pure feeling of love, such a union is illegal from its beginning, and constitutes the sin of adultery, and, therefore, when persons living in such an illegal union will come to such a conclusion, and will conceive the impossibility of making such a union legal, out of two evils, the lesser for them will be to divorce and separate.'

DIVORCE MAY BE LEGAL.

And in such a case a divorce may become legal, if the Heavenly Father will forgive the sin of the divorced parties, and so allow them to remarry with free consciences. As the forgiveness of God can be known only to the two people concerned, no one, nor any human institution can make a divorce either legal or illegal, for they cannot be competent to know whether God forgave the sin of divorce or not. That can be known only to the consciences of the divorced themselves.'

And this is their ultimatum to the government :—

'In consideration of the above we cannot recognize as correct and cannot accept any human laws as to the marriage union, being sure that all pertaining to it is in the province of God's will and human conscience.'

THE REGISTRATION LAW.

They object, also, to the law requiring all births and deaths to be registered, on the ground that the Creator knows who is born and who dies and does not require to have it recorded in a register.

The Dominion government, apparently sent a copy of their petition to Mr. Maude, the English Quaker, who was chiefly instrumental in their immigration to Canada, and he wrote them a letter of advice. He pointed out, in regard to their desire to own their land as a community, that after the individual members had earned their homestead patents they could transfer their land to the community, and that there is a provision in the land act whereby they can perform their homestead duties while still living in community.

ONLY A FORMALITY.

In regard to the marriage laws, he recommended that they comply with the formality of taking out a marriage license ; but also pointed out that there is no law against adultery, and if they conscientiously wished to separate and live with some one else, they could, therefore, do so, provided there was no second marriage. He also recommended that they observe the formality of registering births and deaths, even though they did not believe in the necessity of doing so.

To this the Doukhobors wrote a long reply, contending that their consciences would not allow them to go through forms they did not believe in the necessity of.

A HOMESTEAD PATENT.

For a man to secure a homestead patent in his own name, even if he afterwards transferred the land to the sect, constituted temporary private ownership, and was a sin ; and, as to the marriage, divorce and registration laws, they regarded compliance with them as 'equivalent to denunciation of the power of the law of God and human conscience.'

The immigration agent of Yorkton subsequently called a meeting of the Doukhobors to explain to them how they might practically secure communal possession of their land, as Mr. Maude had explained to them ; but they remained firm in their protests. The Dominion lands commissioner finally wrote them, telling them there was no possibility of the laws being changed to meet their wishes.

ARE TOO OPPRESSIVE.

The Doukhobors have now decided that the Canadian laws are too oppressive, and that they can no longer conscientiously live in this country. They have published an Address to All Nations, setting forth what they regard as the iniquity of the Canadian laws, detailing their efforts to be relieved from the operation of these laws and appealing to some nation to offer them an asylum to which they can emigrate and where they may live in accordance with the dictates of their consciences. It seems that under date of February 11 last they wrote to Ottawa asking the government for permission to remain in Canada until they could find some other country to settle in.

THE PROBABLE RESULT.

There is little likelihood of their finding a civilized country which will favourably respond to their appeal. What, therefore, is going to be the result ? If they are firm in their refusal to obey the Canadian laws, they will have to endure the penalties those laws impose. Then they will, doubtless, claim that Canada is persecuting them the same as Russia did. Their manifesto serves to explain more fully their peculiar principles, which, it is safe to say, were not

thoroughly understood by the majority of those orthodox religious people who so effusively welcomed them on their arrival as persecuted fellow-Christians. It looks as though Canada would, before long, have a serious problem on her hands in dealing with these irreconcilables.

Now, I have no doubt at all the Minister of Justice was aware of all this when he replied to my hon. friend the leader of the opposition the other day, when he raised that tempest in the teapot about my countrymen and the Germans.

Hon. Mr. McSWEENEY—Is the Montreal Star good authority ?

Hon. Mr. McCALLUM—Yes, I have given the name of the proprietor. I consider Mr. Graham is responsible, and the Star is about as reliable a paper as there is in Canada, and if the hon. gentleman is displeased at what the Star says, Mr. Graham is at the back of it to make it good. Does the hon. gentleman want to throw me off my argument ? If so, I give him warning two can play at that game. I thought we had the freest country under the canopy of heaven—a country where a man can worship God as he thinks proper, and can do anything that is not unlawful without interference from anybody. Yet, here are the Doukhobors appealing against the injustice and the oppression of Canadian law. And how are they oppressed ? Simply because they cannot take other men's wives. Is it desirable we should have free love among our people like the cattle of the fields ? Those who are in favour of that kind of morality can go where they please, but I shall never raise my voice in their favour. The hon. gentleman said that if the Doukhobors stayed in the North-west, they would in a generation or two, make good settlers. Say a generation is seventy years: double that and you have one hunderd and forty years. That is why he wanted to class my people with such a tribe. He must have had an intimation that the Doukhobors were petitioning against the tyranny of the Canadian government and wanted to leave the country. He had a doubt as to whether we could keep them or not, but he has changed his tune to-day. The Doukhobors are good to-day. They have been spoon-fed by the people of Canada. We helped to bring them here. We fed them when they came, and we gave them land, and still they will not stay with us, though my hon. friend says they are satisfactory settlers. The Minister of Justice speaks of settling them in the North-west with the Highlanders and the Germans. Does he suppose that the Highlanders and the Germans will have anything to do with such people ? Let us have a Christian, a moral country. We do not want such cattle here.

Hon. Mr. DANDURAND—Are the women pretty ?

Hon. Mr. McCALLUM—I do not know anything about that. My hon. friend can go up there and see for himself. Does the hon. Minister of Justice approve of free love ? I do not want to do the minister an injustice.

Hon. Mr. MILLS—My hon. friend has done nothing but injustice since he began to speak.

Hon. Mr. McCALLUM—How have I done the hon. gentleman injustice ?

Hon. Mr. SCOTT—The hon. gentleman did him an injustice in misrepresenting his statement about the Highlanders.

Hon. Mr. McCALLUM—Let the hon. gentleman speak for himself. Does the Minister of Justice approve or disapprove of the views of the Doukhobors ? He is a learned man—as I consider to-day the most learned member of the government. If this comparison between the Doukhobors and my countrymen had come from a common man I would not care anything about it. The very man who made the arrangement with the Canadian government tells the Doukhobors that they had better comply with the law, as far as divorce is concerned, that it is not necessary ; that they can put away their wives because there is no law against adultery in this country. I repudiate any connection with the Doukhobors and any comparison between my countrymen and the scruff of the population that has come from Europe, from the Mediterranean and the Black Sea. I do not want them here. Canada does not want them, and when the hon. gentleman speaks of the Highlanders and the Germans who do not talk English, I ask what would this country do without them ? I venture to say that four-fifths of the men who marched from Burlington Heights to Queenston Heights to fight the battles of the country could not speak Eng-

lish, yet there is no population in the British Empire, in proportion to numbers, who have done more to uphold the honour of the British Crown and the Highlanders. Every one knows that they have done so ever since the union. The emblems of the empire are :

" Shamrock green, thistle keen, together with the rose,
On every land and every sea, ready for their foes."

And nobody has been more forward than my countrymen in this respect. In conclusion I say to you Highlanders in the Dominion of Canada and old Scotland, and you Germans that have settled in this country, that the Minister of Justice will give you one consolation. He said he did not believe with Darwin that your ancestors were monkeys. That is the only consolation the hon. gentleman gives you now. That is all he has to say in favour of that great and glorious people, my countrymen.

Hon. Mr. PRIMROSE—I think after the remarks which have fallen from the hon. gentleman from Monck that the next time the hon. Minister of Justice draws his venturesome bow he will take good care to make himself well assured that there is not a Scotchman anywhere within range.

Hon. Mr. MILLS—If the House will permit me to say a word in my own defence against misrepresentations which have been made by the hon. senator from Monk.

Hon. Sir MACKENZIE BOWELL—Better say misunderstanding instead of misrepresentations.

Hon. Mr. MILLS—I do not care what name my hon. friend gives it, but the remarks of which my hon. friend from Monck complains are as follows :—

I am myself of the opinion, notwithstanding the views put forward by Mr. Darwin and those who sympathize with him, that after all, the human races are of one blood, and that there are merely physicial causes for the differences which exist amongst us, and if you bring people from the continent of Europe, from the republic of the United States and from the British Islands, and from the provinces of this Dominion and place them in the North-west Territories, engaged in industrial pursuits under the same influences, reading the same literature, having their thoughts turned in the same channels, that in the course of a generation or two you will not be able to distinguish between them.

That was my contention. I did not represent any race as an inferior race. I was pointing out the fact that, so far as this country was concerned, they would all alike, at an early period, become Canadians. I said :

The man who spoke Gaelic when he came here and could speak no other language, the one who spoke German when he came here and could speak no other language, would soon be succeeded by families that would speak the common language of the country, and we will be scarcely able to distinguish the descendants of the Highlandman and the descendants of the German.

Is there a word in that which casts any reflection upon Highlanders or Germans ? I think hon. gentlemen will say that there is none, that what I was pointing out was that we ought not to object to immigration because the people who settled here did not speak the English language when they came, that their descendants would, in a remarkably short time, speak the English language and become undistinguishable from those of English origin. It is my opinion still, and I come to that conclusion from my observations of the state of things in the neighbouring republic, and where you have a highly protected system that congregated foreigners in towns where they became distinct communities, you had this process of their being converted into one population going on constantly. That process is going on in this country, and I have no doubt whatever that this country will be advantaged by the settlement here of the Doukhobors, the Mennonites, the Icelanders and others who have come from beyond the British islands ? My hon. friend may speak about these people as the off-scouring of Europe, as an inferior race. I apprehend the majority of the people of this country are of a different opinion.

Hon. Mr. McCALLUM—No.

Hon. Mr. MILLS—They do not look upon a community amongst whom there is no vice, who commit no crime, who observe the relations that exist between man and man, who have neither appeared in the criminal courts nor in the police courts since they came to this country, as not a desirable class to secure as settlers in Canada.

Hon. Mr. WATSON—This is a matter which affects Manitoba and the North-west Territories to a greater extent than eastern Canada, the settlement of our vacant land, and I wish to say a few words about the class of people referred to in this motion. It appears to me that the gentlemen who

have addressed the Senate on this particular question are only too anxious to find fault, for political reasons, rather than to get at the facts of the case before the House.

Hon. Mr. BERNIER—No, no.

Hon. Mr. WATSON—The hon. gentleman says no, no, but I think I can convince hon. members of this House that the remarks made by the hon. gentleman who introduced this matter, and the hon. member for Monck, were far afield in speaking of the Doukhobors. I have this to say about them: that they are a desirable class of settlers. I know whereof I speak, and hon. members will bear me out. I was surprised at the zeal of the hon. gentleman from Monck in defending our race, the Highlanders, because, while I have not the knowledge of the clans that he has, still I claim the Macdonald tartan as my tartan. I have seen that hon. gentleman on other occasions, when reflections were made of a much more severe character than any conclusions he could draw from the remarks of the hon. Minister of Justice, in another place, when the late member for Glengarry, himself a Highlander, when it suited the purpcse of the party in the House of Commons, declared that the Highlanders of Scotland were as much barbarians 150 years ago as the Indians of the North-west plains. The hon. gentleman sitting in his seat had nothing to say against the hon. gentleman for Glengarry for comparing his forefathers, the Highlanders of Scotland, with the Indians of the plains.

Hon. Mr. McCALLUM—I knew it was not a fact.

Hon. Mr. WATSON—So far as the Doukhobors are concerned, I find they are engaged in following their avocations as farmers in their settlements. True, they have peculiar ideas about some matters, ideas that differ entirely from the Highlanders, because the Highlanders are always to the front in a fight. The distinction between the Doukhobor and the Highlander is that the Highlander wants to fight and the Doukhobor doesn't want to, and there is another distinction which we will obtain credit for. We always happen to be on the top. We always like to be engaged in the best part of any particular avocation, and I find that the Doukhobors are engaged in rasing stock on the settlement. Our forefathers used to be drovers. I do not know that they raised much stock, but they were drovers. There is this particular distinction. So far as they are concerned I think there is no doubt that the morals of the Doukhobors will stand in good comparison with the morals of any class in Canada. I have before me a report made by a gentleman, who will not be questioned on this matter, a gentleman who had an opportunity of informing himself particularly on the religious and the moral beliefs of those people. He made a report a few days ago. It is published in the Free Press of Saturday, March 23. It reads as follows:—

> Dr. J. T. Reid, a graduate of McGill University and a resident for five years, as a practising physician, in Point St. Charles, has returned after a year's residence in the Dauphin district, the home of the Galicians, and amongst the Doukhobors of the Thunder Hills Colony, a hundred miles further north. Dr. Reid's headquarters are at Sifton from which centre he has done good work as a medical missionary under the auspices of the Presbyterian church of Canada.

Mr. Reid goes on to state the peculiarities of the people with whom he is dealing, and at the present time it is very important that this should be considered in this House. I do not think that any hon. gentleman in this House will question this report of Mr. Reid's being a medical commissioner, representing the Presbyterian Church, and who was among the Doukhobors for about eighteen months. He proceeds:

> As a people the Doukhobors are happy and contented in their Canadian home. During the two seasons they have been in this country they have made commendable progress in the cultivation of the land. All of those who were induced to go to California have returned, and are now satisfied that on the prairies of our western provinces there are more promising prospects for them than in the United States. During the season of 1899 the women and children of the Thunder Hills Colony, which comprises 1,500 Doukhobors, made $2,025 by picking senega root, while the men made, during the same season, $30,670 on railroad construction work. The Doukhobors live in villages and work the land about them while the Galicians live on their farms like Anglo-Saxon farmers. Both are following the system of mixed farming as much as possible, and are thus teaching some Canadian settlers, who are land poor, or wheat poor, a valuable lesson. Many have gone from eastern Canada to Manitoba and depended solely upon wheat growing, or land speculation, for their profit. When these fail they are ruined. The Doukhobors are gradually going into stock raising and their success

is rendered surer on this account. They find oxen less suited for draught purposes as yet.

The Doukhobors are devoutly religious and carry their religion into their everyday life, and their moral tone is high. The fundamental principle of their religion is love—love for their neighbour as well as God. The Doukhobor looks upon business competition and strife, as well as all war, as being anti-Christian. If we do not love our neighbours they consider we are not Christians. They say Jesus taught his followers to love their enemies—not to kill them. The Doukhobor lives and works, not for himself, but for his neighbour—for the community; and he turns over all his earnings to the common treasury of the village in which he lives. Among the Doukhobors of Manitoba are a number of women whose husbands are in exile in Siberia. These, together with their children, are supported out of the common fund. This is not done grudgingly, but freely as a Christian duty.

And later on he says:

Cleanliness is a conspicuous part of their religion. With them it is not 'next to godliness' but a vital part of it. Godliness with them means Godlikeness. There is a public bath in every village and every Saturday at least, all the year round, the populace takes a bath 'whether they need it or not.' The men perform their ablutions in the morning and the women in the afternoon. Their houses and clothing are likewise kept scrupulously clean. In this respect, as in social affairs, the Galicians differ from them greatly.

That is a report of a gentleman who had just returned from amongst those people, and it is surprising to me that, because some twenty-nine of them, out of 7,500, were induced to sign a petition, which has been read here, complaining against the laws and being compelled to settle on separate holdings, the hon. gentleman for Monck should wax wrath over the matter. This petition was not really got up by the Doukhobors. It was the work of a Russian who got among them and got it signed. Those who went to California have returned and are good settlers. I know something of the people; I have seen them. I know that during the harvest of 1899, if it had not been for the labour of the Doukhobors and Galicians, millions of bushels of wheat would have been destroyed. They are a valuable acquisition to the North-west for the purpose of furnishing good labour. There is no better labour in that country, either on the farm or on the railway. Before hon. gentlemen rise in this Chamber and make a tirade against any class of settlers, they should know something of what they are talking about. The speeches in this House this afternoon prove that statements are made without any foundation of fact whatever, and I could not let the opportunity pass without stating what I know of this matter. Referring to the Germans and the Mennonites, the Mennonites came to Manitoba some twenty-five years ago, practically in the same position as the Doukhobors. Will my hon. friend say that the Mennonites are not an acquisition to Canada? I do not think he will dare make that statement. They are honest. They are good farmers, and they have produced wealth out of the prairie. They are sober and industrious. The Doukhobors are probably more so. They have a religious regard for cleanliness. When a number of those Doukhobors arrived in Manitoba, two years ago, some 365 of them were housed in the old court-house in the town of Portage la Prairie where they slept in bunks put in three or four deep. I visited that place and found it was perfectly clean. There was no bad smell. They are probably the cleanest people residing in Canada to-day. I make this statement knowing what I am speaking about. They came from Halifax to Portage la Prairie, some 3,000 miles, and the Canadian Pacific Railway people said the cars were cleaner when they reached Portage la Prairie than when they left Halifax. It is absurd for hon. gentlemen to speak of them as the scum of the earth. It cannot be in the best interests of the country. It is trying to get a slap at the Minister of the Interior, who has, by his energetic administration brought a lot of people into our Canadian North-west. I am a Highlander, born in Canada, and I may say to my hon. friend for Monck that I do not think there is any cause for alarm. I do not think the Hon. Minister of Justice would try to turn down the Highlanders, and if he tried I do not think he could succeed. If my hon. friend felt genuine zeal on behalf of the Highlanders, he would have remonstrated with Mr. McMaster when he referred to the Highlanders of Scotland as being as much barbarians as the Indians of the North-west.

Hon. Mr. POIRIER—Are they still that way?

Hon. Mr. WATSON—I do not think they ever were that way. I think the party zeal, which led Mr. McMaster to make that statement, caused his defeat in Glengarry, and I think if my hon. friend was depending on the electorate for his seat he would not

make that charge against a desirable class of people who, no doubt, in the near future will be a desirable portion of the population of Canada.

Hon. Sir MACKENZIE BOWELL—It is not desirable to continue this discussion at any great length, but I cannot help expressing the opinion that the hon. Minister of Justice misunderstood entirely both the remarks of my hon. friend from St. Boniface, and the object of his motion. Otherwise he would not have attributed to him what he did. If the hon. gentleman from St. Boniface had laid down the doctrine that no immigrants were to be allowed to come to this country unless they held his theological views, I am inclined to think I would be with the hon. Minister of Justice at once, and protest against any such doctrine. But he made no such contention. What he pointed out was that a certain class of immigrants were brought to this country holding views diametrically opposed to those held by all classes of the community, and I may illustrate that by the last remarks made by the hon. Minister of Justice. He spoke of the Highlanders, he spoke of the French, and he spoke of the Germans, who did not speak the English language, coming to this country, and said that they ultimately became a homogeneous people, but he forgot to say that all those immigrants, whether they were Germans, Frenchmen or Highlanders, held no such heterodox opinions on political questions and upon social questions, as those held by the Doukhobors and to which my hon. friend from St. Boniface objected, and nothing more. He said nothing about their industry. The House has been led away by drawing apparently a herring or something else across the trail. What I object to, and I object to it as strongly as the hon. gentleman himself—although in theological questions we are diametrically opposed. I fully concur in his view, that it is objectionable to introduce a class of people into this country who never will, if they adhere to the religious sentiments they hold, be assimilated to our population. The Scotch, the Germans and others, and even the Galicians who have settled in this country do become assimilated. It is pointed out that the Galicians are learning the English language as rapidly as possible, that they allow their children to be educated in the different schools of the country, and are assimilating themselves rapidly to the other classes of the community. If you take the doctrines laid down in the Doukhobors' own manifesto, and in the petition which they have presented to the government of Canada, that never can occur with them. What do they demand? They ask to be relieved, first, from the marriage laws as they exist in this country, on the ground that they conflict with the laws of God. They object to being compelled to register births and deaths, as being contrary to the laws of God, and they object also to the divorce laws. It is most extraordinary that their adviser, in order to induce them to accept the laws of this country, tells them that they can put away their wives, as there is no law against adultery. He certainly cannot know the laws of Canada. We know a man can be prosecuted for bigamy, crimnal conduct and various other crimes of that kind, and yet their adviser in England tells them that they can adhere to their peculiar views and live in open adultery without punishment, and he gives that as a reason why they should accept their position in this country. In addition to that, they claim that no member of their community shall be permitted to hold property in his own right; that it should belong to the whole community, that that is the teaching of the Scripture. from which they cannot depart. Then they say, in addition to that—I can read it if my hon. friend has not read it——

Hon. Mr. MILLS—No, I have not.

Hon. Sir MACKENZIE BOWELL—I said, when I heard the hon. gentleman speak, that he could not have read their petition or he would not have spoken as he did. It is, an illustration of what I pointed out would take place in governing the country upon the principles which were laid down when these gentlemen came to power—that is, they govern through departmental ministers, instead of on the principle, as we understand it, of responsible government—that is, each gentleman submitting to his colleagues in council whatever policy he has, so that they can all become acquainted with it. The position we find the Minister of Justice in at the present moment is this: he has ventured to give us a lecture on

what class of immigrants should be brought to this country. He avoided altogether the question raised by the hon. gentleman from St. Boniface, that is, as to the character of that class of people. Had their petition been laid before council—had it been discussed, what answer should be given them by council, instead of the Minister of the Interior assuming and arrogating to himself the right to say what answer should be given, then my hon. friend would have been in a position to deal with the question much more intelligently than he has dealt with it to-day. Had his answer been exactly in accordance with the answer given to the Doukhobors by the officer—I think he must be an officer of the Interior Department—he would have answered effectively and effectually the statement made by my hon. friend. This is signed by J. G. Surriff, commissioner of lands. What does he say? He tells them distinctly, after commenting on their demands: The government cannot adopt a system for any one particular class of the community different from that which applies to other classes of the community.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman laid down an extraordinary doctrine, when he accused my hon. friend of wanting the government to adopt some standard of orthodoxy for the immigrants coming to this country, that they, the government, adopted not only the principle, but they wished to admit every one as a settler in this country, no matter what their peculiar religious views might be, and that they should not be interfered with. Apply that same argument and principle to the Mormons and where do you find yourself? When the Mormons came to this country they made a special application to the premier, Sir John Macdonald, and I had two hours discussion with their representative. What they wanted was to be permitted to come to this country and to live as they did in Utah. When that was refused them, they asked to be allowed to bring in their families and wives and pledged themselves not to go beyond that. The answer of the premier was 'You can come to this country on the same terms and conditions as any other settlers. The laws of our country are against polygamy, and if you violate those laws you will be prosecuted, as any other people would be.' Sir John Thompson, in his consolidation and amendment of the Criminal Code, so amended it as to meet any evasion that might occur by these people of the laws that govern the rest of the population of the country. If my hon. friend will come down with a similar proposition of that kind, the objection to these settlers will not be as great as it is to-day.

Hon. Mr. MILLS—If my hon. friend thinks for a moment that I suggested that the laws should not be enforced against the Doukhobors, or any other class of the community that violate them, then he is labouring under a mistake.

Hon. Sir MACKENZIE BOWELL—I am very glad to hear that. I have attributed nothing of the kind to the hon. gentleman. I was merely discussing the position that he laid down, and I understood him to say, as my hon. friends on my right and left understood him to say and to argue, that it was not the duty of the government in any case, where immigrants were brought to this country, to interfere with their peculiarities or religious views—to let them live as they had lived in their own country—that is what I understood him to say, and that is the point that I am endeavouring to elucidate by drawing a comparison between the Doukhobors with their peculiar views, and the Mormons and the way the government, of which I was a member, dealt with them. Now, the question is whether it is advisable that this class of people, industrious though they may be, and notwithstanding the virtues they may possess, should be encouraged to settle in Canada. The hon. gentleman from Portage la Prairie seems to think that any one who dares to differ from the policy of the government, or to suggest any improvement, must be actuated by political rather than patriotic or moral considerations. What does the paper from which the hon. gentleman from St. Boniface read a few moments ago say? I will read from the Halifax Chronicle, an organ of the government——

Hon. Mr. SCOTT—Oh!

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say the Chronicle is not an organ of the government ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—It was edited for years and years by the present Finance Minister, and I understand he has an interest in it to-day. It speaks for him and for the hon. gentlemen opposite whenever it does speak, except upon the present occasion, when it is right, but in all other cases it speaks for the government. If the hon. senator from St. Boniface was actuated by political motives, he certainly gave no indication of it ; but if our objection to the policy of the government in this respect is to be considered political rather than patriotic, what are we to say of the language of the Halifax Chronicle ? The article from which the hon. gentleman read winds up as follows :—

> It is revolting in the extreme to think of blood such as this being destined to mix with our good clean British and French Canadian blood to its certain corruption. The early filling up of our vacant lands is a small matter as compared with the preservation of the wholesomeness of our population. What would be thought of the sanity of the owner of a mansion and the father of a growing family who should go into the slums and fill his vacant chambers with these denizens to the pollution of his home, and the probable ejection of the unborn children?

This is the opinion of a Grit editor. It is not very often I agree with him, but I am heartily in accord with him at the present moment. Then he proceeds to say :

> There is no necessity for reckless haste in peopling the North-west. Better let the prairies lie fallow, as they have lain since the waters receded from their face, than to plant them with residents who will be in, but not of Canada, and whom we shall be ashamed to acknowledge as bearers of the Canadian name.

Those are the sentiments of one of the organs of the party now in power, and of the ministers who are defending this class of immigration. I do not propose to dwell much longer on this subject. I ask are the Doukhobors a desirable class of people ? Many hon. gentlemen will remember, in a former session, the hon. Minister of Justice referring to the necessity for filling up the North-west Territories and Manitoba with a population that would not only create wealth but give strength to this country, in case of difficulties with a foreign nation. One of the fundamental principles of the Doukhobors is that they will not fight. They say it is contrary to the teaching of the Almighty. There is no comparison between these Doukhobors and their religious belief, and the Mennonites to whom reference has been made. No such doctrines as are promulgated by these people are held by the Mennonites. It is true they partake of the Quaker character, and refuse to fight; that is the only objection which could be made to them.

Hon. Mr. McCALLUM—It is enough.

Hon. Sir MACKENZIE BOWELL—It is true, also, they live in communities, but in a late visit to the North-west Territories, and also to Manitoba, I found that the younger people of that class were beginning to scatter about the country.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend thinks that is a statement in favour of his argument. So it is, as far as the Mennonites are concerned, and so far as the Scotch, German, or any other settlers are concerned ; but these people say they cannot depart from their doctrines without violating the teachings of God, and doing violence to their consciences, and they appeal to all the world to see if there is not a place where they can live without being interfered with in any way whatever. That is the class of people we are bringing to this country, and if they are consistent at all with their declaration, they will, on the first possible opportunity, leave the country and go somewhere else. If they are to have such teaching, the sooner they go the better. I am strongly in favour of filling up the country with any class of people who will assimilate themselves with the other portions of our population.

Hon. Mr. MACDONALD (B.C.)—Even the Highlanders ?

Hon. Sir MACKENZIE BOWELL—They all do, as generations pass away, but these people never will, if they are consistent. They refuse to allow their young men to accept deeds for their lands, and none of them have taken out a deed yet. They refuse to do so unless the government will place them in the same position as they

themselves say, as the uncivilized people of the North-west Territories.

Hon. Mr. MILLS—When the Mennonites came to this country, they made exactly the same objection.

Hon. Sir MACKENZIE BOWELL—I admit that.

Hon. Mr. FERGUSON—Not exactly the same.

Hon. Mr. MILLS—I am speaking of what I know. It was pointed out to them that they could each take out a separate deed and they could afterwards hold their property in common.

Hon. SIR MACKENZIE BOWELL—I have some little knowledge of what was done at that time, and I have only to repeat what I have said in respect to that particular branch of their teaching. The hon. gentleman from Portage la Prairie tried to make a point of the fact that only a certain number of these Doukhobors had signed the petition. They live in communities, and the head men of the tribe speak for the whole, and as no settler there, whether young or old, has departed yet from the doctrines laid down in the petition, we have no right to suppose that the petitioners have not spoken for the whole. Their friend in England, advised them to live under the law of this country, with the extraordinary recommendation to which I have referred, that they could, if they wanted to, put away their wives and live in a state of adultery without coming under the penal clause of the law. He tells them they had better live in that state, and he says, take out your deeds and let the young men transfer their land to the community, or the head man of the community, so that the community will hold all the property. They assume to have some little conscience in that matter. They say no, that is evading the law in doing that which we are taught should not be done, and therefore they will not do it. How can we expect such people to assimilate with the population of this country ? I would advise the Minister of Justice, if he would not consider it officious, to read the petition of the Doukhobors, which appeared in several newspapers.

Hon. Mr. ALLAN—What paper is that ?

Hon. Sir MACKENZIE BOWELL—The Voice, printed in Winnipeg, Man., March 8, 1901.

Hon. Mr. MILLER—The article is published in several other papers.

Hon. Sir MACKENZIE BOWELL—But not so extensively as in the Voice. In going to Belleville the other day I took it with me to read it, and I was very much surprised at the position taken by the Doukhobors, and that the government had not taken a stronger stand than they have done, although I am bound to say that the letter written by the official of the department is clear and distinct enough in telling these men that the government will not depart from the policy which governs all other classes of the community in that particular respect, and advises them, as I have already said, to take out their deeds individually, and then they can arrange to hold their lands as a community. I think it is the greatest mistake for the people themselves and for the country that any class of emigrants should be settled in communities and in blocks. I have seen the evil effect of it in our own country. I do not refer to any particular class of people. I believe all settlers succeed better if the different classes are mixed. There is no necessity for their surrendering their religious views, nor is there any necessity for abandoning their language, but I have noticed in different communities, settled by English, Scotch or Irish, from the same section, they have not done as well as where they have mixed up with the population of the country. I have come to this conclusion from practical observation of the results of settlement in our own country. Desiring, as I do, apart altogether from politics, to see this country settled by a healthy, thriving people—people holding views at least in accordance with those of the majority—that is the fundamental principles of Christianity—should come to this country. I am not particular as to the views they may hold, but I am totally opposed to this system of settlement in communities by which the race is likely to degenerate rather than improve, and becomes an injury to the country rather than a benefit.

Hon. Mr. SCOTT—I am quite in accord with the concluding language of my hon. friend opposite, that it would be very desir-

able that outsiders coming to Canada should be distributed throughout our population, as they would be assimilated all the more quickly. But if he will go back for the 150 years occupied in the settlement of this country, he will find that immigrants from various lands have come in bands and settled in communities. There is that clannish feeling which impels them to settle in one locality. The hon. gentleman will remember that the Dutch, when they came here, settled in Waterloo and Dundas in that way.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman means Glengarry.

Hon. Mr. SCOTT—No. I mean Dundas. The hon. gentleman speaks of Glengarry. That was settled by a large number of Highlanders who came over together. That has been observed as a rule not simply by foreigners, but by our own people.

Hon. Sir MACKENZIE BOWELL—The Dutch population who settled in Dundas together were principally United Empire loyalists, who came from the United States, and were the very best settlers we had.

Hon. Mr. SCOTT—I admit that, but they came in together and settled between Edwardsburg and Cornwall. I merely mention this as an illustration.

Hon. Mr. McMILLAN—The people who settled in Glengarry did not settle in communities; they took up their lands as individual settlers.

Hon. Mr. SCOTT—I am aware of that.

Hon. Mr. McMILLAN—That is the whole question.

Hon. Mr. SCOTT—What I am pointing out is, that people who come out together to a new country like to settle near each other. That is quite natural. My hon. friend says the principle is wrong. I quite agree with him it would be much better if they could be distributed among the whole population. They would be assimilated much more rapidly. The circumstances under which the Doukhobors came to this country are probably familiar to most people who read the papers. It is well known that Tolstoi, a recognized leading man in Russia, a man of strong religious convictions and a philanthropist, took an interest in them. Afterwards, the Quakers in England befriended them. No one would suppose that they would recognize the views of the Doukhobors in reference to the marrige rite if they were as stated by the hon. gentleman from St. Boniface and the leader of the opposition. Our experience in regard to the Mormans and Mennonites is an absolute proof that there is no serious objection to the Doukhobors because of their living in communities and having such views—if they have such views, and I am not prepared to accept it, because I do not think we should judge of eight thousand people on a statement made by twenty-nine of them, instigated by a Russian socialist. There are men in every community who are not in accord with the rest of the community, and it may happen that among the Doukhobors there are a few men who hold those opinions, but they recognized, in coming to Canada that they came here under the laws which exist in this country, and that they would have to conform to them just as the Mennonites and Mormons conformed. No argument could be brought against any class stronger than against the Mormons. Many persons believed, when they came into Canada, that they would not keep their promises. The hon. gentleman (Hon. Sir Mackenzie Bowell) and those associated with him in the government, very properly pointed out at the time that it was extremely objectionable to admit men who entertained such loose views on the subject of marriage laws, and demanded from them stipulations that those views should be abandoned. We have never, until recently, heard anything objectionable against the Doukhobors. It is only very lately that the point has been raised, and I am not aware that it has that foundation which would justify this House, or any body of gentlemen, in coming to a conclusion prejudicial to the great body of the people. The accounts that I have read of them in the past, and the newspapers have been full of them for the last two years, agree with the descriptions of them by my hon. friend, the Minister of Justice, and the hon. gentleman from Manitoba, that they are industrious, moral people. No one disputes that. That they were very desirable settlers was admitted by every one who studied their habits. There is this one ob-

jection urged against them. They must conform to the laws of the country. So far as the views they entertain with reference to taking part in the defense of the country is concerned, we all know the policy of this country has been for many years to exempt any class of people, who had conscientious scruples on the subject of fighting against their fellow-man, from military service. As long as I can recollect, the Quakers and other Christian bodies have been exempt, yet no one has urged that that is a reason why they should not receive fair treatment. We have an abundance of people in Canada, as our past history has shown, who are prepared to defend the country, without calling on those people. We made no exception to the Mennonites on that ground, and certainly the Mennonites, of recent years, have been considered a very excellent class of settlers. They live in a community, but as the hon. senator who leads the opposition admitted, they are departing from that position; they are abandoning their old prejudices just as the Doukhobors will do in the future. You will find in twenty-five years the Doukhobors will be a different class of people. The young people will go out and work among other different nationalities; will become assimilated with them, and adopt the views of the great majority, just as they have been assimilated in the adjoining republic; and, therefore, it would be extremely unwise, and I think uncharitable and unkind, to say to those people, in consequence of those who are alleged to hold views such as have been described, you will be forced to leave the country, and others of that class will not be admitted to the country. If this opposition to our laws were to be maintained or persevered in, it would be a further reason why others of that class should not be admitted, but I can scarcely believe that an immoral people would find a champion in a man like Tolstoi, a man who is himself a Christian of the broadest views, philanthropist, and who has expended time and money in aiding the Doukhobors to escape from the tyranny under which they suffered in Russia. The very fact that some heads of families to-day are prisoners in Siberia, due largely to their refusal to take up arms in support of Russia, ought to be a reason for our extending to them our sympathy. I am quite sure when all the facts are brought out—and we have not them before us now—it will be found that we have nothing before us to justify the conclusion that the hon. gentleman from St. Boniface proposes to the House, and we will form a very different opinion. The Doukhobors are subject to our laws just as the Mennonites are, and if the Mennonites were permitted to live in Canada for a time as a community, these people should be. Some hon. gentleman said that the Doukhobors were spoon-fed by this country. That is not true. Their passages to this country were paid, not by the government of Canada, but by the Quakers of England and of Philadelphia. This country did not pay their passage. We gave them the usual bonus of one pound a head. Beyond that we loaned them a sum of $20,000 which is to be repaid, and no one who has given any thought or attention to the characteristics of the Doukhobors will, for a moment, doubt that that $20,000 will be repaid with interest. That is the only money they received from the government of Canada. Apart from that, they have, of course, had the attention of immigrant agents and had some food supplies the same as other destitute immigrants, but nothing beyond that. An impression seems to have gone abroad that they have received from the government of Canada a marked distinction over and beyond what is extended to other immigrants. That is not the fact. The Mennonites were loaned a considerable sum, I do not remember the amount, but I think in excess of the $20,000 loaned to the Doukhobors, and they repaid it with interest some years ago.

Hon. Sir MACKENZIE BOWELL—Their countrymen in Waterloo became security for every dollar of it.

Hon. Mr. SCOTT—Yes. I am quite sure before ten years are over the $20,000 advanced to the Doukhobors will be paid back to Canada.

Hon. Mr. KIRCHHOFFER—I have had some little experience with reference to the Doukhobor immigration, an experience not very large and not very varied, but quite as much as the hon. gentleman from Portage la Prairie, the experience being with reference to a number of those people who were

kept for six months in the government buildings at Portage la Prairie, and Brandon and a few of them scattered through the country, working on the threshing gangs in the fall of the year. When on a visit to Yorkton I saw the homes and settlements of the Doukhobors in two districts, and I think I am able to say a little more than hon. gentlemen who speak academically about this immigration, with regard to the class of immigrants that the Doukhobors make, and their reputation at home and here. I do not consider that it is at all fair to say that these people belong to the criminal class; neither are they the lowest in the scale of humanity as they are depicted by people who are hostile to them. There is a far lower—at least a lower class—in the Galicians who have also been brought out to this country and settled in the same way. Everybody who has ever had anything to do with the Galicians knows that they are lower than the Doukhobors, but while you cannot say that they belong to the criminal classes, I do not consider that they can be classified as belonging to the law-abiding classes. We have only to go back to the reasons that they were deported from the country from which they came. They were not immigrants whom we sought after, but they were being deported from their own land on account of not being amenable to the laws of their country and the first experience we have when they come here, is that they wish not to be amenable to the laws of our own country. That is a class which we might easily have superseded, if the government had only taken the same trouble with regard to them, by an immigration from our own kindred, speaking our own language, and understanding our laws. If our government had offered the same inducements to an immigration from England, Scotland, or Ireland, they would have been able to fill up, far better than they have done, that North-west country with a class of immigrants infinitely superior, because I do not agree with the hon. gentleman from Portage la Prairie when he says that these people are the cleanest people in Canada. I think it is a disgrace and insult to all our people in Canada to have these races brought in, and then classify them as the cleanest people in Canada. I am not saying anything against them, but I say we have a class of people infinitely superior to them. These immigrants were brought out. The hon. member states that their passages were not paid. I have seen that statement, and I am glad to hear it contradicted. I saw it in the papers that the passages were assisted by the government, and it is the first time I have heard it stated that these people were brought out without being assisted in their passage across; but even if their passages were not paid, they would be found to be very expensive immigrants by the time they got to Manitoba. The government brings them into Manitoba, their expenses on the railroad are paid. They have to be taken in hand from the time they land in this country, and they are kept for six months, as they have been in Brandon and Portage la Prairie, fed and housed at the expense of the country, taken forward through the country by land guides at the expense of the government, and settled upon land, and when they get to that land I can assure you that there are many instances—and my hon. friend on my left can corroborate what I say in regard to this—where settlers in that district which I visited last fall, west of Yorkton, who had been living there a great many years, and who had been unable, on account of it being stated that the lands were unsurveyed, to obtain a title, found that these lands had been given in large blocks to the Doukhobors and they were obliged to leave their land which they had squatted upon. They were the first immigrants to come in, and instead of being protected by the government, the lands were handed over to the European dregs—because they are European dregs, we know that—their lands were handed over to these people. I look back to the time when the immigrants were coming into the North-west and I never saw any Irish or Scotch immigrants, or any English people, taken in hand by the government in this way. They were not fed or housed by the government. They were not sent out with land guides. Why is it done with these people? Why are our own fellow-subjects put in a worse position than these immigrants. If the government took the same steps, if they sent this great man Preston, the author of this 'machine,' who is getting $5,000 as an immigration agent to the British Isles, and offer him the same inducements to persuade immigrants to come

out, if they would pay their way into this country and employ land guides, they would people that country with a large proportion of good population from the British Isles. But they will not do that. They put in these immigrants spoon-fed by the government. They make them government supporters. One would hardly believe that immigrants who had hardly been in that country two years, who had not been long enough in the country to become naturalized, were brought up and voted for the government. They could not vote for any one else, because the government would lay their hands on them and the spoon and the feed would be taken away from them. If this immigration goes on of this class of people, it will not take very long before you find that country up there will cease to be an English-speaking country ? It will cease to be a British country, at the rate they are going in now, and taking up blocks of land, it will be a country of European immigrants of that class, and I say it is going to be a menace to us, and, elderly as we are, venerable as we have been called, we will see the day when we will rue putting into the hands of people of that kind our land in the North-west. I do not want to say much of the Doukhobors, but I quite agree with my hon. friend who spoke about the Highlanders, and I regret that my ancestors, the Germans, are treated with the same contumely as the Highlanders in this matter. I think it is a shame that they are to be classed at large with such a class of people as those that we are bringing in here as immigrants into the country. I would urge upon the government strongly that they change their class of immigrants and bring in people from the old country, who can be brought in just as cheaply and who can be made excellent settlers.

Hon. Mr. DANDURAND—We have just heard a witness, not on behalf of these Doukhobors, but a witness who has been among them and who would be only too eager to contradict some of the good things said about the Doukhobors, and yet who has not one single bad word to say against them. He has seen some of them, and he admits that they are not such a low class as they have been depicted by some hon. members. He has complained somewhat of the fact that they were given blocks of land; that they were perhaps attended to more especially by the government employees than the ordinary settler who comes in by himself; but the hon. gentleman should not forget that when you have thousands and thousands of immigrants, as in this case, that it is but natural that there should be greater care taken of that immigration, that instead of sending one employee after each who wants to find a lot in the North-west, when they come in such numbers they should be attended to and located properly by government agents. This is quite natural and I do not think we should complain of the government for the care they have taken of this kind of immigration. The hon. gentleman from Brandon has not helped the cause of those in this Chamber who have assailed the Doukhobors as a bad class. If I examine what the hon. gentleman from Belleville has said about the Doukhobors and his complaints about them, it seems to me it can be reduced to very little. He has complained of their communistic ideas. If this is their only fault, if they can produce under such a system as much as any one could when left to himself, their system will last if it is the best. Otherwise, the individualized system around that settlement will prevail in the long run. If these people prefer to live in community, there are many philosophers who do side with them. There are many people who think it is the best system. They will be an object lesson to the people of Canada. But if our old system, the one adopted in the older provinces is the best, undoubtedly the ideas of these people will wear out by comparison and their grandchildren will take to the land and accept the titles for themselves, and work as their neighbours do. This is one of the complaints of my hon. friend. He has mentioned two or three others. He has complained of the settlements en bloc, and has said that it is better for the country that they should be distributed throughout the land. The hon. Secretary of State has answered that fully. Undoubtedly it is better for this country that we should not have petty groups of different races, holding separate views from the majority, but undoubtedly when they come into this land they will come in together and will try to cling together as long as they can. One of the most serious things that has been

urged against the Doukhobors is their different ideas as to our marriage laws. Supposing we adopted the views of some of the members of the House of Commons and members of this Chamber, and established divorce courts, then these people would very soon be on a par with this most civilized country called the United States, where you can change wives a couple of times a year and do so quite regularly under the laws of the various states.

Hon. Sir MACKENZIE BOWELL—No. The cases are not analogous at all.

Hon. Mr. DANDURAND—But, I am quite sure their peculiar ideas as to our legislation will soon be altered. When they know exactly what is the law of this country and the object of the law, they will register, not only their marriages, but their births and deaths. They have also been accused of refusing to fight. We have a certain section in England, a certain community, well behaved, that does not believe in war either, and who had, up to a few years, a most illustrious representative in the British House of Commons and British ministry. Those people are somewhat, perhaps, in advance of our times. We have seen very many wise men meet at the Hague not a year ago, trying to wipe out that curse which is called war, and if these people think that the laws of God declare that you should not kill your neighbour, I say they are simply in advance of their age in trying to practice among themselves what the representatives of all the nations of the world tried to establish at that conference last year.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DANDURAND—The hon. gentleman from Brandon has spoken of the Galicians and has declared that they were inferior to the Doukhobors. As I know neither of these people, I will not pass judgment upon them, but it seems that he has a special grudge against them, and more especially against the government, because after a two years' residence in this country they were allowed to vote at the last election. Perhaps we are beginning to treat them in the same way as our people in South Africa wanted to be dealt with by being considered, as soon as possible, as full fledged citizens, and as the hon. gentleman has threatened us with dire results for bringing those foreign populations into the west perhaps we are beginning in the right way in applying to them the real remedies for complaints that we heard in South Africa by making them, as soon as possible, full fledged citizens and having them feel that they are at home. I do not think, on that ground, that a case has been made against the Doukhobor population, and I hope before long that we will all agree that we have in them a good, honest population. My hon. friend from Brandon speaks of the desirability of getting people from the British isles.

Hon. Mr. DEVER—How will you get them ?

Hon. Mr. DANDURAND—He should know that this government, for twenty odd years, has spent millions of dollars in trying to get immigrants from the British isles, and when we saw that immense population which Sir Charles Tupper predicted twenty years ago was not materializing by the immigration of English, Scotch, or Irish, it was time for us to look elsewhere and bring the population from the continent—the population which has made the United States what they are to-day, and rolled it up to seventy-five or seventy-six millions. I think we should welcome all people, and I firmly agree with what the Minister of Justice has said, that there are no inferior races on the face of the globe. There are more or less educated races, but I know that this contention of the hon. Minister of Justice, held with others, is not the one that is held by every citizen in the Dominion of Canada, and it is simply due to the ignorance of these electors. There are people who, from the fact that they have read very little, and know nothing but the history of their own country, or of their own people, think that those who do not speak their own language or have their own ideas, or who come from other portions of the world, are really inferior people. We know that the races have all sprung from one trunk, and that there is between them but a difference in temperament and education. But with the same opportunity, with the same education, with the same freedom, and the same

laws, I am quite sure that after one, or two or three generations at the most, we will find all those coming here to settle a good peaceable and desirable population.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had left out all the ifs, his speech would be an admirable one.

Hon. Mr. KERR—I feel that I would hardly be discharging my duty if I did not express my thanks to the hon. senator from St. Boniface for bringing on this debate upon such an important question. To me it has been very instructive, and perhaps, not less instructive by those views which happen to be opposed to mine, than by those with which I am in sympathy. I have been trying to settle in my own mind, during the debate, whether the—I will not say the object of the motion—whether the discussion which has proceeded on the motion has not been rather a desire to whip the government or some member of the government, over the shoulders, or over the heads of the unfortunate Doukhobors. If that is the object—which I do not share at all—I think the time might be more profitably occupied. I do not say that it is the object. It appears to me, from some of the remarks, that it was capable of such a construction. I was reminded, however, of a passage in my early classical reading, where the historian of an early nation, that seemed to be opposed to the introduction of outsiders into their country, said the government of the country 'made a solitude and called it peace.' Now, here we could act upon that short-sighted principle, and although we would not be a solitude, are we to remain stationary and call that peace and wise government? I have not much sympathy with the views of those who express themselves as fearful of the results of these Doukhobors upon the morals and civilization of this Dominion. I have more faith in the stability and in the vitality and in the virtue of our institutions than to suppose that they would suffer to any considerable extent by the presence of those who do not share our views. I look upon it as an excellent opportunity, however, for us to educate these people, and if they, from our standpoint, are in darkness, let us lead them into the light of day by education, and on this point perhaps the Doukhobors are not the only people in this Dominion, who need more education—especially more Christian education. I would not be surprised but we could all be considerably improved by that kind of education.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. KERR—I want to draw another lesson from another passage in my early reading. It is recorded that when the Englishman first landed in the western world he was met on the shores of the Atlantic by a band of Indians who said 'welcome Englishmen, welcome to our broad forests, welcome to our limitless prairies, welcome to our hunting and our fishing grounds.' Can we not now in return say to the Indians who have been pushed to the verge of civilization, as we have in many instances said, welcome Red man to our civilization, to our public schools, to our high schools, to our universities and to the blessings of our nineteenth-century civilization, and shall we not learn a great lesson from that circumstance, and say to the down trodden and oppressed of all nations, in Canada there is an asylum where men can find civil and religious liberty—where they can work out their social and religious regeneration in peace, none seeking or daring to make them afraid. I know that a great cry was made more than twenty-five years ago—I happened to be in the House of Commons at that time—under the administration of the late Alex. Mackenzie, when the Mennonites were brought in. Some hon. gentlemen saw, with feelings of terror, that they were a class of people whose faith did not allow them to fight. They feared our institutions would be destroyed, but it was shown, and satisfactorily shown, to the House at the time that they were people of excellent moral character, although holding peculiar views on the question of war, and that they were a thrifty and industrious people, and so strongly was the House of Commons convinced of that, that I think we voted $100,000 to assist them to settle in this country. Subsequent events have shown that no mistake was made in that vote, and I wish to say here and now that I never gave a vote in my life with which I was better satisfied than the vote I gave to assist those thrifty,

industrious, moral and religious people to settle in the North-west, and I am delighted to hear the testimony that has been given as to their character to-day. I have as great a horror as any man can have of some of the views held by the Doukhobors, but my advice is not to send them out of the country, but to keep them in the country and let every man understand that, so long as he enjoys the blessings of civil and religious liberty, in Canada, which are unsurpassed in any other country, he must conform strictly to the laws of the country, and we must set ourselves to work to educate those people, and convert them from the error of their ways, and to show them that we have the best institutions, the best code of morals, and the best forms of religious faith, and in that way they will be better able to work out their social regeneration than under any other government in the world. I feel, that unintentionally perhaps, an injustice has been done to the Doukhobors, but I was glad to hear my hon. friend (Hon. Mr. Watson) bear such strong testimony in their favour. Do not let us think of driving them away. I would not think very much of our Canadian institutions, of our civilization, of our laws if I thought those few Doukhobors were going to upset them. Instead of them doing great harm to us, let us do great good to them. That is my doctrine. What this country wants is more people—more good, religious, moral educated people, I grant you, but we cannot always bring the flower of Europe here. But we can pick men up that have not the advantages that we possess, and invite them to our civilization and make them better men and better citizens, and in doing that we will be performing a high and noble duty in our day and generation. Our wealth does not consist merely in our mines, our forests, our rivers and our agriculture. The greatest wealth we have in the Dominion to-day is the fact that we have about six millions of loyal, patriotic, high-toned, earnest, law-abiding Canadians. That is the grandest sight for me that I can see in this country, and I hope the discussion to-day will give an impetus to introducing more people like the Mennonites. I do not at all despair that we shall make the Doukhobors a good class of citizens. If so, all honour to them, and we shall not lose our reward for that work. I could not allow the debate to drop without expressing myself briefly, and I should be amply rewarded if I have said anything on this occasion that will have a place in your memory on this question of immigration. I believe the motives of the Minister of the Interior were good in bringing these men, and I believe he conferred a boon on Canada when he brought in, not only the Galicians, but the Mennonites and Doukhobors, because they can be made loyal and patriotic citizens. Be it ours to see that that result is brought about. I hope the discussion of to-day will not dishearten the poor Doukhobors in the west, but that they will see that here, at the capital of this Dominion, they have friends who appreciate in their character whatever is good, and they also have men here who will see that they obey the laws of the country so long as we afford them the great blessings of our free institution.

Hon. Mr. PERLEY—It will be remembered that I said here last year, when my colleague was speaking rather disparagingly of the Doukhobors, that I entertained an opposite opinion of them. On that occasion my opinion was based on hearsay, from what I had heard people saying of the Doukhobors. I do not hesitate to say that up to last fall I had heard the Galicians represented as a cut-throat class of people, and every one spoke of the Doukhobors in the highest terms as a moral, law-abiding, civil people. Last fall I had occasion to be in the district where the two peoples reside, and I say now that I never heard one person say a word against the Galicians. They are on their land. Each has his quarter section settled all over the country, and wherever I heard a report of the Galician it was that he would make a good settler—that he was getting along fairly well for a poor man. On the other hand, I never heard one person say a single good word for the Doukhobors. The thing was entirely changed upside down from what I had heard before. The argument has been advanced here to-day in support of the Doukhobors that they compare with the Mennonites. I can tell the government, and I hope they will be guided by what I say, the Mennonites were settled in one of the finest sections of the whole of the western country. They could build a village

in the centre of a reservation of 22,000 acres, and plough the whole 22,000 acres. and it was soon to be handy to a railroad and they could grow wheat and do first rate. But the Doukhobors are settled up forty miles from a railroad in a country not adapted to raising grain. I have been there, and have seen two or three of their villages as they call them. It is a stock country. Yorkton is not a grain-growing district. The great country to the north of it, up to the Saskatchewan, is a grass-growing and grazing country. Those people do not pretend to raise grain ; they do not raise enough for their own horses ; they buy what they want, but they go into cattle raising, and from Yorkton last year were shipped nearly $300,000 worth of cattle from one station alone. I saw hundreds of those cattle there that brought $47 apiece for three-year-olds. The finest cattle in that country were shipped from that station. All the cattle men were six or seven miles apart. It takes a large area to graze an animal, and every stock man that was raising cattle there condemned the Doukhobors in unmeasured terms.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. PERLEY—They condemned them because they took a section of the hay lands, and either one or the other would have to move. These men cannot live on in villages and go into stock-raising. One village I was at had eighteen or twenty houses, and about 150 of a population. They had about fifty or sixty acres ploughed. The Doukhobors are vegetarians, and live cheaply, and they cannot raise any number of cattle, because the country is not all hay land. There is a slough here and a slough there, and the cattle have to be herded to keep them out of the sloughs, and if you have these people living together, they cannot make cattle-raising a paying business. That is vastly different from the Mennonites, who live in a wheat-growing country, the best in Manitoba, and they could live in villages, but the Doukhobors can never make any greater progress than they are making to-day, and it is impossible to raise wheat because they are fifty or sixty miles from a railway. I know it took me all day to drive to White Sand, if you put these men on quarter sections, even that would make poor farms for many of them, but they could raise a small number of cattle, and they would do much better than by living in villages. You cannot haul hay to feed your cattle a long distance. The ranchmen say, We have to go back ten or fifteen miles from the Doukhobors to get hay, and we cannot do that. We have to leave the place that we have been in for a number of years, and where we were waiting to get the benefit of the buildings we built. Now, we are deprived of that, because when the Doukhobors came in, they said: 'You are hiring us this year, we will hire you next year.' Some men were bordering on insanity from the way they were treated. That is a large country. I would separate those people ; do not put them in clusters. A man cannot haul wheat fifteen miles to market and make it pay, and you cannot raise cattle in large numbers on a small area of land. If you do not scatter those people it means starvation, unless they continue to live on vegetables, and they never can make the success that the Mennonites did. The Mennonites had chances these people never will have. The railway that is going north of them is a hundred miles from them. It will be a long time before a railway reaches them, so that they can grow wheat. There is no agitation for the Manitoba and North-western Railway to-day to be constructed beyond Yorkton, because the country is not adapted to wheat raising. There are patches here and there suitable, but it is not like the central part of the Territories. It is a stock-raising country, and you cannot raise stock successfully by settling it in clusters. All the stockmen are scattered, and they go out and gather the hay, and feed cattle through the winter. I do not know where the hon. gentleman from Portage la Prairie got his information, but I never heard of the Doukhobors spoken of as a moral people. They are spoken of as immoral. They are spoken of as obscene and immoral. I have been told by people in Yorkton that they are afraid to take their women out in the evening because of the immorality of the Doukhobors. They are not a people you would like to have for neighbours. I would ask any hon. member if he had a farm in the North-west, say anywhere from Winnipeg to the Rocky

Mountains, where you find a high civilization, how he would like to have a farm three miles out from the town, with a Doukhobor at one corner of it and a Galician at another? I would not take a farm as a gift under such circumstances. It is absurd to talk of educating them up. No hon. gentleman would like to have his children associate with them. It will be better to scatter them in their own districts and not keep them in villages. It would be to the advantage of the people themselves, as well as to the government. They could grow wheat when settled in clusters, but not cattle. I have to go two miles on my own farm. The Doukhobors would not have to go further than that in the wheat district. We have the best unsettled land on the continent. Why not go slow, and get in a good class of people who will help to develop the country, rather than a class of people who are not adapted to agriculture. I am sorry to say that the government agents there are not the people to teach the Doukhobors anything. I saw a number of Doukhobors; they had bought the worst class of flour. They had cattle. I never saw cattle harnessed like theirs. They had a piece of wood across their neck on top and another underneath. The government agent that would permit such a thing should be discharged. I do not see how oxen could work with such appliances at all. I undertook to explain to two or three of them how to do it, but they could not understand me. The agents the government have are not the right kind of men. If they had men who could show the people what to do, there might be some use in it, but the Doukhobors are keeping in the old ways that they brought from Europe with them. I am told that the Doukhobors are good labourers on a railway, but they would never make a success in farming the way the government have them settled in colonies. It would be far better to give each one a quarter section for himself.

Hon. Mr. BERNIER—I regret deeply the way the hon. Minister of Justice has misrepresented my views. He said that my views were that the doors of Canada should be closed to any immigrant who does not have the same creed as I have. I never said one word to that effect—not one word that could justify such a statement. I will tell the hon. gentleman what my views are on this matter. I do not want any immigrants to hold anti-Christian and anti-social doctrines. We are not discussing the Doukhobors individually. This gentleman, or that gentleman, taking the Doukhobors individually, may be moral, but we are discussing their doctrines, and I say that these people hold doctrines that are anti-Christian and anti-social.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. BERNIER—I say such immigrants should not be encouraged to come to this country. Instead of assimilating to our people—instead of conforming to our laws, they will corrupt our people, and after a time you will find a large proportion of our population will hold the same views as they do. We should not give our adhesion to anything of the kind. We have very near to us an immense field for immigration. Why not go to the United States and bring in French and English settlers from there? If we offered half the inducements that we give to those who are the object of this debate, we would have a large immigration from the United States, and would soon fill up the North-west with the very best immigrants we could find. I must take exception to another idea which has been expressed here. Some hon. gentlemen have thought proper to impute political motives to me. I strongly deprecate such an idea. This is a question of vital importance, yet any one daring to rise in his place here to speak on this matter, from a social point of view, is accused of a desire to make a political capital. I said expressly that I did raise that question outside of all political considerations, and I think that the government should be glad that such a question should be discussed here in a fair way. The hon. gentleman from Marquette, whom I do not see in his seat, has read us a report of one Mr. Reid, and, I must remark, in passing, that he has prefaced his remarks in a very courteous way by saying that we did not know what we were talking about. That may be, but the hon. gentleman will have to extend his remarks to outsiders, because I have in my hand an answer to the report of Mr. Reid, and with the permission of the House, I will read it. You will find

it in the Gazette of March 21 of this year. It reads as follows :

'The Gazette's report of the Rev. Mr. Reid's lecture on the Doukhobors will make funny reading in Manitoba and the west,' remarked a gentleman from Winnipeg to a representative of this paper yesterday. 'The Rev. Mr. Reid must be sadly misinformed as to the actual facts, or he could not possibly have contrasted the Douks, as they are commonly called out there, with the Galicians so favourably to the former. The fact is that the Galicians are looked upon as far the better of the two races. The men are good workers, adopt what they think are civilized habits, want to learn the English language, drink a little whisky now and then, and generally try to conduct themselves as Anglo-Saxons. They send their children to school, and endeavour to bring them up in the ways of their adopted country. They obey our laws about as well as the average Canadian does, and are not eternally making trouble like the Douks are.

'Mr. Reid forgot to tell the people of Montreal that the Douks are inveterate grumblers, that to-day they have a petition to the nations of the world to be relieved from the tyranny of Canadian laws, which they consider are too oppressive for them. They do not want to submit to our marriage laws; they don't believe that a civil or any other ceremony is necessary to constitute a marriage, and they want a shorter means of divorce than our Canadian laws permit of. They have a divorce law of their own, of the free and easy kind. They refuse to pay the legal fee for a license to marry, holding it is a sin to do so. They object to the holding of land individually, and demand that it shall be held by the community. They also object to the registration of births and deaths, and for these reasons ask the Dominion government to exempt them from the ordinary laws regarding the use of lands, the legality of marriages and registration, and which the government very properly refused. In consequence of this prompt refusal they are appealing to some other Christian nation for shelter. They are not an educated people, and the men are not, as I have mentioned, as good workers as the Galicians. They are fanatical in their religious belief, and while no one wants to interfere with their creed, every loyal Canadian demands a compliance and a submission to the laws of the land.

'If you were to ask those who have come in contact with the two peoples, as many in the west have done, they will tell you a far different story than Mr. Reid gave to you Montrealers. They won't say that the Galician is the most desirable immigrant in the world, but they will assert very forcibly that one Galician is worth a dozen Doukhobors, and that there is some hope of the future generations of the former in Canada, but none of the latter. The Douk will always remain as he is, a narrow-minded, ignorant fanatic, unwilling to adapt himself to new conditions—the very kind a growing, progressive and enlightened country does not want.'

The motion was agreed to.

BILLS INTRODUCED.

Bill (35) 'An Act respecting the Mather Bridge and Power Company.'—(Hon. Mr. Jones.)

Bill (36) 'An Act respecting the Great North-west Central Railway Company.'—(Hon. Mr. Wood, Westmoreland.)

Bill (42) 'An Act respecting the Klondike Mines Railway Company.'—(Hon. Mr. Kirchhoffer).

Bill (48) 'An Act respecting the Edmonton, Yukon and Pacific Railway Company.'—(Hon. Mr. Landerkin.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 27, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INDEPENDENT ORDER OF FORESTERS BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (6) 'An Act respecting the Supreme Court of the Independent Orders of Foresters,' with amendments.

He said : These amendments are unimportant, and, I believe, were accepted by the promoters, and unanimously adopted by the committee. The preamble stated as a matter of fact that all debts were paid and obligations fulfilled when the present organization took over the provincial corporations. We thought it better to have it appear in the preamble that such was stated on the authority of the petitioners. Clause No. 6 was certainly ambiguous. It changed the amount to be invested, under one heading, by one organization, the Supreme Court, to $30,000 a year, where it had previously stood at $350,000, as a capital sum—which we consented to—but it was obscure, inasmuch as it seemed to apply the same rule to the other investments by the branches, which was not, I believe, the intention of the petitioners, and consequently we simply put in words which would make it clear that the intention was definitely fixed, in regard to those branches, that it should be a capital sum.

Hon. Mr. KERR moved that the amendments be concurred in.

The motion was agreed to.

THIRD READING.

Bill (24) 'An Act respecting the South Ontario Pacific Railway Company.'—(Hon. Mr. Wood, Westmoreland.)

SECOND READING.

Bill (G) 'An Act respecting the Demise of the Crown.'—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 28, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (H) 'An Act respecting the Dawson City Electric Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (14) 'An Act to incorporate the Century Life Insurance Company.'—(Hon. Sir Mackenzie Bowell, in the absence of Hon. Mr. Clemow.)

Bill (60) 'An Act to incorporate the United Empire Life Insurance Company.'—(Hon. Mr. Watson.)

Bill (I) 'An Act to incorporate the Alaska and North-western Railway Company.'—(Hon. Mr. McKean.)

DISMISSAL OF POSTMASTER FIELD.

INQUIRY.

Hon. Mr. PERLEY inquired :

On whose recommendation was E. Field dismissed from the postmastership of Fishing Lake post office ? Also what was the cause of complaint against Mr. Field, and was the person or person who advised Mr. Field's dismissal ever at the post office ? And further, did any number of those served by the said post office petition against the dismissal of Mr. Field ?

Hon. Mr. MILLS—The acting Postmaster General told me that he had not this information ready, and so I am unable to present it to-day.

DISMISSAL OF CHARLES TAYLOR.

INQUIRY.

Hon. Mr. PERLEY inquired :

On whose recommendation was Charles Taylor dismissed from the caretakership of the Wolesley court-house in the North-west Territories, and what was the cause of complaint against Mr. Taylor that led to his dismissal ? Also, how many applicants were there for the position, and for their respective names, and the name of the person appointed, and who specially recommended him ?

Hon. Mr. MILLS—The reply sent me by the Minister of Public Works is the following :

Mr. Charles Taylor will be replaced as caretaker by Mr. Wm. Hare on April 1. The Minister of Public Works assumes all responsibility for the change.

Hon. Sir MACKENZIE BOWELL—Does he give any reason for the dismissal ?

Hon. Mr. MILLS—No. I have just received this note.

Hon. Sir MACKENZIE BOWELL—I do not find fault with the hon. gentleman's answer, but it is scarcely courteous to the Senate. The hon. gentleman from Wolesley asked for the cause of his removal, and the reply is 'I assume the responsibility.' I do not think that is courteous. Either the man dismissed is too old for the position, or inefficient, or has misconducted himself in some way. The country is entitled to the information.

Hon. Mr. MILLS—I do not dispute that, I take it that Mr. Taylor has not been dismissed, but that he will retire, and Mr. Hare will take his place on the 1st of April. I have given the information that has been furnished me.

Hon. Sir MACKENZIE BOWELL—The same course was pursued precisely in the city in which I live. The caretaker of a public building was notified that his services would not be required after a certain date. No reason was assigned for his dismissal, and no statement was made as to who complained.

Hon. Mr. MILLS—I do not know that the hon. gentleman can claim the right to know who makes the complaint in such a case, but he can certainly claim to know the reason for the dismissal. I shall make further inquiry and give the information to which, under our system of government, the hon. gentleman is entitled.

THE PREFERENTIAL TARIFF.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government to enumerate some of the articles that have been reduced in cost to the farmers, mechanics and labourers of Canada in consequence of the preferential tariff with England ?

He said : I am inspired to ask this question because, in the recent election campaign, I attended two or three meetings, and heard this question asked of the government candidate, and neither the candidate, nor the merchants and others present, could give a reply, and I know the information would be very acceptable to the public.

Hon. Mr. MILLS—I will undertake to answer the hon. gentleman's inquiry, and if I do that for him, I will do what he says our friends in his constituency were not able to accomplish. I am rather surprised at that statement, because I remember not many years ago that the Finance Minister in the other House proposed a reduction on the sugar duties, and he went on and stated the amount of taxation from which the people would be relieved in consequence of the lower rate at which they would be enabled to receive sugar. His contention on that occasion was, that the reduction of the price of sugar was the reduction in the duties, and the interest on profit that would have been charged by the importer and retail dealer on the sugar so imported. Now, I apprehend that there is no difference of opinion as to what the doctrines of political economy are on this subject. I am not considering the question whether it is wise or unwise to encourage further manufacture in the country by the imposition of high protective duties, but I take it for granted it is admitted that the reduction of the tax reduces the price of the article that is imported by the amount of the tax, and the amount of profits that the importer will charge upon the duty, as well as upon the original price of the article. There is no doubt that if you charge a certain sum as the price of an article, and you impose a tax for the purpose of preventing the article coming in, that the party who imports it in estimating his profits includes the tax in the price which the article has cost him, and he estimates his profit or percentage, whatever it may be, high or low, upon the duty as well as upon the original price. Now, the information which is placed in my hands is this :

The government of Canada cannot regulate or control the price of goods as sold in Great Britain, or any other country, for export to Canada, but it can regulate and control the amount of import tax required to be paid on such goods in Canada. The effect of the preferential tariff is to reduce substantially the duty on all classes of dutiable goods, except wines, spirits and tobacco, imported from Great Britain.

The article at one time may be scarce and high, and at another time it may be abundant and cheap, but whether it is cheap, or dear, if there is a high duty imposed upon it, that duty is added to the price, and the importer, if he is to continue in business, must estimate his profits on the entire cost to him, when these goods went on his shelves or into his store. Let me give, for the information of the hon. gentleman who puts the question, some figures to illustrate the reduction. The following items may be taken :

——	Rate under Tariff of 1896.	Preferential Tariff rate.
		per cent.
Blankets	5c. per lb. and 25 per cent, equivalent to 39 per cent.	23⅓
Tweeds	" " " " 32 "	23⅓
Flannels	" " " " 33 "	23⅓
Socks and stockings of wool and cotton	10c. per doz. pairs and 35 per cent.	23⅓
Undershirts and drawers	35 per cent	23⅓
Ready-made clothing	5c. per lb. and 30 per cent, equivalent to 34 per cent.	23⅓
White or bleached cotton fabrics	25 per cent	16⅔
Grey unbleached cotton fabrics	22½ "	16⅔
Fabrics printed, dyed or coloured	30 "	23⅓
Sewing thread on spools	25 "	16⅔
Cotton hosiery	35 "	23⅓
Cotton clothing	32½ "	23⅓
Collars	24c. per doz. and 25 per cent.	23⅓
Gloves and mitts	35 per cent.	23⅓
Hats and caps	30 "	20
Window glass	20 "	13⅓
Granite and iron stoneware	30 "	20
Table cutlery	32½ "	20
Builders' and cabinetmakers' hardware	32½ "	20
Files and rasps	35 "	20
Locks	32½ "	20
Spades and shovels	50c. per doz. and 25 per cent, equivalent to 38 per cent.	23⅓

Very many other items could be given; the above are only illustrative. It will be obvious to every one that the great reduction in the rates of duty must benefit the Canadian consumer.

Hon. Sir MACKENZIE BOWELL—How does the hon. gentleman arrive at these figures? Is it by the repeal of specific duties and the reduction of duties by 33⅓ per cent.

Hon. Mr. MILLS—Precisely. My hon. friend will see that there is a reduction of taxation of ⅓ in respect to all these articles, and there is a corresponding reduction in price to the consumers in this country, in addition to whatever percentage of profit was charged upon the duty as a part of the price, so that my hon. friend will see that the amount of saving is very considerable, and what that amount may be will depend altogether upon the additional profit that the importer chooses to charge upon the article. Say, if it were 50 per cent, he would add half this amount to the duty saved, and the saving on the price, and so with regard to every one of the articles here mentioned. There can be no doubt—hon. gentlemen I think will admit—that the lower an article is in price in the general market in which it is sold, the lower the price at which it may be furnished to the consumer, if there is no addition to the price made in the way of transit. Now, the duties imposed on the articles are additions to the regular price made in the way of transit charges, and in their effect, they do not at all differ from an addition of that sort made at the place of manufacture. If you were to add the duties we charge upon the article to the original price, and you were to import the article free, you would pay exactly the same price that you do pay with the duty added on the way. There can be no difference, and my hon. friend will see, from the rates of duty which I have mentioned, that all these articles which are imported from the mother country have been substantially reduced in their price to the consumer. They have come into this country in larger quantities in consequence, and if they have not come in so largely as some anticipated, it is because the United States competitors have cut the price of their article to the extent of the 33⅓ per cent cut, in order that they may enter the Canadian market on equal terms with the English manufacturers.

Hon. Sir MACKENZIE BOWELL—This is not the time to enter into a philosophical discussion on political economy, and I only rise to point out that the hon. gentleman in his statement has not stated all the facts governing the tariff. In the first place, he should have told the House that the government raised the duty upon many articles

from 25 to 30, and 35 per cent, and then deducted first 12½ per cent for one year, which left the protective duty of the Conservative government much higher than it had been under the old tariff. The next year they reduced it 25 per cent, leaving it still a higher duty on those articles on which they had raised the tariff than it was under the tariff of the late administration. The 33⅓ per cent reduction only applies to the rate of duty imposed since the change of government: that fact should have been explained in order to put the whole truth and the facts before the House. I take exception also to the statement made by the hon. gentleman in reference to his ideas of the doctrines of political economy. It is altogether too prolific a subject to enter into just now. Had the hon. gentleman said that the principles of political economy were theoretically such as he presented them to the House, he would have left the impression on those who paid any attention to the question that his theory was right. The practical effect of political economy is governed in a great measure by the situation in which the country is placed with regard to another, and if time permitted I think I could convince this House, and even my hon. friend himself, although he is an advanced political economist, that the placing of an article on the free list in this country has sometimes raised the price of it, from the fact of the United States getting control of the Canadian markets. In making this a free trade country for any article which is largely manufactured in the United States, you place Canada in the position of a State of the Union, and it is only a question of the cost of transportation that governs the price of the article in our market. And if there be a manufacturer in the United States controlling the article, he can raise the price in Canada just as high as he pleases. He places it exactly to the consumer in Canada, as he places it to the consumer in the State in which it is manufactured, from the fact that, having no duty to pay here, having only the transportation to consider, and having the monopoly and control of this market, as of his own, he can charge just what he pleases for it as he does in his own country. However, that is a subject that I do not propose to enter into beyond pointing out to the hon. gentleman that he is scarcely fair in his manner of presenting his case to the House in reference to the reduction of the tariff. I simply enter my protest against the theory he laid down as to the practical working of political economy. We know that prices are governed in a great measure to the consumer by the prices which the manufacturer has to pay for the raw material. At the present time sugar is dearer than it has been for years past. That may arise from many causes. It is only one article to which I call the hon. gentleman's attention. I do not wish it to be understood that I acquiesce, either practically or theoretically, in the doctrines laid down by the hon. gentleman. Political economy is all very well in theory, but when you come to reduce it to practice, like many other things, it will not hold water.

Hon. Mr. FERGUSON—This opens up a very wide field, but we have not the time, and I suppose we have not the inclination to enter fully into it. I want to point out one consideration which the hon. minister wholly ignored in his argument, and in his list of articles submitted to the House. He referred to the reduction of the duty on sugar under the late administration, and stated that the then Minister of Finance claimed that that reduction meant a decrease of taxation to the extent of the reduction of the duties. My hon. friend, in applying that principle to the preferential tariff, entirely ignored the consideration that the reduction of the duties on sugar was a general reduction which applied to all countries, whereas the reduction in the tariff now applies to only one country. The hon. gentleman ignored the fact that in a great many instances, under the preference, British manufacturers are able to keep up their prices to the level of foreign prices, and reap the advantage of the difference in duty, and that it does not, in many cases, result in a reduction of the price to the consumer in Canada.

Hon. Mr. MILLS—I wish to correct a misapprehension. The hon. gentleman opposite spoke of a reduction before the preference was given. I referred, not to the price of those articles after the present government came into office, but under the tariff as it existed before the change, and compared it with the present rate after the 33⅓ per cent

reduction. So it was a comparison of the tariff as it stood when my hon. friend's government retired from office, with the tariff as it exists to-day.

Hon. Sir MACKENZIE BOWELL—The explanation would be quite admissible, if the calculation were correct. Take the article of carpets, for instance. Carpets were 25 per cent under the old tariff. Take the ⅓ from 35 per cent, to which the hon. gentleman's party raised it, and you have 23⅓, so that you have only 1⅔ per cent reduction on the tariff as it existed when the present government came into power. That is not the way the hon. gentleman put it. The calculation which he made was this: the duty on the article was 35 per cent; they reduced it one-third, which made it 23⅓, showing a difference of 11⅔ per cent. Now, the correct way of ascertaining the exact amount of the reduction is to make the calculation upon the 25 per cent in the tariff of the former government, and you have a reduction of only 1⅔ per cent instead of 11⅔ per cent.

Hon. Mr. MILLS—I did not mention carpets in my list.

Hon. Sir MACKENZIE BOWELL—But I did as an example of how the tariff worked.

Hon. Mr. MILLS—The hon. gentleman should look at the question which was put—what are the articles on which the government claimed that there has been a reduction in price. I took a large number of articles.

Hon. Mr. McCALLUM—Blankets particularly.

Hon. Mr. MILLS—I took a large number of articles under the old tariff, and compared them with the prices under the present tariff and I assumed the reduction of price was the difference between the two tariffs, with the percentage of profit on the difference in duty added.

Hon. Sir MACKENZIE BOWELL—I pointed out that the hon. gentleman did not inform the House that they had first increased the tariff and then made the preferential reduction, and consequently his calculations were not correct, so far as the actual result was concerned. I mentioned the article of carpets by way of illustration, and that is only one of a great many that I could refer to.

Hon. Mr. MILLS—I did not refer to it at all.

Hon. Sir MACKENZIE BOWELL—The question is as to the calculation of the amount of reduction.

RAILWAYS TO THE YUKON.

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

Hon. Mr. MACDONALD (B.C.)—Will the hon. Minister of Justice inform the House what the policy of the government is with regard to railways to the Yukon? The last two sessions they have blocked charters for railways to that country. There are Bills before the House, for projected railways in that territory, and there is no use in going on with them if the same policy prevails still.

Hon. Mr. MILLS—I am not prepared to answer the question to-day.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Might I ask the Secretary of State when I may expect the papers for which I asked respecting the Pacific Cable Telegraph?

Hon. Mr. SCOTT—I am having them arranged. Mr. Mulock had charge of them. They are in considerable confusion, but I hope to have them arranged in a day or two.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 29, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DOUKHOBOR IMMIGRATION.

INQUIRY.

Hon. Mr. BERNIER inquired:

1. In what country were the Doukhobors living before coming into Canada?
2. What were the inducements made to them so as to secure their immigration into Canada? And by whom were those inducements made?
3. Has the government entered into any contract with them, or with somebody acting on their behalf, respecting their immigration or

settlement in this country? And if so, what is the nature of such agreement?

4. How many of them have come to the country? How many have settled in Canada? And where are they settled?

5. Has the government set apart, for their exclusive settlement, any portion of the public lands? If so, what is the acreage of those lands, and where are they situated?

6. Under what conditions or circumstances have the Doukhobors been introduced in this country?

7. Have they been granted in any shape or form, and at any time, some subsidies?

8. What has been the cost of such immigration, indicating how much per head and the total cost?

9. Are the Doukhobors to recoup the government of any outlay made on their account, or if any money advances made (if any made) to them? And if so, in what way and when?

10. Are or will the Doukhobors be exempt from military service?

11. Has any promise been made to them, or any agreement entered into with them or with some of their agents, by the government, or somebody acting or alleging to act on behalf of the government of this country? If so, what is the nature of such promise or agreement?

Hon. Mr. MILLS—The answers to the hon. gentleman's questions are as follows:

1. Many of the Doukhobors lived in the Kasr district, some in the Caucasus in Southern Russia, and others in Cyprus.

2. The advantages offered to the representations of the Doukhobors to induce them to settle in Canada were (a) that each male, over 18 years of age, and each female, who would be eligible under the Dominion Lands Act, would be granted homestead entry for 160 acres of land under the provisions of the Dominion Lands Act; (b) that under the provisions of the same Act they would be allowed, if they so desired, to settle together in a hamlet or village; (c) that they would be exempt from military service under the provisions of subsection 3 of section 21 of the Militia Act; (d) that instead of paying a bonus direct to steamship agents, the department would place to the credit of the Doukhobors Committee, to assist in their maintenance, £1 per head for each person; (e) that in view of their arriving in the winter months immigrant halls and other buildings would be provided for them where necessary. These inducements were made by officers of the Department of the Interior.

3. No contract on behalf of the government has been entered into with these people, nor any agreement made aside from those referred to in answer to No. 2.

4. The number who arrived in Canada is recorded as 7,427, all of whom are settled on lands with the exception of about 100. They are located in north-eastern Assiniboia and in the Saskatchewan district.

5. The government has set apart for the settlement of the Doukhobors in the territories referred to in the last preceding answer, about 200,000 acres, in round numbers.

6. The Doukhobors came to this country through the instrumentality of a number of Quakers living in England who were interested in them, and who sent representatives to Canada to inspect the lands of the North-west and interview the government with reference to the movement.

7. The only moneys paid to the Doukhobors are those which have been referred to, and an additional amount which was required for some of the poorer settlers while they were located in the immigration halls.

8. The cost to the department of the Doukhobors will amount in all to not more than about $60,000. It is impossible to give an exact statement as at certain times there were other immigrants occupying the immigration halls and in some cases small supplies were provided for them and the moneys paid out of the general immigration expenditure of the commissioner at Winnipeg.

9. The Doukhobors are expected to repay all moneys advanced over and above the bonuses to cover any additional supplies which they may have received, the amounts to be registered as liens against the lands.

10. The Doukhobors will be exempt from service in the militia upon the production in each case of a certificate of membership from the proper authorities of their community.

11. No promise has been made to them, nor has any agreement been entered into with the Doukhobors, except as to military service, by the government that would not be given to any persons who may settle in the North-west.

Hon. Mr. McCALLUM—This is the class of people on whose coming to this country we were congratulated in the speech from the Throne. What is the fact to-day? They are exempt from taking part in the defence of the country. I said the other day that they were spoon-fed. From what the hon. Minister of Justice has stated to-day, it appears we have been keeping these people, and we have the statement from him in his reply to me, that if you mix them with the

Germans and the Canadians, after two generations they would be satisfactory settlers. The allotted time of man is said to be three score years and ten. Are we to wait 140 years before they will be of any advantage to this country ? Is that what I am to understand ? The government, through His Excellency, say that they are satisfactory people for this country. They may be satisfactory to the hon. Minister of Justice and to the hon. Secretary of State, but they are not satisfactory to me, and will not be satisfactory to the people of this country. My hon. friends put these people in the North-west to till the soil, because in 140 years their descendants may make satisfactory settlers. He was talking about the Germans that could not talk English, and the Highlanders that could not talk English, and I went on to show him that whether they talked English or not, they were satisfactory settlers. I asked him at the time : 'What about the French ?'—and I know that when I speak I speak loudly enough to be heard all over the room—but my hon. friend did not choose to answer that question. Why did he not class them with the French, too ? Because he thought it was not prudent to do so. It was not prudent to class them with that brave people, the French, the men that at one time did good service to this country at Chateauguay, under General de Salaberry. How long is this country going to feed these Doukhobors with a spoon after they come to this country ? Will they do it for 140 years ? That is what I want to know. My hon. friend did not answer that, and why did he not answer it ? I do not know. I do not wish to say anything unjust or ungenerous. I thought then, and I think now, that every man's mind is a kingdom. He has a perfect right to think what he likes as long as he does not think too loudly. I never thought loudly on this question, but I kept thinking, and I may say a word or two loudly on it now. Why did he not class them with the French? Because the very existence of his party and their position in this House and in the other House depends on French votes. Am I uncharitable in saying that that is the reason ? If that is unjust, then I was thinking of what was unjust, because that is what I was thinking of. I thought it quietly then, and think it aloud now, and I say to-day that the government of this country have put language in His Excellency's mouth, and use His Excellency to try and cover up their blunders in this matter. I am informed that they used these people. They took them to the polls and recorded their votes, though they were not entitled to vote, because they were not British subjects. They were driven there, and if I am correctly informed, polled their votes. That is making use of them. I say if the government of this country would offer the same inducements to emigrants from Scotland, or Ireland, or England, that they did to these people, we would get plenty of them, and get loyal settlers, people who, in case of trouble, would be ready to defend your country, not people that would make it a condition that if trouble came they could refuse to fight or defend the country—people who would say : 'You must defend me, and feed me with a spoon in the meantime.' My hon. friend the Secretary of State found fault because I said they were spoon fed, and I think the answers given by the Minister of Justice to-day bear out my assertion. I think I said enough the other day on the question, but I had a perfect right to do so, because I considered my people were slandered by being compared with them. They put my people in the same boat with the refuse of Russia, because they did not talk English. Just think of it ! We all remember that incident at the seige of Lucknow, when the Highland pipers played 'The Campbells are coming, the rebels are running.' Nobody inquired then if the Highlanders could speak English. I say the government of this country has not acted in the interests of the people in inducing this class of emigrants to come to Canada, and the people of the country will hold them responsible for it. As for me, individually, I tell them I am always ready to say what I think of their actions, no matter who they are, let them be so-called Reformers or so-called Conservatives. People who know me know that I have raised my voice in this House against even the actions of the government which I was supporting—yes, against actions which were not a drop in the bucket compared with the actions of this government. I will say no more about this matter, but will let it drop now. I think I am in order in making these remarks, because

the inquiry is slightly different from the question we had before us the other day.

Hon. Mr. SCOTT—I am sorry the hon. gentleman has formed an opinion first, without giving this subject proper attention. I say the government were justified in bringing the Doukhobors ; I approve of it, and hereafter, in years to come, the country will be thankful to the government for having done it.

Hon. Mr. McCALLUM—A hundred and forty years from now.

Hon. Mr. SCOTT—No, nor ten years from now. My hon. friend had not information ; he spoke simply from prejudice.

Hon. Mr. McCALLUM—I will not allow the hon. gentleman to put me down as doing anything of the kind. I took the language of the Minister of Justice. He says they will make satisfactory settlers in one or two generations from now. That is his view.

Hon. Mr. SCOTT—A generation nowadays is called twenty-five years, not seventy-five years. Long before that period the Doukhobors will have been regarded as a very valuable class of men for the North-west. I suppose the Montreal Gazette is a good authority on the subject. I picked up the Gazette of yesterday ; attention was drawn to the subject from the fact that this Chamber had been discussing the qualities of the Galicians as compared with the Doukhobors, and the Montreal Gazette, after discussing the various characteristics of the two races, says :

The Doukhobors are being now made the subject of hostile criticism, much as the Galicians were only a short time ago. There is probably some occasion for it, too. The Russian peasant, to whose class the Doukhobors belong, is in many things backward, even among European peasants. He falls short, no doubt, in not a few things which particularly attract the attention of the English-speaking Canadian. The Douk is a man of peculiar views in religious matters, acting literally on some precepts of the New Testament that other Christians have in practice set aside. He is settled, too, among his own kind, and is likely to be but slowly affected by intercourse with his neighbours. If men from the British Isles, Scandinavia or Germany could be got to take his place and do the work he is doing, it might be said the country would be better without him. It is open to question if this can be said now. He is doing a work the slow progress of which has been a cause of complaint for a generation. He goes out into the wilderness, and by his efforts turns it into wealth-producing fields. He is presently a small consumer, but he will be very peculiar indeed if, with the opportunity for satisfying them, his wants do not increase, and as his wants increase his commercial value will grow. Before utterly condemning him, he should be given time to show what is in him that goes to the making of a good citizen. He may pass through the Galician's experience and gain respect where first contumely alone was felt for him. This continent has had many cases of a like kind. Some may remember the phrase, 'No Irish need apply,' and what it meant.

Hon. Mr. BERNIER—Is that the report of Mr. Reid ?

Hon. Mr. SCOTT—No, I am reading the editorial of the Gazette : I have the report of Mr. Reid. Now, I claim that there can be no better authority than a gentleman who has lived two years with those people. I believe he is a clergyman of the Presbyterian Church, and certainly is better entitled to express an opinion than gentlemen who have never seen the Doukhobors, and who accept prejudiced accounts and have nothing but contempt for a race which, unfortunately, has not been educated up to the standard of others, not from any fault of their own, but because they have been kept under by the tyranny of Russia. Many husbands and brothers of the Doukhobors are now working in the mines of Siberia, and that ought to create sympathy for them in a free land like Canada, and we ought to be gratified that these people have been brought to a country where there is abundance for them, and for all who choose to come. They are a small body as yet, only eight thousand people. That country they have gone into is quite capable of supporting eight millions—eight times eight millions—and I hope before many years it will contain a large proportion. Some one has called in question Mr. Reid's statement. I shall not read the whole of it, because it is a long article, but I will read a few paragraphs.

Hon. Mr. McCALLUM—Just what will suit the hon. gentleman.

Hon. Mr. SCOTT—No, but I do not want to weary the House. It has been said the Doukhobors are inferior to the Galicians, because they do not educate their children to the same extent. I will read from Mr. Reid's statement. He says :

The Galicians do send their children to school, where they have schools to which to send them, but these schools are very few. The Doukbohortsi would send their children to school if they had any schools; but they have none. In two Doukhobortsi villages are two private schools. So

anxious are the Doukhobortsi to have their children taught English that I was shown several children who regularly walked five miles all winter to and from school.

Your informant says that I forgot to tell the people of Montreal that 'the Douks are inveterate grumblers and are eternally making trouble'; that 'they have to-day a petition to the nations of the world to be relieved from the tyranny of Canadian laws,' is untrue. Being a simple-minded, primitive and uneducated people, they are easily influenced by would-be demagogues. It is not, therefore, surprising to find that in a colony of 8,000 Doukhobortsi, twenty-nine men could have been induced by a Russian anarchist to sign a petition to the Canadian government against our Canadian laws. The 'appeal to the nations' against 'Canadian tyranny,' which has been built up into a great mountain, is only a molehill. This appeal was sent, not by the Doukhobortsi themselves, but by the aforesaid Russian anarchist—and sent by him without any sanction from the Doukhobortsi people. If the same energy which has been expended in the abuse of the Doukbohortsi had been exerted towards the banishment of this dangerous Russian demagogue, it would have been an action warmly welcomed by the Doukhobortsi themselves, as they do not want him to remain with them, but are, from religious scruples, not willing to expel him from their colony.

A letter received last week from the president of the Thunder Hills Doukhobortsi colony states that a number of these twenty-nine men who signed this petition to the government are now quite willing to obey the Canadian enregistration laws against which the petition was signed.

That the Doukbohortsi 'do not believe that a civil or other ceremony is necessary to constitute a marriage' is also largely untrue. Looking, as they do, upon marriage as a sacred thing, they do not wish to make it secular by a 'civil ceremony,' but with them marriage is a religious ceremony, which, to a religious people, is as binding from a religious standpoint as is ours from a legal standpoint. That 'they have a divorce law of their own of a free and easy kind,' is a statement which is as unjust as it is unfounded. That they have a stringent religious law of divorce is true, but it is of a kind much less 'free and easy' than that of many Anglo-Saxon communitites.

That they do not hold land as individuals, but as a community, is quite true; but the Mennonites of southern Manitoba, who are to-day a real strength to Manitoba, at first adopted the same principle. That they are religious fanatics is a statement which should be accepted cum grano salis. The force of that statement depends upon your own standpoint.

Your informant says that 'every loyal Canadian demands from the Doukhobortsi a compliance and a submission to the laws of the land.' More charitable Canadians than your informant evidently is are at present trying to solve the problem of how we are to influence them by our higher civilization, so that the next generation of Doukhobortsi may be more loyal to our civil and religious institutions.

Your informant thinks that 'the Douk. will remain a narrow-mined, ignorant fanatic.' There are others who have a fuller knowledge of the Doukhobortsi who are not ready to admit that they are either ignorant or narrow-minded fanatics. But granting for the moment that they are such (which those who know them most fully will be the least ready to grant), Canadians will never elevate them by abusing them. Our Anglo-Saxon superiority implies obligation not only to protect, but to enlighten.

When, in my address in Montreal, I referred to the superiority of the Doukhobortsi in comparison with the Galicians, I was referring to the comparative moral tone of the two peoples. In two years in Canada only one Doukhobor has been arrested for crime, and that one has since been proved innocent. When any community of 8,000 Anglo-Saxons can show a similar record it will be consistent in your informant to throw stones at the Doukhobortsi.

Now, that is from a gentleman who has lived among them for two years, and who seems to be a citizen of some repute. I am advised that he is a doctor and a clergyman of the Church of Scotland. Surely evidence of this kind ought to be taken rather than the prejudiced reports which are flung at those unfortunate people. Very many of those who are now comfortably settled in the North-west were even poorer than the Doukhobors are, yet they have acquired wealth. Take the Icelanders. In 1875 or 1876, I happened to be administering the Interior Department in the absence of the minister. The Icelanders were stranded without a penny in the neighbourhood of Peterborough. We decided to send them up to Manitoba at the expense of the country. They are settled on land there, and though only one generation has gone over—long before the twenty-five years had expired—the Icelanders are regarded as a very valuable class of population for that country. So it will be with the Doukhobors. This prejudice will all pass away, and long before twenty-five years. I hope my hon. friend from Monck will live to see it, and to admit that his statements about the Doukhobors are unjust. Of course, my hon. friend firmly believes what he says, but he has not had ample opportunities for judging——

Hon. Mr. McCALLUM—I have had the same opportunity of judging them that the government has had.

Hon. Mr. SCOTT—I like to look at both sides of a question, and I do not care to pass judgment without considering both, and I have no doubt my hon. friend, in years to come, will regret having expressed an unkind and unjust judgment against the Doukhobors.

Hon. Mr. PRIMROSE—I beg to take exception to the style in which the hon. Secretary of State at times is disposed to characterize the expressions of opinion by gentle-

men who do not happen to agree with him in his views, and who cannot frame their mouths to pronounce his shibboleths. I would ask whether the Secretary of State would be disposed to characterize the expressions of opinion which fell the other day from the hon. gentleman from Wolesley (Hon. Mr. Perley)—who ought to be in a position, from his proximity to those people, to know something about them—whether he would be disposed to characterize those expressions as the outcome of ignorance and prejudice. I do not like that style of debate, and I think the hon. Secretary of State is a little too prone to it.

Hon. Mr. ELLIS—I saw the two shiploads of the Doukhobors which landed in St. John. I spent several hours on both occasions in going through the ship, talking with the officers of the ship, and with those who had charge of the immigrants, and the impression left on my mind was quite different from that of my hon. friend from Monck. After that I gave some attention to the whole question. The Doukhobors undoubtedly hold some extreme opinions on what we might call religious matters. Those extreme opinions are due to the nature of their dissent from the state authority of the church in Russia. Under the broader freedom of this country, in view of the fact that men can hold what opinions they please here in reference to religious matters, and can worship in their own way, those extreme views will disappear, I am confident of that, just as the extreme views of the Quakers disappeared when England ceased to persecute them. I believe that, even if still held, they will not be so obnoxious. The Doukhobors who came out in the ships that I speak of were organized in companies by their managers. They did their duty on board ship cheerfully and willingly. When they landed in St. John, they were met by a number of ladies who desired to give them some welcome to the land of their adoption. They expressed their gratitude for kindness shown them. They appreciated it, and showed, therefore, that they possessed those qualities which go a long way to develop good citizenship. They were kind to their children. The men were willing to do what they could to assist the entrainment of their women, and I saw nothing, except their dress and language, to distinguish them from other emigrants landing on our shores, and they landed in a much more favourable condition than most. I see no reason whatever to doubt that they will, within two generations, allowing a generation to be thirty years, be just as excellent citizens as we have in Canada. It must be a matter of pride and satisfaction to think that we have a country which can open its arms wide to give those people, who are fleeing from persecution in their own land, a home here. I speak entirely free from any political feeling. I am merely stating the impressions which came to my mind after I saw the Doukhobors. I looked into the whole question, as set forth by those writers who have discussed modern Russia, and I have come to the conclusion that this country has made no mistake whatever in receiving the Doukhobors and that they will become good citizens of Canada.

Hon. Mr. WATSON—With reference to the complaint of the hon. gentleman from Pictou (Hon. Mr. Primrose), that the hon. Secretary of State characterized the remarks of members of this House who do not agree with him politically, as being the result of ignorance, I have no hesitation in saying, that I can quite endorse what has been said by the Secretary of State, after listening to some of the remarks made by members of this House with regard to this particular class of people whom we are discussing here to-day. If hon. gentlemen would take the trouble to inform themselves, as suggested by the hon. Secretary of State, they would learn that the people who do know of those Doukhobors since they came to our country, would not express the adverse opinions that have been heard in this House. For instance, on the question of Doukhobor settlements, the nearest point to the railway where they are settled is Yorkton, a town of considerable importance, a town that has a board of trade, elected irrespective of politics. About eight or nine months ago, an agent came there from the United States side, from California, and tried to induce some of those Doukhobors to leave their settlement, and go to California, promising them big wages to work on railways, and free land in the state. At that time the Board of Trade of Yorkton—the Doukhobors trad-

ed there and did business there, and the people of Yorkton had knowledge of them—met and unanimously passed a resolution asking the government to interfere to prevent any of those people leaving the country, giving as an excuse that it was a violation of the Alien Labour law for them to go to the United States under contract made at Yorkton to work on the railroads of California. That is the opinion expressed by the board of trade, showing that they regarded the Doukhobors as valuable settlers. They wanted to retain them in the country, and I see that some who did leave have returned to the settlement. The people are well pleased with our country. They have returned, and every person who has an interest in the settlement of the North-west has reason to congratulate the country and the Dukohobors who have returned from the United States that they have come back to their settlement north of Yorkton. It appears to me that this evidence is sufficient to convince hon. gentlemen that these people are desirable settlers. I have never been in their settlements, but I have seen these people in service in Manitoba. They furnish labour that is much required. I have never heard any one who has had those Doukhobors employed speak otherwise than highly of them. So far as their morals and religious belief are concerned, we have the evidence of the clergyman who has lived with them for nearly two years. The same objection used to be taken by hon. gentlemen—some who are in this House now and in another place with regard to encouraging Icelanders to settle in our North-west. As has been said by the Minister of Justice, they have proved themselves a very desirable class of people. When I happened to be a member of the Manitoba government, that government went so far one year as to advance some seven thousand dollars to assist paying part of the passage of a number of Icelanders to Manitoba. That was guaranteed by a number of Icelanders in that country, who were willing, as far as their limited resources went, to guarantee the return of that money. The money was all paid back within two or three years. They are a most desirable class of settlers, and it appears to me that it is a great mistake on the part of any hon. gentleman in this House, who has the welfare of the country at heart, who wishes to see our prairie lands in the North-west settled, to discourage the immigration of these people, because it is only by settlement that the land will produce the wealth. It seems to me it is worse than waste of time in this Chamber for hon. gentlemen to rise and criticise these settlers in the way we have heard them criticised here this session. If hon. gentlemen will take the trouble to make inquiry with regard to these different matters before they undertake to discuss them in this House, it will be much better, not only for the Senate, but for the country at large, because it is not a pleasant thing for those people to learn that they are being criticised in such a way. I have no hesitation in saying, from my own knowledge, and knowledge I have acquired from others who ought to know, that the Doukhobors are a most desirable class of settlers. It is said they are spoon-fed, and a source of expense to the country, but it has cost no more to settle those people in the Territories than any other class of people brought to this country. The Dominion government inaugurated a policy years ago of paying a bounty of one pound for each adult person who should come to Canada from the old country. That was paid to the booking agent, the agent who secured these people. The Dominion government on account of the Doukhobors coming in large numbers, instead of paying this one pound to the booking agent, paid it to the Doukhobors, and they got the benefit of it. They made their own arrangements. Their friends subscribed large sums of money, I think some $35,000 to assist them in settling in the Canadian North-west. A committee was appointed, composed of gentlemen whose ability for doing the work they were entrusted with, could not be questioned—a committee of three gentlemen in the city of Winnipeg, to see that the money was profitably spent. We have heard no complaints about that. Instead of the booking agent getting the one pound per head, it was paid directly to the settlers themselves. Surely there can be no complaint about that. They made their own arrangements with the vessel-owners. It must be better for us to have that amount of money spent on the people who are set-

tlers in the country than paid to the booking agent who secured the emigrant. People did say the government was paying for feeding them in Manitoba—paying for feeding them three or four months before they went on their land. That is not true in the sense in which it was stated, but simply the one pound per head, usually paid to the booking agent, was paid directly to the Doukhobors themselves. I think we should compliment the government on having procured those valuable settlers for the country. To my mind, as a resident of the west, knowing the importance of having that country settled, I only hope the government will be able to continue bringing over the same class of people that some gentlemen here condemn—that is the Doukhobors. I have no hesitation in saying they are good settlers at the present time. They have only been here two or three years, but they are recognized as good workers, industrious, healthy, and if you can get a class of people like that, the more you get the better, and I only hope the government will be able to bring the same class of people, or people just as good, in larger numbers if possible.

COMPLAINTS FROM DOUKHOBORS.

INQUIRY.

Hon. Mr. BERNIER inquired :

Whether the government has received from the Doukhobors, or from somebody on their behalf, any reports, representations, complaints or memorials respecting the resources or the laws of this country, their satisfaction or dissatisfaction with the treatment they have received, or with the conditions or institutions of this country?

Hon. Mr. MILLS—We have no communication in the direction that the hon. gentleman mentions in this question. Nobody has complained against the Doukhobors to us, nor have we complained to anybody of the Doukhobors.

Hon. Mr. BERNIER—Have they complained themselves ?

Hon. Mr. MILLS—No, I am not aware of any complaint being received.

Hon. Mr. BERNIER—No petitions ?

Hon. Mr. MILLS—There is one signed by twenty-nine persons, and I understand the Doukhobors protested against it, saying they were not parties to it.

Hon. Mr. PROWSE—In what way have the Doukhobors protested against that petition of the twenty-nine ?

Hon. Mr. MILLS—I understand they did ; I do not know whether there was any formal protest or not.

Hon. Mr. PROWSE—The petition has come to the hands of the government, but not the protest.

Hon. Mr. MILLS—I do not know that even the petition has come, I am not at all sure as to that. All I can say is that I regret very greatly the attacks that have been made upon these settlers. I believe they are very worthy people, although I do not subscribe at all to the views they entertain on some subjects. They differ very little from the Quakers in England, and they have been largely assisted by the Quakers to escape the persecutions to which they were subjected, and to come to this country and seek refuge here, and I trust the people of this country will receive them in a more generous spirit than has been shown by the hon. gentleman from Monck. I greatly regret that he should have expressed himself so strongly against any class of people who are seeking homes in this country.

Hon. Mr. WATSON——Hear, hear.

Hon. Mr. MILLS—Eight thousand have been here two or three years, and they have been guilty of no crime. They are most law-abiding and orderly, cleanly in their habits, industrious and sober. They will, I have no doubt, prove very excellent citizens. When up to Yorkton a year ago last summer, I met some Doukhobors. They were on their way to their settlements, and some of those that had gone to their settlements came back to purchase supplies in the village of Yorkton that they would require to support their families. I heard no opinion expressed of them that was unfavourable to them by the people. One or two articles had appeared against the Doukhobors in some paper, I think in Ontario, that had been written up by a ranchman from that country, and the editor of the leading paper in Yorkton informed me that the Doukhobor settlements had been formed in a district which had been held by some ranchmen before, and that the ranchmen were

of course being driven further back by the settlement, that if their wishes were complied with, they would not favour settlement there at all. They would rather retain possession of the country for ranching purposes than to have it devoted to ordinary agricultural pursuits, and I believe that the people who were settled there from Ontario, a few from England, and those Doukhobors are getting along most satisfactorily. I could, if it were at all pertinent, point out the very great progress in wealth that those have made who have been there for but a very short period of time. A large number of cattle were raised, the country proved productive in oats and wheat, and the entire population in that country were most hopeful. They were getting along most satisfactorily, and when I spoke about the Doukhobors doing as the people who came here from the Highlands, who could not speak a word of English, had done, that in the course of a generation or two they would all learn to speak English, that fact was impressed upon my mind by what I saw. Some Doukhobor children that had been in the country but five or six months spoke very fair English, could easily make themselves understood, and could easily understand what was said to them, and I had no doubt, after seeing those people in their houses and at their ordinary avocations, and seeing their anxiety to learn the English language and to speak the language of those who, wherever they settled, have made that language the language of freedom, I had no doubt whatever that those people would become as thoroughly Canadian, and as thoroughly English in their sentiments as any other class of our people. It is to me a matter of most profound regret that such violent attacks should be made upon them in either House of Parliament. It can do no possible good. It might be that you would turn away desirable immigration from the country that we would otherwise obtain. You may embitter the feeling of those people against a particular party by what some individual says, and that, I think, is to be regretted. I should like to see them enjoy the same freedom in the formation of their political opinions and sentiments and their political alliances——

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. MILLS—That they have with regard to religious matters, and I am perfectly sure they will never do that if you indulge in violent attacks upon them in the one House or the other and seek to create a public sentiment against them, as a people unworthy of your friendship or your encouragement.

Hon. Mr. McCALLUM—The hon. Minister of Justice appears to think that I have said too much about these Doukhobors. What I have said is a good deal the result of his own speech. He says to-day, in the answers, that the government received no remonstrances from these people. That statement set me thinking, because he said if they are willing to stay here and till the soil, they will make good settlers. It appears to me that he must have had some warning when he put in His Excellency's mouth such language, that these people did not want to stop here; they were appealing to the powers of the world against the tyranny of the Canadian government, and that is the class of people he wants, and he comments on my remarks for telling what I think about the matter. I have not said anything about the Germans and Highlanders improving. Everybody knows that, but what I complain of is that my hon. friend intimated that until they learned English they were not satisfactory settlers for this country.

Hon. Mr. MILLS—Oh, no, I did not say that.

Hon. Mr. McCALLUM—That is the way it struck me, and it is not so. What would Canada be to-day if it were not for the Highlanders and Germans? How much country would we have and the great Frenchmen whom we dare not compare with the Doukhobors? I asked him the question why he did not want to place them in the same boat. If it is true that they drove them to the polls like cattle, although they were not British subjects, to perjure themselves to support this government, we should know it. I am told that it is so. I do not vouch for the truth of it, but I believe it will come out in the courts by-and-by. I am informed it will. I do not know if the information is reliable or not, and that is why I say that the very exist-

ence of these gentlemen would be imperilled if they compared the Doukhobors with that great race.

Hon. Mr. WATSON—Do I understand the hon. gentleman to say that the Doukhobors were driven to the polls to vote ?

Hon. Mr. SCOTT—Yes, that is what he said.

Hon. Mr. WATSON—None of them are on the voters' list and none of them are naturalized.

Hon. Mr. McCALLUM—That is what I say.

Hon. Mr. WATSON—They cannot vote.

Hon. Mr. McCALLUM—I know it. But the agents of the government drove them to the polls like sheep, both the Galicians and the Doukhobors. That is taking advantage of the poor innocent people to compel them to vote, and make them believe that because they have been a year or two in the country they have a right to vote. I do not know whether the information I have is true or not, but I expect before long it will be tested in the court.

Hon. Mr. SCOTT—What constituency were they in ?

Hon. Mr. McCALLUM—I am not going to tell. The hon. Secretary of State can get his information from some one else. I am not going to furnish any information.

Hon. Mr. SCOTT—I should like to find it out if it is true.

Hon. Mr. McCALLUM—There are many things the hon. Secretray of State would like to find out, and lots of things he would like to conceal.

Hon. Mr. SULLIVAN—In view of those people not speaking the English language and living together, I should like to ask, have the government any agent, or medium of communication, whereby they would know how the Doukhobors were conducting themselves ? If the doctrines set forth at that meeting that was held are entertained by any portion of these people, they are damnable doctrines which would sap the foundations of society ; but if it is merely a few rebellious subjects among them, it would not amount to anything ; but, the whole question is whether they are to be censured or not—the other is merely sentimental. Whether it is better to have emigrants to live in separate communities, it is not necessary to discuss. If they mix up with other people it is better. I differ from the hon. Minister of Justice in his comparison of the assimilation of emigrants to the United States, and the assimilation of emigrants to Canada with the general population. The people who go to the United States emigrate from all nations, and are imbued with a strong desire to assimilate with the country. They accept with cheerfulness the laws of the country, and the language, and in that way they assimilate themselves with the people. It is the public school system of the United States that has assimilated the foreign population, and made what is called the United States race. If these people entertain the doctrines of free love and the doctrines that are mentioned in that report, of course the immigration ought not to be encouraged, but if that report is false, then I think a great injustice has been done them, and from what the hon. leader of the House has said, they would be a desirable class of immigrants to come here, although I would prefer a class of people that would mix with the population of the country. I know that I have observed the Irish people, and there is no condition where the Irish succeed so well as when they are mixed with the people of other races.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SULLIVAN—I have nothing more to say, except about the religious doctrines of the Doukhobors. If those doctrines are held by them, then most undoubtedly they should not be encouraged, because these doctrines are repugnant and would strike with horror the feelings of the people of this country. If such a class of emigrants were encouraged to come here imbued with these ideas, and the government had an agent there to give them advice about it, that would be all right, because the government could be advised if anything serious took place.

Hon. Mr. MILLS—These people were aided to the country by the Quakers of England and Pennsylvania, because there is a similarity between them in their religious views and opinions, and they have very great sympathy for them on that account. We know that the Quaker population of the United States are an extremely exemplary population. Our experience of the Doukhobors since they have come into the country is that they are very much of the same type. The hon. gentleman's question, I think, is sufficiently answered by this fact, that there is a Russian anarchist, a socialist, advocating his own peculiar views, undertaking to create discontent among the Doukhobor settlers, and he succeeded in getting twenty-nine persons out of a population of 8,000 to agree with him, and some of them, I believe, subsequently declared that they misapprehended his intentions. You could go into almost any part of this country and get a fluent talker to persuade a number of unthinking people, twenty-nine out of 8,000, to agree, perhaps, with him, but it would be a very extraordinary course to adopt to undertake to condemn the whole 8,000 because twenty-nine made a mistake by sending an address that, perhaps, within a fortnight, they regretted, for when the full meaning was explained to them, they dissented from the very terms of the petition to which they had been induced to subscribe. I believe the Doukhobors are a fine race. Their moral character before coming to this country is in favour, as the hon. gentleman knows, of their physical stamina, and their industry in the country goes to show that if they grow up where freedom has full play, where there is no attempt to persecute or impose disabilities upon them, on account of any peculiar view which they may hold, they are very likely to adjust themselves to the views and feelings and sentiments of the rest of the population, and those peculiarities, if they do not entirely disappear, become proportionately weak and unimportant. I feel, myself, that it would be a great misfortune if we were to undertake to put impediments in the way of securing moral and upright people, because they did not subscribe to the view which we entertain, and which, perhaps, we would not have entertained if we had been labouring under disabilities such as have been imposed upon them for a long series of years.

Hon. Sir MACKENZIE BOWELL—My hon. friend has told us he has not read the documents to which I referred the other day when discussing this matter, nor has he told us upon what authority he makes the statement that 7,971 out of the 8,000 inhabitants have protested against the action of the twenty-nine, nor have we any evidence, further than a mere declaration, that there is a Russian anarchist who is at the bottom of all this. If there is such a man, and he has spoken on behalf of the whole community, he ought to be reprobated, but there is nothing in the eight or nine columns which appeared in the paper to which I referred to indicate that such is the fact, nor is there any information that I have been able to glean, so far as I have studied the matter, that the statements which have been made are based upon fact. If they are, it changes the whole aspect of the question. If the doctrine laid down in the petition to which I referred, and which my hon. friend the leader of the House says he never read, are not the views and sentiments of the Doukhobors, why then, if he does not speak for them, the whole case falls to the ground. If the 7,900 out of the 8,000, the number that he indicated are in the country, are not in unison with these twenty-nine, we ought to have that before us. Do I understand the minister to say that the petitions to which we referred in a former discussion have never been laid before the government? If they have not, then I can readily understand the position taken by these hon. gentlemen. Has there been laid before the government a protest from upwards of 7,000, to which he has referred, and to which I have called the attention of the House? The fact is this: Somebody presented a petition purporting to speak for the whole community.

Hon. Mr. MILLS—Twenty-nine persons.

Hon. Sir MACKENZIE BOWELL—Those who signed the petition purported to speak for the whole community. I do not say they did speak for them. I am speaking of the contents of the documents as they have been laid before the country. That appeal is made to the whole world, and that ap-

peal has been answered by the parties in England who induced them to come to this country, and in that document they laid down the doctrine to which I referred, that they could carry out their peculiar ideas of marriage and live in communities, and that there was no law in this country to punish them for living in adultery. They could carry out their peculiar ideas and still remain in the country as settlers. If there is any protest let us have it, and it may change our views in that particular to which the hon. gentleman from Kingston has so eloquently referred. That is the principle objection which has been taken, I think, to the settlement of a class of men holding those peculiar views. That is the only thing. This is a new idea, and I should not have risen again to discuss the question, and I do not desire to continue it until further information is laid before parliament, had not the hon. Secretary of State and the hon. Minister of Justice repeated that this document was drawn up by a Russian anarchist, who spoke for himself and the other twenty-nine only, and that the others had repudiated it. When we have these documents we shall be better able to judge of the men and the community, and the character of the man who has endeavoured to lead them astray. But it must be borne in mind that their friend in England, whose letter is published in connection with this petition, answered it, and has answered it in the manner which I pointed out, and to which I referred the other day, by pointing out to them how they can remain in the country and live according to the peculiar tenets of their religion, if by such a name it may be dignified. Certainly it would not be by holding strong views, which many of us hold on matters of that kind. Let us have all the facts and then we will be able to judge of their qualities. As to their industry, I do not know anything about it, and I say nothing. In reference to their voting, my hon. friend from Marquette must certainly not have read the newspapers, if he is not acquainted with the facts which have been pointed out, that they were taken to the polls and voted.

Hon. Mr. SCOTT—In what county? I never heard of it.

Hon. Mr. WATSON—I never heard of it.

Hon. Mr. MILLS—Nor I.

Hon. Sir MACKENZIE BOWELL—There are none so ignorant as those who do not desire information.

Hon. Mr. SCOTT—Oh, oh.

Hon. Sir MACKENZIE BOWELL—I do not know anything about its accuracy, but I was told it was in connection with the West Assiniboia election.

Hon. Mr. McCALLUM—And Alberta.

Hon. Sir MACKENZIE BOWELL—Yes, I am coming to that. It was stated that the Galicians and Doukhobors were driven to the polls in scores, and that the men who were employed by the government to settle the half-breed claims, under the law lately passed, were the men who took them there. That may or may not be true. The courts of justice will decide that. And the Doukhobors living at Alberta were taken to the polls and induced to swear in their votes, having been told by these agents that they had a right to vote. I have read this in the newspapers and also heard it from those who came from that territory. A gentleman from Alberta has given me such information, and the hon. gentleman from Wolseley, and the hon. gentleman from Calgary, also gave me the information.

Hon. Mr. SCOTT—Did they publicly mention it in the Chamber?

Hon. Sir MACKENZIE BOWELL—No. I am stating where I got the information. It is from gentlemen whose veracity I have no right to doubt, and who live in the locality in which the law was violated. The hon. gentleman has the information as cheaply as I obtained it, and on the same authority. The apparent—I will not say ignorance—the apparent want of knowledge on the part of the Minister of Justice and Secretary of State, and the hon. gentlemen who come from that part of the country, would lead us to believe that such stories were not afloat, and that it never occurred. But hon. gentlemen have it now, and I make the statement just as I heard it. If the government have any information to

justify the position which they have taken, and to give that character to these people that they both contend they merit and are entitled to, let the world know it, and then discussions of this kind will not arise in future.

Hon. Mr. SCOTT—I do not think my hon. friend is quite fair. I am always exceedingly frank and candid in this Chamber. I never heard of any petition for or against what is mentioned here. The information I got of the character of the Doukhobors was from general reading. Mr. Reid has written one or two articles which appeared in the papers. Nothing has come to my department from the Doukhobors, and I presume that would have been the proper channel, unless it went direct to the Minister of the Interior. I never heard any complaints. The government are completely without any information on the subject. My mind was a perfect blank as far as that went, and, although I read the papers pretty regularly, and read both sides, I never heard of their voting, and I do not think the hon. leader of the opposition could fairly say that the hon. gentleman from Brandon had any personal knowledge of it, because, if I am correctly informed, there are no Doukhobors living there.

Hon. Sir MACKENZIE BOWELL—There are Doukhobors a few miles north of where the hon. gentleman from Wolseley (Hon. Mr. Perley) lives.

Hon. Mr. SCOTT—The hon. gentleman spoke of the hon. Senator from Brandon.

Hon. Sir MACKENZIE BOWELL—No, I referred to the hon. gentleman from Wolseley

Hon. Mr. BERNIER—I must express my surprise at the answer of the hon. Minister of Justice. It seems to me there must be some misapprehension, because I understand elsewhere a similar question has been put and an answer has been given.

Hon. Mr. SCOTT—What date was the question put in the other House ?

Hon. Mr. WATSON—You will find in the Commons 'Hansard' of 20th March, a reply to this question.

Hon. Mr. MILLS—On the 20th March, in reply to Mr. Wilson, the Minister of the Interior said :

1. A petition was received from the immigration commissioner at Winnipeg, under cover of a letter dated July 10, 1900, purporting to be signed by twenty-nine of the Doukhobors, making certain objections to the land, marriage and registration laws.
2. The department sent a copy of the petition to Mr. Maude, in order that he might communicate with the signers of the petition and remove their misapprehension in regard to Canadian laws.
3. The department is not aware that the Doukhobors had issued an appeal to all the nations of the world, asking if they would be given a refuge from Canadian tyranny. The department is informed that a Russian (not a Doukhobor) named Bojianski undertook to make trouble with the Doukhobors. He got up the original petition referred to, and has now caused to be printed a document, to which reference is made in the question, in a Winnipeg paper known as The Voice. The department has no reason to believe that the utterances of Mr. Bojianski represent the views of the 7,500 Doukhobors who are settled in the North-west, or any substantial portion of them.

So that hon. gentlemen will see that the information given to the minister is in exact accord with that given by the Presbyterian clergyman who had resided a considerable time among them.

Hon. Sir MACKENZIE BOWELL—What information is that based on ?

Hon. Mr. MILLS—I cannot say, but it is certainly as good information as that to which the hon. gentleman has referred that led to the statement he has just made, that these people had voted in various districts, although they had been a very short time in the country—too short a time to be naturalized. I have been interested in knowing where this voting was done, and for whom it was done, for, so far as I know, there are no Doukhobors settled in the Alberta district. There are in some parts of it, I believe, a number of Galicians, but some of them have been there for a considerable period of time.

GEOLOGICAL MUSEUM SPECIMENS.

INQUIRY.

Hon. Mr. PRIMROSE rose to

Inquire whether it is the intention of the government, or of any department of the government, to remove or allow to be removed from the Geological Museum on Sussex street, the magnificent specimen of the wood buffalo

or bison, or any other type or unique specimen animal for the purpose of exhibition at the Pan-American Exhibition in Buffalo?

He said: This, at first sight, might appear to be a matter of very little moment. I do not regard it as such at all. I take it that anything having a tendency to advertise this country, either among Canadians themselves or to the world at large, whether it be its animal life, minerals, or flora, is not a matter which can be characterized as of very small importance. I bring the matter to the notice of the House for this reason, that there is a very current rumour afloat that it is the intention of the Department of the Interior to remove from the museum on Sussex street, the splendid specimen of wood buffalo, or bison that is there. Any gentleman who has seen the specimen to which I refer, must acknowledge that it is indeed a splendid exhibit. It is valuable for this, among other reasons, that the species is practically, to all intents and purposes, almost extinct, and that family which roamed in such large herds over our prairies a few years ago, cannot be found at all now, except a few small herds in the possession of private individuals, such as that owned by Lord Strathcona, and one or two others. This specimen was donated to the museum by Mr. Warburton Pyke, and one of the conditions on which it was given was, that it should not leave the museum. I have said the species is almost extinct. The last wild buffalo in its native state was seen in 1888. It is a rule not departed from in all properly managed museums, not to allow a type specimen, that is a specimen which has been described in official documents and illustrated, or a unique specimen such as this, which could not be duplicated—to be taken from them except for critical study or comparison. The specimens that have hitherto been sent to exhibitions from this museum have been duplicates, not originals, as this is. All specimens hitherto sent, with the exception of the Rocky Mountain goat, have been sent from duplicates. In 1885 a specimen was allowed to go to the Colonial and Indian exhibition held in London. It was not returned, but evidently fell into the hands of some one who knew its value. A mutilated and wretched specimen was substituted for it. Perhaps the gentleman who sent it had a keen sense of humour, and thought it was a suitable enough specimen for the building where the Canadian museum is kept in Ottawa. Besides this, there is the risk not only of improper handling and injury abroad, but all the risk which attaches to transportation from its present site. Under the circumstances, I sincerely trust that a specimen of such value as this will not be allowed to leave the museum, especially under the conditions insisted upon by its donor at the time he gave it to the museum.

Hon. Mr. MILLS—I do not know precisely what the hon. gentleman means by what he has said in reference to this particular specimen. The Minister of the Interior, I believe, is ill, and I have not been able to get the information the hon. gentleman is asking for. I have not heard, I may say, however, it was thought it would be a very desirable ornamentation of the Canadian section of the exhibition at Buffalo. This specimen that is here is not a unique specimen. The wood-buffalo does not differ very much from the others, except the different habit that has been created by wandering in the woods, instead of on the open prairie. We have at Banff, I think, some twenty-five buffaloes.

Hon. Sir MACKENZIE BOWELL—Not of the wood-buffalo.

Hon. Mr. MILLS—There is no difference except what has been made by the animal going into the woods and obtaining his subsistence in the woods. And, further than that, I remember that in 1876, when the United States Centennial exhibition was being held at Philadelphia, many specimens of the fauna of the United States, held at the Department of the Interior at Washington, were taken there and put on exhibition, and I do not know that any serious injury would be done to this specimen of the wood-buffalo if it were taken from the Geological Museum and put in a case to be exhibited at Buffalo. Of course, there is a little risk in transporting it thence and bringing it back again, but not very much. The wood-buffalo is not so completely extinct as to make it of special importance never to permit this specimen to be taken from the Geo-

logical Museum here to the Canadian exhibit at Buffalo. Whether that was contemplated or not, I cannot say, for I have had no opportunity of speaking to the Minister of the Interior on the subject since my hon. friend put this on the paper.

Hon. Mr. PRIMROSE—Would the hon. gentleman be prepared, at a later date, to give us information as to what the intention is ?

Hon. Mr. MILLS—Whenever I can get it I will let my hon. friend know.

Hon. Mr. PRIMROSE—Notwithstanding what has fallen from the Minister of Justice, I do not consider that any advertisement that could be given to Canada by the taking away of this valuable specimen from the museum on Sussex street to be exhibited at Buffalo, would compensate for the chances and risks of having it so injured as to make a poor specimen, and, in proof of that, I repeat what I have already cited—(remember I am not speaking my own personal opinions and views, except as to the expediency and propriety of doing this, but the views of those who are experts in such matters)—that we have already sent a specimen from the museum, and the result is a miserable, mutilated thing came back instead of the fine specimen sent. Under no circumstances would I, for one, be willing to send away this specimen, and I hope we will be able at a later date to be assured by the Minister of the Interior that there is no intention to do so.

BANKRUPTCY LEGISLATION.

INQUIRY.

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

If it is the intention of the government to introduce a bankruptcy law this session of parliament? If not, will the question be considered by the government during the recess?

He said : There was a committee of this House sat seven or eight years ago and took a great mass of evidence from people all over the country on this subject. That evidence would be very good now if the government intend to introduce legislation of the kind.

Hon. Mr. MILLS—It is not the intention of the government to introduce any legislation on this subject during the present session. We are anxious that the session shall come to a close as soon as possible. We have had three very long sessions preceding this, and I think it is only due to this House, and to the House of Commons as well, not to keep members here at the seat of government longer than is necessary. We do not feel called upon to legislate upon the subject of bankruptcy during the present session.

BILLS INTRODUCED.

Bill (21) 'An Act respecting the British Columbia Southern Railway Company.'—(Hon. Mr. Templeman.)

Bill (34) 'An Act to incorporate the Canada Patriotic Fund.'—(Hon. Sir Mackenzie Bowell.)

Bill (40) 'An Act respecting the British Yukon Railway Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (114) 'An Act for granting to His Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1901, and for other purposes relating to the public service.'

Hon. Mr. MILLS moved the suspension of the rule.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the government to the 46th rule of this House :

The Senate will not proceed upon a Bill appropriating public money that shall not, within the knowledge of the Senate, have been recommended by the Queen's representative.

We have no knowledge conveyed to this House that there has been any consent or desire of the Crown to enable us to proceed with this Bill.

Hon. Mr. MILLS—I think I can inform my hon. friend that His Excellency gave his consent to this Bill.

Hon. Sir MACKENZIE BOWELL—You think so ?

Hon. Mr. SCOTT—I am quite sure he did.

Hon. Mr. MILLS—It was announced in the other House, and I think there is a record of it in the journals of the other

House, which are before the Senate. That is conclusive information to this House.

Hon. Sir MACKENZIE BOWELL—If the Minister of Justice will state as to his knowledge that the government had a Message from His Excellency and the authority to proceed with this Bill, the Senate ought to take it; but, no such statement as 'I think this,' or 'I think that' will suffice, and 'if you examine this' and 'examine that' record, is sufficient. If the hon. gentleman will just state it, as I have heard it very often stated by the leader of the government in the other House, or the Minister of Finance, it will be satisfactory. When the question was asked he would say: 'Yes, we have the authority of the Governor for what we are doing.'

Hon. Mr. MILLS—When my hon. friend says I must state it upon my own absolute knowledge, I cannot do so, because I was not present in the House of Commons when the Message of His Excellency was read, but I was informed by my colleague, the Minister of Finance, that such a measure was before the House of Commons, and that it would come up here this afternoon.

Hon. Sir MACKENZIE BOWELL—I think that is sufficient. We will take his word and yours.

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

Hon. Mr. SCOTT—The amount appropriated by this Bill is $120,000, made up of items for the Paris exposition and Buffalo exposition, public buildings, Ottawa, and for the slides and booms at Three Rivers, which have been under contract for some time.

Hon. Sir MACKENZIE BOWELL—Will the hon. Secretary of State inform the House how much the Paris exposition has cost, or is likely to cost, and what the probable cost will be of the Buffalo exposition?

Hon. Mr. SCOTT—I think this is the last payment for the Paris exposition. This is the balance of accounts that have come in. I do not know that there will be a larger vote for the Buffalo exposition. It is not intended Canada shall have an extensive exhibition there.

Hon. Sir MACKENZIE BOWELL—It would be gratifying if we could believe that $30,000 would cover the expense of the Buffalo exposition; it would be gratifying, for it is likely to be more than three times as much. Can the hon. gentleman answer my question as to how much the Paris expostion cost?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I have very grave doubts whether the returns received for the amount of money spent in those exhibitions are at all commensurate with the expenditure. That is my own view, and I have held it for a long time.

Hon. Mr. MILLS—That may be, if my hon. friend considers the pecuniary advantage only. There is a certain advantage in taking part in an exhibition with a view of showing what our intellectual and manufacturing progress is, because you are compared with other countries, and the question of taste and skill is something to which a country can never be quite indifferent, and those are always questions of comparison involved in all these exhibitions.

Hon. Sir MACKENZIE BOWELL—I have considered all these points, and I am only speaking my own individual opinions, after having considered them all.

Hon. Mr. MILLS—It is expected the provinces will take an interest, and the Dominion contribution is supplementary to that which the provinces themselves provide for the Buffalo exposition.

Hon. Mr. FERGUSON—In that connection I might just say, that the considerable expenditure which we have incurred with regard to the Chicago World's Fair, and now the Buffalo exposition, brings up this idea: Is it in contemplation at any time in the near future to encourage a general exhibition of a similar character in Canada? Here is $30,000 to be expended in Buffalo, and no provision is made for the encouragement of an exhibition on similar lines within the Dominion of Canada. I raise this point to ask my hon. friend, the leader of the government in this House, whether it is in contemplation to give encouragement to an international exhibition

in Canada ? I know both Montreal and Toronto have been thinking about it. There were delegations here two or three years ago to elicit an expression from the government and parliament with regard to supporting exhibitions of that kind. I think in both of these cities, and I should say that if any such course as that would be pursued, we might reasonably expect some reciprocity from our American neighbours, from the fact we have expended such very large sums on the Chicago exposition, and are supporting something of the same kind at Buffalo.

Hon. Mr. MILLS—I understand this exposition will be different from the Chicago World's Fair. The Chicago exhibition was international, this exhibition is Pan-American. I suppose from what is contemplated that exhibits from the continent of Europe will not be invited to the Buffalo exhibition. I may say, in reply to the main portion of the hon. gentleman's observation with regard to an exhibition in Canada, which, I suppose, would mean either an international or North American exhibtion, that the expense would be very great, and in that matter I might be inclined to agree with the observation made by my hon. friend the leader of the opposition. I do not know that the advantages would be equal to the expenditure which the country would incur. I do not think you could have an exhibition in any part of Canada on a great scale, either in Montreal or Toronto, that would not cost some millions of dollars, and I do not think the expenditure of so large a sum of money, which would be a very large expenditure, beyond any contributions we could possibly receive in any way, would be warranted at the present time. If we were 25,000,000 instead of five or six millions, it would be another matter.

Hon. Mr. FERGUSON—The propostion from Montreal, if I remember right, was to make the exhibition international, and the contribution they asked from the Federal parliament was, I think, $100,000. We are now providing $30,000 for Buffalo, and the probability is, as the leader of the opposition says, we will dip very much deeper in our pockets before we are through with it. We should be inclined to go very much further if the exhibition was to be held within our own borders.

Hon. Mr. MILLS—No doubt.

Hon. Mr. FERGUSON—If I understand the matter aright, the city of Buffalo and citizens of Buffalo, supported probably by other cities and populations, are sustaining that exhibition mainly. I am not aware that there is any very considerable contribution from the treasury of the United States.

Hon. Sir JOHN CARLING—Half a million.

Hon. Mr. FERGUSON—That is a pretty serious contribution ; but, while we are so liberal as we have been towards the Paris exhibition and the Chicago exhibition, and now to the Buffalo exhibition, it is a question whether we should not turn our attention to the encouragement of an exhibition on similar lines in one of our own two great cities.

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

THIRD READING.

Bill (6) 'An Act respecting the Supreme Court of the Independent Order of Foresters.'—(Hon. Mr. Kerr.)

SECOND READINGS.

Bill (B) 'An Act for the relief of Lilias Middleton.'—(Hon. Mr. Watson.)

Bill (C) 'An Act for the relief of James Ward McDonald.'—(Hon. Mr. Vidal, in absence of Hon. Mr. Perley.)

Bill (35) 'An Act respecting the Mather Bridge and Power Company.'—(Hon. Mr. Jones.)

Bill (36) 'An Act respecting the Great North-west Central Railway Company.'—(Hon. Sir John Carling, in absence of Hon. Mr. Wood, Westmoreland.)

Bill (42) 'An Act respecting the Klondike Mines Railway Company.'—(Hon Sir Mackenzie Bowell, in absence of Hon. Mr. Kirchhoffer.)

Bill (48) 'An Act respecting the Edmonton, Yukon and Pacific Railway Company.' —(Hon. Mr. Landerkin.)

YUKON TERRITORY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (D) 'An Act to amend the Yukon Territory Act and to make further provision for the administration of Justice in the said territory.'

(In the Committee.)

On Clause 5,

Hon. Mr. MILLS—I propose to substitute the following for the fifth clause :

Each of the police magistrates so appointed shall ex-officio within the territory limited to his jurisdiction be a justice of the peace and have and exercise the authority and jurisdiction of two or more justices of the peace sitting or acting together.

The object of this section is to give the police magistrate in the Yukon the jurisdiction which he has in the provinces in this regard, and give him that jurisdiction absolute in certain cases ; that is, without the consent of the person put upon his trial, and in other cases such consent is necessary where it is necessary under the provisions of the Code.

The clause was adopted.

Hon. Mr. MILLS—I propose to insert a section before section 9, which will be 8a, as follows :

There shall be an appeal to a judge of the territorial court from the final judgment of a police magistrate in any civil case where the amount in dispute, exclusive of costs, exceeds one-half the maximum sum to which the jurisdiction of the police magistrate extends.

That is to provide an appeal from the police magistrate to the High Court of the Territories in any case where the sum reaches one-half the maximum sum of the police magistrate's jurisdiction.

Hon. Mr. MILLER—The claim, or the amount of the judgment ?

Hon. Mr. MILLS—The claim. Under the statute he can entertain suits up to $500 in certain cases.

Hon. Mr. MILLER—Ought it not to be clear that it is the amount of claim and not the amount of judgment ? It will make a great difference.

Hon. Mr. MILLS—I am not dealing with anything except the amount for which a suit may be entertained.

Hon. Sir MACKENZIE BOWELL—It would be only $150.

Hon. Mr. MILLS—Yes, in one case, and in another $500.

The clause was adopted.

On Clause 4,

Hon. Sir MACKENZIE BOWELL—Has the hon. minister considered the objection raised as to the appointment of a barrister of only three years' standing ?

Hon. Mr. MILLS—The jurisdiction of a police magistrate is comparatively limited. It is not as though you were giving him jurisdiction over a wide range of legal subjects. Then where a young man has been in an important law office and received his legal training, and under a barrister of distinction where he has plenty of practice, three years at the bar might mean a good deal more than five years in another case.

Hon. Sir MACKENZIE BOWELL—Yes, but what guarantee have we such a man would be selected ?

Hon. Mr. MILLS—I should like to have the opportunity of selecting a competent man, even though he had not been more than a few years at the bar.

Hon. Mr. FERGUSON—When we were in committee before on this Bill, I called my hon. friend's attention to the circumstance that last year we had a measure before us that did not become law, providing for an additional judge in the Yukon district. That was one of the provisions of a Bill that did not become law but was before parliament. I thought I understood from my hon. friend that making these provisions would at least temporarily meet the congestion of work there, and that it is not intended during this session to bring in a Bill to provide for the appointment of another judge.

Hon. Mr. MILLS—No, at that time I thought, as we had three judges, there would be an opportunity of properly considering appeals from any one judge, but at the present time, for the purpose of deciding

certain questions in which the community are largely interested, the Gold Commissioner, who is a lawyer of some distinction, is, in a certain class of cases, acting in conjunction with the judges—that is, he forms a third in certain classes of cases as to mining operations, and that, with the two police magistrates, we think, will do all that is necessary to be done at the present time. Of course, if the gold continues to be obtained in large quantities there and the population increases, it may be necessary to make some other provisions, but we think this will adequately serve the purpose without any further judicial appointment.

Hon. Mr. POWER—The Minister of Justice submitted a substitute for clause 2 to provide that the police magistrate, or his partner, or any person connected with him, should not be concerned in a criminal case before a magistrate. I do not think that provision should be limited to criminal cases, Am I to understand that the police magistrate's jurisdiction extends to civil cases?

Hon. Mr. MILLS—Certainly.

Hon. Mr. ELLIS, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

TRADE MARK AND DESIGN ACT BILL.

POSTPONED.

The Order of the Day being called, second reading of Bill (E) 'An Act to amend the Trade Mark and Design Act.'—(Hon. Mr. Templeman.)

Hon. Mr. SCOTT said: This Bill should stand. There is a grave objection to the principle of the Bill, and several members who are opposed to it are absent.

Hon. Mr. TEMPLEMAN—The Bill passed second reading last year.

Hon. Sir MACKENZIE BOWELL—Such Bills, to which objections may be taken, can be read the second time without those who vote for them being pledged to the principle involved, if it is so understood, but if the hon. gentleman desires the principle of the Bill to be discussed here, there can be no objection to it. I think the principle of the Bill is highly objectionable, and I certainly would not agree to it.

Hon. Mr. TEMPLEMAN—I understand we are talking about an adjournment. The parties who are promoting this Bill—the organized labour associations of the country—desire to be heard before the Committee on Banking and Commerce, to which the Bill might be referred. If the Bill could pass its second reading now, there is a chance of its passing through both Houses this session.

Hon. Sir MACKENZIE BOWELL—Who is representing the labour organizations? Is Mr. Donoghue, of this city, the representative?

Hon. Mr. TEMPLEMAN—The trade unions of the country are the parties who are promoting this Bill.

Hon. Sir MACKENZIE BOWELL—Who is their representative here?

Hon. Mr. TEMPLEMAN—Mr. Donoghue is one. He is the party who handed me the Bill, and asked me to present it to the House.

Hon. Sir MACKENZIE BOWELL—Donoghue is an employee of the government, and it is a question whether he has any right to interfere in these matters.

Hon. Mr. FERGUSON—It should be a government Bill if a government employee takes that position. He should only come forward to promote it in case it is a government measure. I remember very well the history of this Bill. It was before the Banking and Commerce Committee more than once, and the last time it was before that committee, there was expert testimony with regard to it, and the committee unanimously refused to go any further with it. I have a clear knowledge of what then occurred, and examining the Bill, I think it is precisely the same Bill we had up before us on that occasion, and I shall, myself, if I am here and it is brought up, oppose its going to the Banking and Commerce Committee, for reasons which I shall then state.

Hon. Mr. TEMPLEMAN—I am not pressing the Bill now, but the hon. gentleman is wrong in saying that the Banking and Commerce Committee unanimously opposed it.

Hon. Mr. FERGUSON—My reollection is quite clear. It was sent twice to the committee on Banking and Commerce. The Committee unanimously opposed the Bill on its second consideration.

Hon. Mr. McCALLUM—It is an understood rule of this House that the principle of the Bill is explained at the second reading. Is the hon. gentleman prepared to explain it ?

Hon. Mr. TEMPLEMAN—I have consented, at the request of the Minister of Justice, to let the Bill stand.

DEMISE OF THE CROWN BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (G) 'An Act respecting the Demise of the Crown.'

(In the Committee.)

Hon. Mr. MILLS—I have to make an amendment to the title, from the fact that they find it impossible to translate it into French. I move that the title of the Bill be amended to read 'An Act to make certain provisions necessitated by the Demise of the Crown.'

The motion was agreed to.

Hon. Mr. PROWSE, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time, and passed.

BELL TELEPHONE COMPANY'S BILL.

SECOND READING.

Hon. Mr. SCOTT—In the absence of Senator McMillan, who has charge of the Bill in the absence of Senator Clemow, I move the second reading of Bill (F) 'An Act respecting the Bell Telephone Company of Canada.'

Hon. Mr. McCALLUM—Mr. Clemow will be here probably and can look after the Bill himself after the adjournment.

Hon. Mr. SCOTT—It is simply increasing the capital stock.

Hon. Mr. McCALLUM—Is the hon. gentleman ready to explain the clause ?

Hon. Mr. SCOTT—The company are increasing their business largely in Canada, and are asking to be allowed to increase the capital stock of their company. There is but one clause in the Bill.

Hon. Mr. VIDAL—Although the Bill is very simple, it must be known to the House that there is strong opposition to the passing of it without adding some provision necessary for the general well-being of the country. I am sure others must have received, as I have, petitions asking, that when this Bill comes up there shall be a clause in it to prevent any increase of the rate for telephones ; also, that any parties living close along where the lines are, or their branches, shall have the right to have the telephone brought into their houses if they pay the expense—that it shall not be left in the power of the company to pass by any house. I suppose the amendments will have to be made in committee, but it is well that the House should understand that it is not simply a Bill for an extension of time—that more is required in it.

Hon. Sir MACKENZIE BOWELL—It may or may not be. It makes it subject to the provisions contained in section 5 of cap. 67 of the statutes of 1880. Does the hon. gentleman know whether the provision in the statutes of 1880 restricts the charges, because that appears to have been the great objection made in the different petitions protesting against giving them power to increase their charges.

Hon. Mr. MILLS—My hon. friend knows that if you want the telephone system in a small town or village, whether the company will introduce it or not depends upon the charge which they are at liberty to make, and if you fix a rate beyond which they cannot go, you will prevent many localities from having a telephone system that otherwise might have one.

Hon. Mr. SCOTT—That is a question we can discuss in committee.

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

THE EASTER ADJOURNMENT.

Hon. Mr. MILLS—Before I move the adjournment of the House, it will be remembered I suggested that I was unable, when the House met, to say whether we would propose to adjourn to-night until some time the week after next, or whether we would meet again on Monday, because there was a Bill relating to supply before the House of Commons that had not yet been sent up to this House, and that if it were received to-day, I would then be in a position to say if it would be possible to adjourn. Now, that Bill has been before this House, and has been adopted. Nearly everything on the paper for to-day has been dealt with and disposed of, and the number of Bills before us for consideration on Monday next is four. I am entirely in the hands of the House. An adjournment is a matter of no consequence to myself or my colleagues. It is a matter of convenience to several members, and the rule which I have endeavoured to follow since I have been leader of this House has been to meet the convenience of members of the House, so far as possible, and, so long as the public business did not suffer, to give them an adjournment when an adjournment was proper, and whenever it was convenient to do so.

Hon. Mr. McCALLUM—If I understood the Minister of Justice the other day, he thought we should adjourn on Tuesday next. If we had known he was going to adjourn to-day, some gentlemen might have made arrangements to go home this evening, who cannot go now. Hereafter, I think, proper notice should be given.

Hon. Mr. FERGUSON—The Supply Bill, which the hon. Minister of Justice indicated was to come before us, we have now dealt with. What is the position of that Bill now, if the House does not meet on Monday ? I have always understood the Royal assent cannot be got for a Bill unless the House is in session, and, therefore, the Bill will remain as it is until our return. I do not think the situation has been altered in the slightest respect, so far as the adjournment is concerned. I do not propose to raise any objection. The Minister of Justice has consulted members, and wishes to meet their convenience, but if there could possibly be some understanding a day or two before with regard to these adjournments, it would make an adjournment much more valuable to us who live at a distance.

Hon. Mr. MILLS—I do not profess to possess omniscience or prescience. I cannot tell beforehand precisely what is going to happen. I gave to the House the information on this subject as soon as I received it, and as soon as it was in my power to get it. Whether we would succeed in getting through the Bill to-day or not, depended on how much discussion took place on it in the House of Commons, and if the House of Commons had not carried the Bill, I could not have suggested any adjournment this evening over next week, because it would be necessary to meet here again on Monday. The practice has been, when the Supply Bill is carried through both Houses, although it has not received the Governor's assent, the Auditor General assumes that it will receive that assent, and will make payments on the Bill, the same as if the Royal assent had been given. That is the position in which the matter stands. If hon. gentlemen do not want to adjourn to-day, we can meet on Monday. I would suggest that when the House adjourns this evening it stands adjourned until Wednesday of the week after next. The reason I do not mention a longer period is, if the House of Commons should make very much progress, it might be we would have delayed too long.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 10, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (27) 'An Act respecting the Atlantic and Lake Superior Railway Company.'—(Hon. Mr. Owens.)

Bill (23) 'An Act respecting the Guelph Junction Railway Company.'—(Hon. Mr. Fiset.)

Bill (49) 'An Act respecting the Niagara, St. Catharines, and Toronto Railway Company.'—(Hon. Mr. McCallum.)

Bill (54) 'An Act to incorporate the Fort Qu'Appelle Railway Company.'—(Hon. Mr. Lougheed.)

Bill (55) 'An Act to incorporate the Arnprior and Pontiac Railway Company.'—(Hon. Mr. Landerkin.)

Bill (71) 'An Act respecting the Hudson Bay and Pacific Railway Company.'—(Hon. Mr. McCallum.)

Bill (91) 'An Act to amend the Inland Waters Seamen's Act.'—(Hon. Mr. Scott.)

Bill (92) 'An Act further to amend the Act respecting the Safety of Ships.'—(Hon. Mr. Mills.)

DAWSON CITY ELECTRIC COMPANY'S BILL.

SECOND READING.

The order of the day being called :

Second reading Bill (H) An Act respecting the Dawson City Electric Light Company (Limited).

Hon. Mr. MACDONALD (B.C.) said : Before moving the second reading of this Bill, I want to call the attention of this House to the fact that all those Senate Bills to be read the second time to-day were thrown back, by the adjournment, ten days, without having been read, and they must be posted seven or eight days before going to committee ; therefore there is a danger they may be lost from that cause. The estimates are being rapidly passed, and parliament may soon be ready to prorogue. If those Bills have to stand eight days more they are in danger of being lost. If the House agree, I move that the rules be suspended in so far as relates to these Senate Bills, so that they may go to-morrow, or Monday, to the committees to which they should be referred.

The motion was agreed to.

The Bill was then read the second time.

SECOND READINGS.

Bill (14) 'An Act to incorporate the Century Life Insurance Company.'—(Hon. Mr. McMillan, in the absence of Hon. Mr. Clemow.)

Bill (60) 'An Act to incorporate the United Empire Life Insurance Company.'—(Hon. Mr. Young, in the absence of Hon. Mr. Watson.)

Bill (I) 'An Act to incorporate the Alaska and North-western Railway Company.'—(Hon. Mr. MacKeen.)

Bill (21) 'An Act respecting the British Columbia Southern Railway Company.'—(Hon. Mr. Macdonald, B.C., in the absence of Hon. Mr. Templeman.)

Bill (34) 'An Act to incorporate the Canadian Patriotic Fund Association.'—(Hon. Sir Mackenzie Bowell.)

Bill (40) 'An Act respecting the British Yukon Railway Company.'—(Hon. Mr. Macdonald, B.C.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 11, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRADE MARK AND DESIGN ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading Bill (E) 'An Act to amend the Trade Mark and Design Act.' He said : This Bill is very short and simple. It proposes to amend the Trade Mark and Design Act by giving to trade unions or labour organizations the right to register any design, or brand, or label. It also gives them the right to ask manufacturers of the article in the trade in which they are employed to put that mark on the goods they produce. I believe this Bill, or one very similar to it, was before this House in two former sessions—that is it passed the House of Commons and was defeated in this House. The promoters of this Bill, I may say, are the trades organizations of the country. I have been requested to ask this House to pass the Bill through to the committee where the advocates of the legislation will appear and give their reasons more fully than they did last year in favour of the

Bill. They are in hopes that they may overcome the objections of some hon. members of this House that were opposed to it last year. They think they can advance good and cogent reasons why the Bill should be passed, and I am simply asking the House, if it is in order, to let the Bill have its second reading to-day and refer it to the Banking and Commerce Committee. For my own part, I do not know any good reasons why this legislation should be refused. I do not know that it will effect all that the trades unions expect it to accomplish, but I know of no harm which can result from this legislation and, for my part, I am very much in favour of the adoption of the Bill.

Hon. Mr. McMILLAN—What are the arguments in its favour now, that we have not had before ?

Hon. Mr. McCALLUM—We will get that in committee.

Hon. Mr. McMILLAN—I should like to hear them now.

Hon. Mr. TEMPLEMAN—One of the strong arguments of the trades unions is this : the unions, as hon. gentlemen know, are very general in all the trades of the country. The members of those trades unions contend that they are better workmen—that the labour of their hands is better —that they produce better articles than those who are not members of the unions. They hold that it is in the public interest that the products of their labour should be marked by the union label, in order that the purchasers of those articles may know that they are buying articles manufactured by members of trades unions. They also contend that it is in the interest of labour—in fact, that it is in the interest of the public generally, that members of labour unions—who are generally fairly well paid for their labour, as compared with those who are not members of labour unions, should have a fair day's pay for a fair day's work, and that this should be acknowledged by the public, and that the public should patronize articles manufactured by the unions. I think that is possibly one of the principal reasons why the labour unions desire that all articles manufactured by union labour should bear the union label. For my part, I cannot see any harm in it. If their contention is right, it is proper that they should be so labelled. If union labour is not better than the labour of non-union men, then that fact will soon become apparent by the mere fact that these labels are used on inferior articles, and nothing will injure labour unions quicker than the fact that their labels are placed on goods not as well made as goods manufactured by non-union labour. I take it that is very largely the object of the labouring men of the country in seeking this legislation. It is permissive altogether. The labels, or designs, can only be placed on the articles they manufacture, with the consent of the owners of the goods. It is said that that can be done now. I believe it is done now, to a limited extent. I have myself seen the union label placed on boxes of cigars, and even on newspapers, with the consent of the proprietors ; but the trades unions who put them on have no proprietary interest in that label, and they desire to get that proprietary interest, so that others cannot use it. So far as I know, these are some of the reasons why they ask for this legislation. They are, as I said before, most anxious that the Bill should be considered at length in the Banking Committee, where they can state fully their reasons for asking for this legislation.

Hon. Mr. FERGUSON—I have very considerable objection to this Bill. To begin just where my hon. friend left off, I am afraid that the reason which he offered, in response to the invitation of the hon. gentleman from Glengarry, rather tells against the Bill. My hon. friend seemed to point out that it was in the interests of labour to have a trade mark legalized, as union men are better and more skilful operators as a rule than non-union men, and that it was to impress the public with the excellence of their workmanship that the trade mark was required. We know that workmanship and material run very much together, and along with each other in many products. Take cigars for instance : the workmanship is a very small matter compared with the material. The labour organizations do not supply the material to make a first-class cigar, and while in appearance one product might seem to be as good as another there would be a difference in quality of material, of which the label would give no indication. Therefore, the Bill will utterly fail to accomplish that object. I object to this

Bill on several grounds. If it is to be enacted at all, it should be as a government measure. It deals with a subject which is specially relegated by Act of parliament, to a department of this government. In addition to that, we have now a Department of Labour, a Minister of Labour, a Deputy Minister of Labour and other officials, as we happen to know very well. I think it is time this Department of Labour should show some reason for its existence, and one way in which it could do so, is to come to this parliament and ask for such legislation as it deems necessary in the interests of the labour of this country. And certainly, if this Bill is in that interest, the Department of Labour, which is costing the taxpayers of this country a good deal, should be its exponent in this House, and the Bill, if it is a good one, should come to us with the Department of Labour behind it. My hon. friend, when introducing this Bill some time ago, explained that Mr. Donoghue, an official of the Department of Labour, is one of the gentlemen who had seen him in regard to it, and had put the Bill in his hands. That is an additional reason why this Bill should be a government measure. If an official of the government is the promoter, it seems to me the Bill should be put in the hands of a minister.

Hon. Mr. TEMPLEMAN—On the two former occasions when this Bill was brought before parliament, Mr. Donoghue was the intermediary between the labour unions and parliament in bringing in the Bill. He did the same thing in this instance. He was not an official before ; he is now.

Hon. Sir MACKENZIE BOWELL—He was not an employe of the government at the time the hon. gentleman refers to.

Hon. Mr. MILLS—That does not make any difference.

Hon. Mr. FERGUSON—At that time there could be no possible objection to Mr. Donoghue, as a member of the labour unions, acting as a representative man in connection with them, bringing the Bill before parliament in the best way he could ; but since that time two things have happened: a Department of Labour has been organized, and Mr. Donoghue has become an official in that department, I do not think it is regular that a subordinate official in that department should induce members of parliament to introduce legislation on such an important matter, affecting the commerce of the country, except through the government of which the head of the department is a member. So much for that branch of the question. I object to this Bill because it proposes to make a trade mark of something which cannot be a trade mark. It is said that parliament can do almost anything except make a man a woman, but the task of declaring a thing a trade mark which, in itself, cannot be a trade mark, is beyond the power of parliament. A trade mark must be one of two things : it must represent a proprietary interest on the part of the person who registered it, or it must describe some particular excellence in the product itself. My hon. friend tried to cover one of these grounds, but he failed to do so, because the persons who furnish the labour seldom furnish the material, and therefore there cannot be a certainty of the excellence of both labour and material. I claim there is an attempt by this Bill to make a trade mark of that which is not a legitimate thing to be made a trade mark. Other institutions of this country have just as good a right to come in and ask that some mark or design that they should agree upon should be accepted by parliament and by law be placed on goods which they produce. Take as an illustration, suppose the Scotch societies of this country were to ask parliament to make a design of the thistle a trade mark so that all Scotchmen in this country, who are engaged in workshops, would be authorized to put a sign of the thistle on the work that passed through their hands, in order that all the Scotch people in this country could know that the work was done by Scotch workmen. That is precisely a parallel case. Does any one say that it would be a correct use of the trade mark law, to do anything of the kind? We might pursue the illustration a little further : Supposing the Orangemen of this country were to ask that a design they agree upon—King William riding a white horse, crossing the Boyne—should be put on all the products Orangemen make, so that all other Orangemen throughout the country could know that they were made

by Orangemen and patronize them. Supposing the masons were to ask that the compass and square should be put on all goods manufactured by masons, in order that the brother masons would know that it was made by them. It could not possibly show they had any proprietary interest as masons in the articles. It could not show any excellence in the product, because they would not be supplying the material. All they could possibly show would be that masons had manufactured these articles, and there might be some agreement among the masons, that masons should consume no rival product. It is absurd to ask this parliament to declare by law that something should be a trade mark which is not a trade mark, and which cannot legitimately be made a trade mark, even if we were to so legislate on the question. I think we have only to look at it in that way to arrive at the conclusion which was arrived at, after a good deal of deliberation, by the Committee of Banking and Commerce two years ago. The Bill came to us as a new proposition, and we tried vainly for some time to discover what was to be accomplished by the passing of the measure. We sent it to the Committee of Banking and Commerce one year, and the committee reported adversely upon it. My hon. friend who had charge of the Bill was not satisfied with that. He made a motion that it should be restored on the orders of the House, and sent back for reconsideration to the Banking and Commerce Committee. That was done. The House deferred to my hon. friend, who claimed that the fullest consideration had not been given to the Bill, and it was sent back to the committee. The committee summoned an expert from the Department of Agriculture, Mr. Jackson of the Patent Office, to explain exactly what the proposition was and if it was capable of being accomplished. We were told by Mr. Jackson that it could not be done. He used the very illustration I have borrowed from him, that parliament could do almost anything but make a man a woman, but that it was almost equivalent to attempting making a man a woman to declare this a trade mark which it essentially could not be. My recollection is that the Banking and Commerce Committee were unanimous on the impossibility of legislating as it was proposed to legislate by this Bill, and the measure was reported adversely on and was not proceeded any further with. Now, it is brought up as if we had forgotten all this, and we are asked to send it to the Banking and Commerce Committee, when some of us are sure that the same information will come up again, that the objections which are insuperable will be preented again, and that it must meet the same fate as it met before. I concur in some of the observations made by my hon. friend with regard to the efforts the trade unions are making to promote excellence in their trades and callings, I was struck only a day or two ago in reading a report, to which my attention was called, made by the King's Printer to parliament in 1898, with regard to the working of the Printing Bureau, and I learned from that report, and from the experience of Mr. Dawson, that the influence that the trade union was enabled to exert over the employment of men in the Printing Bureau was in the public interest and tended to produce better work, as they required a high standard of efficiency and only men could get employment under the influence of the union who were really good workmen. I was very proud to find that the influence of the trades union is in the direction of promoting superior workmanship among their own members, and that there was such an excellent tribute from Mr. Dawson to the work that the trades union is doing. I have had conversation with some members of the trade union with regard to this Bill. I learn that there is far from being unanimity of sentiment among them on the subject. Gentlemen with whom I have conversed and who are as well qualified to speak for that body as Mr. Donoghue, whose name has been given as the promoter of this Bill, have told me that only a section of the trades union are seeking this legislation, and that the better and more sensible of the trades union are not in sympathy with this Bill at all. For these reasons I shall vote against the measure. If the hon. gentleman wants to send it to the committee, I shall not oppose it strongly. I do not think it is necessary to do so, as it is quite easy to see that the Bill is not one which this parliament ought to pass.

Hon. Mr. MILLS—I do not precisely understand, from the speech which the hon. gentleman opposite has addressed to the House, what his objections are. He says this mark is not properly a trade mark. Any mark or design which workmen may intend to point out the goods which they have produced, would be properly a trade mark, and what it seems to me the hon. gentleman might do very properly with this Bill, and what the House, no matter what their views may be on the subject, might with propriety concur in is, to let the Bill go to the committee, where it can be properly considered. The committee of the House may choose to give the parties a copyright on the trade mark, and may prevent anybody from using it except those who are members of the association, and the officers of the association who are so appointed. Another thing that might be done is to leave, as the Bill at its conclusion does, the use of the trade mark entirely to be assented to, not simply, by the producers of the goods, but by the proprietor. If the proprietor chooses to acquiesce in having his goods that are manufactured by the trades associations marked by their label, that is a matter which may very safely be left to himself. If these men were entitled, because they were employed to manufacture or produce the goods for the proprietor, to mark the goods as a matter of right, there might be objection to that, but when no mark of theirs can be put on the goods without the consent of the proprietor, then every one knows that the object of putting the trade mark upon the goods is simply a declaration as to who are the labourers who have been employed in the production of the work ; and if work produced by them is superior, I do not know that any wrong can be inflicted on any other portion of the public by permitting that to be done. If their goods are inferior it will be a notice to every person that these goods can not be safely purchased. Let me suppose, for instance, that some labourer had a patent for a piece of machinery by which boots and shoes are produced, and that the workmanship produced by that machinery is superior to that which could be produced in any other way, would there be any impropriety, or would it be an unreasonable thing, to permit the workman who possessed that patented article, to mark the goods—with the consent of the proprietor—that the goods have been produced by him with that machine ? I think no one would say that is an unreasonable thing. Especially would it be a reasonable thing to permit him to do so, the proprietor always consenting, if they were marked by superiority of workmanship. Now, I express no opinion as to whether work done by the members of the unions is superior, inferior or equal to that produced by non union men. They seem to be of opinion that, having been protected by their union, and having been members of the union, they are always on their good behaviour in respect to the character of the work they turn out. That may be so, and if the proprietor chooses to allow a trade mark belonging to the union to be put upon the goods produced in his establishment by members of the union, then it seems to me no mischief or wrong is done any one, and I say again it may be well that the members of the committee should consider whether they would simply convert this Bill into a proposal to copyright the trade mark and so give to the parties who apply for it an exclusive right to its use.

Hon. Sir MACKENZIE BOWELL—I do not think it is necessary for me to give my opinion of this class of legislation. I have done so on two or three occasions. I only rise now to put on record my views on the question, for fear, when the matter comes before the House again, should it come, that we will be told that having consented to the second reading, we approved of the principle of the Bill. That is a point, the Senate will remember, has been combatted in the past. I know it was laid down in the House of Commons some years ago by the late Sir John Macdonald that the time had passed when the House was committed to the principle of a Bill by permitting it to be read the second time, and referring it to a committee. I give expression to these opinions now, as I have stated them on former occasions. It does seem to me an extraordinary position for the government to take under the circumstances. They seem to be afraid to wrestle with this question, which might place them in antagonism to a certain class of voters. If it is a measure of such importance as is claimed for it, and is part and parcel of the system of trade marks by which

the inventor, or the manufacturer, can notify the world how and by whom an article is made, then it is the duty of the government to grapple with and settle the question. But they are playing fast and loose. They do not want to antagonize those who have strong opinions against such legislation, and they are still more afraid to lose the votes of those who favour it.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I am giving expression to my own views, and I leave it to the judgment of the House, after hearing the speech of the hon. Minister of Justice, to say whether that is not a fair deduction to be drawn from his remarks. What is the real meaning of his argument? He began by saying that he did not quite understand the objections of the hon. gentleman from Marshfield (Hon. Mr. Ferguson) to the Bill. I thought the objections of the hon. gentleman were stated in a very clear and logical manner, and I consider them unanswerable until some one vouchsafes some reply. I do not agree with my hon. friend in one respect in reference to trade unions. I am as much in favour of maintaining the rights of the labouring man as the hon. gentleman who introduced this Bill. I have been toiling myself since I was thirteen years of age, and I know what labour is, but I object to organizations which exercise a tyranny and control over what I may have earned by honest industry. If the hon. Minister of Justice be correct, the right to place the union label upon the goods rests with the person who sells the goods manufactured by trades unionists. If it be optional, they can do so now, just the same as they could if this Bill were made law. If the great manufacturing industries of this country desire to let the world know that the products of their industries are produced by labour organizations, they can place a mark to that effect upon them. The hon. gentleman asks is there any objection to the public being notified that goods have been turned out by a superior machine? If a man invents a machine of that kind, he has all the protection now that this Bill could afford, because on every single article turned out by that machine, you will find the statement 'Patented by so and so,' and that protects the inventor. It is all very fine, on the face of it, and looks very plausible, but what I fear from past experience is, that if a manufacturing industry refuses to allow this outside body to enter its premises and place its mark on every article manufactured in that establishment, they will boycott it at once. Since the introduction of this Bill, I saw an article in a Kingston newspaper stating that the trades unions of that city were calling labour organizations throughout the country to boycott goods manufactured in Glasgow—why? Because the trade union mark was not placed on them. Will this country be benefited by such legislation? It is a difficulty which has presented itself in the past. Is it right that any union should be at liberty to enter an establishment and say you shall only employ such-and-such men, and such-and-such a class of men? I have a distinct recollection of having while a minister, used all the influence I could to get a printer replaced in the printing bureau by the government printer after the force had been reduced. It was not two weeks after that, in the midst of a session, at twelve or one o'clock in the night, that a strike took place. I asked this man, who had a wife and family to maintain, why the union had taken advantage of the printer under the circumstances. He said: 'I could not help it; it was done by two or three worthless young fellows who agitated the union, and insisted on a strike unless some concession was made. They are not the best class of men.' I understand in the union, every man must be treated alike, and any man joining a union is entitled to the same consideration and wages as if he were a first-class workman. I have known cases where an expert stone-cutter could do nearly twice as much work in a day as an inferior workman. Such a man working by the piece could earn 50 per cent more than the incapable fellow alongside of him, but because he had done so, he was waited on by a deputation of union men, and told that he must not turn out so much work in a day, because it had a tendency to destroy the uniformity of wages. There are hon. gentlemen listening to me who know the truth of what I am saying, and I contend that parliament should not lend itself to placing in the hands of the trades unions the power to carry this system further than it has been

carried. I believe in these organizations where their object is mutual protection. The labourer has just as much right to demand from his employer higher wages, as the manufacturer has to say 'we cannot pay you so much,' but as I would not support any measure which would place in the hands of capitalists the power to dictate to the labourer how much he should receive, neither can I sanction a law giving the labourer the right to fix the standard of wages as a condition of permitting the manufacturer to carry on business. The labourer has a right, under the constitution, to demand what he considers fair remuneration for his work, and if it is refused, to go out; but he has no right to say to me, if I do not belong to his organization, that I shall not work because he does not choose to do so himself. That is a system which I think every man, who studies the interest of the country, and looks to its welfare, will oppose unless he is actuated by the feeling which I have indicated—a desire to pander to a certain element for fear of losing its support. I shall not ask the House to reject the Bill at this stage. I am quite willing to accept the suggestion of the hon. gentleman from Victoria (Mr. Templeman) and allow it to be read the second time now and referred to the Committee on Banking and Commerce where it can be fully considered. I have stated my objections to the Bill. I think it is vicious legislation, and I hope the Senate will not be a party to placing it upon the statute-book.

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

BILLS INTRODUCED.

Bill (J) 'An Act respecting Applications for Railway Charters.'—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (93) 'An Act respecting Inquiries and Investigations into Shipping Casualties.'—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 12, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMITTEE ON STANDING ORDERS.

QUORUM REDUCED.

Hon. Mr. MACDONALD (B.C.)—In the absence of the Chairman of the Standing Orders Committee, I have to report that it is difficult to find a quorum these days. A number of the members are absent: I therefore, with the consent of the House, move that the quorum of that committee be reduced from five to three.

The motion was agreed to.

RESIGNATION OF SENATOR BURPEE.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. The date of resignation, by Mr. Charles Burpee, of his seat in the Senate.
2. The date on which Mr. Charles Burpee was employed on the staff of the Census Commissioners.
3. The duties he has to perform.
4. The remuneration which he receives for the performance of such duties.

Hon. Mr. SCOTT—The date of Mr. Burpee's resignation was July 19, 1900. He has not been employed on the census commission—he is not a census commissioner.

EMPLOYMENT OF J. HURLEY, EX-M.P.

INQUIRIES.

Hon. Sir MACKENZIE BOWELL inquired:

1. Has J. Hurley, Esq., ex-M.P. for East Hastings, been appointed a fishery overseer, and the date of such appointment?
2. What are the duties which he has to perform, and what extent of territory do these duties cover?
3. The amount of salary to be paid him?
4. The per diem allowance for travelling expenses, &c.?

Hon. Mr. SCOTT—Mr. Hurley was appointed inspector of fisheries January 31, 1901. The duties are the general supervision of the district, and the enforcement of the fishery laws. His duties extend over the eastern division, comprising all that part of the province of Ontario east of a line coinciding with the western boundary of the

counties of Durham, Victoria, and Haliburton, including the waters of Lake Scugog, and the eastern boundary of the districts of Muskoka and Parry Sound. The amount of salary to be paid him is $1,200 per annum, to which the salary of Inspector Sheppard of the western Ontario division was reduced. There is no per diem allowance.

Hon. Sir MACKENZIE BOWELL—Surely he is not expected to travel over the whole extent of that territory, nearly half the province, without being paid a per diem allowance.

Hon. Mr. SCOTT—It has not been fixed, at all events, up to the present time. I presume he will be allowed his actual expenses.

Hon. Sir MACKENZIE BOWELL—There was an order in council allowing $3.50 a day in addition to the railway and stage fares. Has that been repealed, or is it in force ?

Hon. Mr. SCOTT—I do not know.

Hon. Sir MACKENZIE BOWELL—There is no doubt he will be allowed his travelling expenses ?

Hon. Mr. SCOTT—I have no doubt he will be allowed his expenses.

Hon. Sir MACKENZIE BOWELL, inquired :

Whether J. Hurley, Esq., ex-M.P. for East Hastings, has been appointed Census Commissioner for the East Riding of the County of Hastings, or any other riding in said county, and what is the remuneration paid for such services ?

Hon. Mr. SCOTT—He was appointed census commissioner for the east riding of the county of Hastings. The remuneration is fixed by statute at a sum not exceeding $4 per day for the time actually employed. His duties are instructing enumerators.

Hon. Mr. FERGUSON—Will the time devoted to fisheries inspection be deducted, from his pay as census commissioner, or will he receive his salary as fisheries officer as well ?

Hon. Mr. SCOTT—I am not advised. I give the information as I got it from the Department.

Hon. Mr. MILLS—There is no reason why he should be subject to deduction.

Hon. Sir MACKENZIE BOWELL—His duties as fishery inspector are confined to six months of the year, unless, I suppose, when looking after parties catching fish through the ice. I do not find fault with the government for looking after their defeated candidates. It is something we neglected to do.

Hon. Mr. MILLS—I can congratulate my hon. friend that he was not derelict of his duty in that regard.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman had better point out particulars. It is very well for the hon. gentleman to make the statement, but when he makes it so seriously as he did, even though it was with a smile, he should give facts.

YUKON RAILWAY LEGISLATION.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—Before the orders of the day are called I should like to repeat my question about the railway policy of the government in the Yukon country.

Hon. Mr. MILLS—I trust I shall be able to tell my hon. friend at our meeting on Monday.

GUELPH JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. FISET moved the second reading of Bill (23) 'An Act respecting the Guelph Junction Railway Company.'

Hon. Mr. FERGUSON—I understand that there is considerable opposition to this Bill —that it has been amended in the other branch of parliament contrary to the wishes of the promoters of the Bill, and, as I am informed, contrary to the wishes of the corporation of the city of Guelph. Perhaps my hon. friend will be able to tell me if that is so. I have been told that the first amendment which was made to it was petitioned against by the corporation of the city of Guelph, and was abandoned, and that another amendment was substituted, and that it was still against the wishes of the promoters of the Bill, and of the corporation of Guelph.

Hon. Mr. FISET—I know there was a petition from the House of Commons about

the Bill. I know that the majority of the citizens of Guelph opposed the amendment, but all the explanations will be given on both sides in the committee. All that I ask at present is that the House consent to the second reading, and let both parties be heard before the committee. I think the House will not refuse this request.

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

SECOND READINGS.

Bill (27) 'An Act respecting the Atlantic and Lake Superior Railway Company.'—(Hon. Mr. Owens.)

Bill (49) 'An Act respecting the Niagara, St. Catharines and Toronto Railway Company.'—(Hon. Mr. McCallum.)

Bill (54) 'An Act to incorporate the Fort Qu'Appelle Railway Company.'—(Hon. Mr. Lougheed.)

Bill (55) 'An Act to incorporate the Arnprior and Pontiac Railway Company.'—(Hon. Mr. Landerkin.)

Bill (71) 'An Act respecting the Hudson's Bay and Pacific Railway Company.'—(Hon. Mr. McCallum.)

INLAND WATERS SEAMEN'S ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (91) 'An Act to amend the Inland Waters Seamen's Act.' He said: This is a very short Bill embracing two clauses. The first clause enlarges the term 'inland waters of Canada.' At present the inland waters are restricted to a point on the St. Lawrence above the harbour of Quebec. The proposal is now to extend the inland waters to the limit of the St. Lawrence where the river proper enters the Gulf of St. Lawrence. The next clause authorizes the judges of territorial courts of the North-west and of the Yukon territory to exercise the same jurisdiction in regard to seamen that any judge of the Superior Court of Lower Canada, or judge of sessions or judge of a county court or stipendiary magistrate has at the present time. That is, it gives very summary procedure.

Hon. Mr. FERGUSON—I have not the Inland Waters Seamen's Act before me and I am at a loss to know whether this is to have a general reference to our statutes, or only to this Act that is being amended. Is it to have a more general significance?

Hon. Mr. SCOTT—No. Section 2 of the Inland Waters Seamen's Act is amended by striking out the words 'above the harbour of Quebec.' The only change made is that instead of terminating above the harbour of Quebec, the inland waters include the river to the Gulf of St. Lawrence. It is defined in the Bill where the St. Lawrence river ends.

Hon. Mr. FERGUSON—It is for the purposes of Inland Seamen's Act.

Hon. Mr. SCOTT—That is all, in order to give the judges jurisdiction down to that point.

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

SAFETY OF SHIPS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (92) 'An Act further to amend the Act respecting the safety of ships.' He said: It would be more convenient to point out the changes which are made in the law when the Bill is before a Committee of the Whole House.

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

BILLS INTRODUCED.

Bill (13) 'An Act to incorporate the Canadian National Railway and Transport Company.'—(Sir Mackenzie Bowell, in the absence of Sir John Carling.)

Bill (32) 'An Act to provide for the marking and inspection of packages containing Fruit for Sale.'—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 15, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. JOSEPH GODBOUT was introduced and took his seat.

LEASE OF RAILWAYS IN MANITOBA BILL.

REPORTED FROM COMMITTEE ON STANDING ORDERS.

Hon. Mr. McKAY (Colchester), from the Committee on Standing Orders and Private Bills, presented their report, recommending that the rules be suspended in so far as they relate to Bill (102) 'An Act respecting a Lease of certain Railways in Manitoba.'

Hon. Mr. KIRCHHOFFER moved the adoption of the report.

Hon. Mr. YOUNG—Before that motion is put from the Chair, I should like to call attention to the fact that it would appear the Standing Orders Committee met this forenoon. I am a member of that committee, and when I left here on Friday I had no notice whatever that the committee was to meet on Monday forenoon, though matters of importance were to come up before that committee. It was called on such short notice that it was scarcely possible for members of the committee to have an opportunity of being present. Several important matters were considered by the committee, and have been reported upon under the circumstances I have mentioned, so that notice must have been given of those meetings after this House rose on Friday. One of those matters, the Manitoba Railway question, is of very great importance to us in the west, and I personally should have liked to be present at the meeting had I known it was to be held this afternoon. I do not think it is a proper practice to have committees of this House meet on Monday forenoon ; but if they do meet, notice of such meetings should be given previous to the House rising on Friday forenoon, so that every member may have due warning.

Hon. Mr. SULLIVAN—There is another matter in connection with the committee. I think every member of the House, whether a member of the committee or not, should have an opportunity of knowing when the committee meets. I do not see how any ordinary member, who is not on the committee, can know of the meetings. I should like to be present sometimes when important matters come up, if I knew when committees meet. If there was a notice posted——

Hon. Mr. McKAY (Colchester)—There is always a notice posted in the corridor.

Hon. Mr. MACDONALD (B.C.)—There is no special rule for the reception and consideration of petitions by the committee. At this time of day we receive notice of a meeting of the committee to-morrow—that is about nineteen hours. Special notice of this meeting was posted on Saturday night. I got mine early this morning, and was present when the committee met. With regard to the remark of my hon. friend from Kingston, there is no rule of the kind in this House. It is generally known when committees meet, and those who wish to attend can go there.

Hon. Mr. FERGUSON—While we are in the mood for discussing committee meetings, I might just make this remark, that on Friday morning last several committees met almost simultaneously. We had no committee at all on Thursday, and the committee work was bunched on Friday morning. If the chairmen of the various committees would consult together they might avoid that difficulty. I was myself on the Printing Committee at a very important meeting. I wanted to be present at the Railway Committee which was to have met at eleven o'clock. When I went to the Railway Committee room, I found that another committee was sitting, and they could not meet to organize until that was through. An effort should be made to prevent committees encroaching on each others time.

Hon. Mr. MACDONALD (B.C.)—The House met on Wednesday evening, and we could not gives notice of a meeting on Thursday.

Hon. Mr. PRIMROSE—This is not an exceptional circumstance. It has occurred before that several committees have met at the same time.

Hon. Mr. DEVER—On Friday I was notified to attend two committees—the Printing and the Private Bill Committees. One was to meet at 10, the other 10.45. It was long after 10.45 before we got to the second committee, and the consequence was, when I got to the Private Bills Committee they had adjourned. The work was over, so I had no opportunity whatever to attend those committees. It was caused by the fact that the two committees met about the same time so that members could not attend both.

Hon. Mr. MACDONALD (B.C.)—It is the fault of adjournments.

Hon. Mr. PROWSE—The fault lies at the door of the government on account of the adjournment we had a little while ago. Senators went home and forget to come back in proper time, and the consequence was, when the Committee on Standing Orders was summoned to meet, there was not a quorum to be found in the city of Ottawa. Members were away—either at home or somewhere else, and the result was that on Friday it was found necessary to reduce the quorum of that committee so that the business of the Senate might proceed in regular order. The fact is, matters came before the committee that the committee could not handle for want of a quorum, and the business of the Senate would have been locked up if the quorum had not been reduced, and to facilitate public business the committee was called for this morning. I received my notice this morning in time to attend the meeting, and I was present. If hon. gentlemen who complain about not knowing of the meeting of the committees would pay a little more attention to business, and be in their places in the Senate, there would be no cause of complaint.

Hon. Mr. LANDERKIN—I have been here for some time, and am not a member of any committee, and if I am required at any time, I shall be happy to attend any of them, if my health permits, to make up a quorum. I think the contention of the hon. gentleman from Manitoba (Mr. Young) is quite correct. Monday morning is not a proper time to hold a meeting if notices are not given out on Friday, because it is usual for members living within a short distance of Ottawa to go home on Saturday, and return on Monday forenoon, and if the notices are not out before they leave, they are not aware of the meetings, and matters may come up, in which they have great interest, when they would like to be present. If the House will consider the suggestion I have made, and add my name to some of the committees, I think they will not lack a quorum if only one additional member is required.

Hon. Mr. KIRCHHOFFER—I should be happy to second the suggestion of the hon. gentleman. There is a person in United States politics known as delegate-at-large, and I think if the hon. gentleman were to be named committeeman-at-large it would meet the difficulty. I sympathize with the hon. gentleman from Manitoba. Had he been here Friday, the committee could have met.

Hon. Mr. YOUNG—I was here on Friday.

Hon. Mr. KIRCHHOFFER—We from the west must have our feelings considered when we wish to be absent for a few days. It was to suit our convenience that the quorum was reduced. I think the committee should have waited for us until Tuesday, or until we could get back. We western people should have our feelings considered in the matter, and I stand by my colleague.

Hon. Mr. LANDERKIN—It may be the policy of the senators from Manitoba, for one to call a meeting in the absence of the other. I should like to see more harmonious relations existing, not only between the representatives of that province, but the representatives from all the provinces.

The motion was agreed to.

BILLS INTRODUCED.

Bill (K) 'An Act for the relief of James Stovel.'—(Hon. Mr. Perley.)

Bill (29) 'An Act to amend the Dominion Lands Act,'—(Hon. Mr. Scott.)

Bill (46) 'An Act to amend the Unorganized Territories Game Preservation Act, 1894.'—(Hon. Mr. Mills.)

SUPREME AND EXCHEQUER COURT ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (L) 'An Act to amend the Act 50-51 Victoria, cap.

16, intituled 'An Act to amend the Supreme and Exchequer Court Act, and to make better provision for claims against the Crown.'

He said: Hon. gentlemen are aware that a few years ago the power of bringing suits against the Crown on petition of right was extended to torts. Previously it had been confined to contracts. The extension led to a good deal of unnecessary litigation. I am of opinion that the law was more satisfactory as it stood, giving the party his redress where he has a contract with the Crown, but still adhering to the ancient maxim that the Crown can do no wrong, in all actions with regard to tort, except in the case of accidents which arise on railways owned and controlled by the government.

Hon. Sir MACKENZIE BOWELL—Does it contain any provision of the Bill the hon. gentleman introduced two years ago in reference to contracts, and which was objected to?

Hon. Mr. MILLS—No, that was on a different subject.

Hon. Mr. LOUGHEED—I am really astonished that the government is adopting a retrogade policy with reference to actions brought into the Exchequer Court against the Crown. The whole trend of modern legislation has been to open the door so that where negligence can be brought home to the Crown, particularly with regard to any public work, and upon which work any one has been injured, he should have redress the same as against any corporation or individual. Now, to limit legislation of this character to accidents on railways seems to me to be trenching on the rights to which the public are entitled. I would refer to many public works which are under the jurisdiction of the Crown; for instance. highways, bridges, public buildings, and works of a numerous character, where injuries are constantly being received by the public, owing to the negligence of the servants of the Crown—owing to the negligence very frequently of the officers of the Department of Public Works. To say that the Crown shall enjoy immunity from the negligence of their officers, and that the public shall be thrown entirely for their safety on that class of individuals without redress, seems to me to be legislation of a most dangerous character. There was a time when redress could not be obtained from the Crown, but the whole trend of modern legislation has been to give increased jurisdiction, so that if an injury has been received, the public can have its remedy precisely in the same way as against a corporation or an individual. I must say that when this Bill comes up in its more advanced stages, I shall feel it incumbent upon myself to oppose it in every possible way. I am quite satisfied my hon. friend, from his reading, must know that the contention that I have submitted, that the trend of legislation has been in the way indicated, is correct, and this Bill should certainly not meet with his approval, because I know that the hon. Minister of Justice has been progressive rather than retrogressive in regard to legislation.

BILLS ASSENTED TO.

The Senate adjourned during pleasure.

After some time the House was resumed.

The Honourable the Chief Justice of Canada, acting as Deputy to His Excellency the Governor General, being seated at the foot of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,—'It is the Deputy Governor's desire they attend him immediately in this House.'

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act relating to the Grand Trunk Railway Company of Canada.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act respecting the South Ontario Pacific Railway Company.

An Act respecting the Orford Mountain Railway Company.

An Act further to amend the Canada Evidence Act, 1893.

An Act respecting the Supreme Court of the Independent Order of Foresters.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

'In His Majesty's name, the Honourable the Chief Justice of Canada, acting as deputy to His

Excellency the Governor General doth assent to these Bills.'

Then the Honourable the Speaker of the House of Commons addressed the Honourable the Chief Justice of Canada, acting as Deputy to His Excellency the Governor General, as follows :

May it please Your Honour :—

The Commons of Canada have voted the supplies required to enable the government to defray certain expenses of the public service.

In the name of the Commons, I present to Your Honour the following Bill :—'An Act for granting to His Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1901, and for other purposes relating to the public service, to which I humbly request Your Honour's assent.

To this Bill the Clerk of the Senate, by His Honour's command, did thereupon say :

'In His Majesty's name, His Honour the acting deputy of His Excellency the Governor General thanks his loyal subjects, accepts their benevolence, and assents to this Bill.'

After which the Deputy Governor was pleased to retire, and

The House of Commons withdrew.

LIMITATION OF PURCHASE OF ARMY BEEF.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, I should like to ask the hon. Secretary of State if any word has been received from the Imperial government with reference to the limitation which has been put upon the purchase of army beef, which I observe, from the press reports, is confined to British-grown cattle or British beef. There seems to be considerable alarm in meat circles in Canada as to whether this term in its limitation would restrict the purchase of colonial beef. I need not point out to my hon. friend, or seek to impress upon the government, the necessity of taking prompt measures to have the broadest interpretation placed upon that phrase, particularly in view of the fact that in 1890 we exported over 82,000 head to Great Britain, and sold 12.650,000 pounds of dead beef, and if this restriction is now to come into play to limit the market for colonial beef, it will be an unfortunate circumstance, particularly in view of the vigorous attempts which are being made to promote Imperialistic sentiment throughout the empire. Considerable discrimination has already taken place on the part of the Imperial government against colonial beef, and I hope that we will not have a repetition of the embargo which was placed some years ago upon our beef in the English market; and more particularly in view of the preferential trade policy of the present government. The Imperial government should certainly not seek to limit the consumption of our beef in the way indicated in the press reports which we have received.

Hon. Mr. SCOTT—Beyond the report of the Press Association, the government have received no notice whatever of the action referred to, that is of limiting the consumption of beef for the army to home-bred cattle. Beyond the report in the papers, the government really know nothing about it. If it should be confirmed, we should of course make some inquiry as to how it would affect the Canadian export of beef. The subject, as my hon. friend has observed, is a very important one. We fully appreciate the value of our having the advantage over our neighbours of Canadian cattle not at all events being excluded.

Hon. Mr. LOUGHEED—I notice that the Secretary of State at Washington cables the United States ambassador in London with reference to the interpretation to be placed on it, and it seems to me our government should act with as much alacrity, particularly where a grave doubt exists as to whether our meat is to be affected.

Hon. Sir MACKENZIE BOWELL—The words 'home-bred beef' in the despatch were used by the Secretary of State in reply to the hon. gentleman from Calgary. I do not understand the despatch to be so worded. It said British-bred beef.

Hon. Mr. SCOTT—As I saw it, it was 'home-bred.'

Hon. Sir MACKENZIE BOWELL—British grown. I cannot conceive it possible that the words 'British grown' would confine the beef to England, Ireland and Scotland. It must mean beef produced in any portion of the British Empire. If it does not, it becomes the duty of the government to take such steps at once as to include beef raised in all parts of the British Empire.

Hon. Mr. MILLS—If the expression 'British-bred beef' were used, and used in a re-

stricted sense, it would exclude Ireland as much as it would exclude the colonies, so I apprehend that that cannot be the construction that was intended.

THE PAN-AMERICAN EXHIBITION.

Hon. Mr. PRIMROSE—Before the Orders of the Day are called, I desire to ask the Minister of Justice whether he is in a position to-day to give us information with regard to the matter I brought before the House a little while ago, that is, whether the Minister of the Interior has come to any decision regarding the removal of the wood bison specimen from the museum here to the Pan-American Exhibition at Buffalo ?

Hon. Mr. MILLS—I am unable to give my hon. friend the information. In fact, I quite forgot it. I will endeavour to obtain the information just as soon as possible.

Hon. Mr. PRIMROSE—It will be in the memory of hon. gentlemen who heard my remarks on this subject that I made the statement on good authority, as I deemed it, that that specimen was given to the museum by the donor with the express stipulation that it was not to be removed therefrom. The hon. minister holds the view, in opposition to the view which I expressed, that this is not a unique specimen. In this he differs from the authorities in such matters. Whether it be a unique specimen or not, it seems to me that, under the circumstances which I have recited, the species of morality which would permit a minister of the Crown, or any other person for that matter, to remove that specimen is at least unique. That is a proposition which I venture to submit to this honourable House as being incontrovertible.

COE HILL MINES MAIL CONTRACT.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the Table of the Senate, a return showing the number of tenders received by the Post Office Department for the carrying of the mail from Coe Hill Mines, in the north riding of the county of Hastings, to Apsley, in the east riding of the county of Peterboro' ; the names of the persons who tendered, the sum asked for the conveyance of such mails, and the name of the person to whom the contract was awarded.

The motion was agreed to.

THE POSTMASTER AT FISHING LAKE POST OFFICE.

INQUIRY.

Hon. Mr. PERLEY inquired :

On whose recommendation was E. Field dismissed from the postmastership of Fishing Lake post office ? Also, what was the cause of complaint against Mr. Field, and was the person or persons who advised Mr. Field's dismissal ever at the post office? And further, did any number of those served by the said post office petition against the dismissal of Mr. Field?

Hon. Mr. MILLS—Mr. Field has not been dismissed from the postmastership of Fishing Lake post office, and is still performing the duties of postmaster at that office. My hon. friend has been misinformed.

Hon. Mr. PERLEY—That is quite satisfactory.

THIRD READINGS.

Bill (20) 'An Act respecting the Nakusp and Slocan Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (36) 'An Act respecting the Great North-west Central Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (42) 'An Act respecting the Klondike Mines Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (48) 'An Act respecting the Edmonton, Yukon and Pacific Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (21) 'An Act respecting the British Columbia Southern Railway Company.'—(Hon. Mr. Templeman.)

Bill (40) 'An Act respecting the British Yukon Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (34) 'An Act to incorporate the Canadian Patriotic Fund Association.'—(Hon. Sir Mackenzie Bowell.)

INLAND WATERS SEAMEN'S ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (91) 'An Act to amend the Inland Waters Seamens' Act.'

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—This clause extends the inland waters of Canada from a point above

the harbour of Quebec to the lower end of the St. Lawrence river.

The clause was adopted.

On clause 2,

Hon. Mr. SCOTT—This clause gives to the judge of the Supreme Court of the Yukon Territory similar jurisdiction to that now exercised by judges in other parts of Canada in reference to the rights of seamen—allowing seamen to collect their wages by summary process.

The clause was adopted.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 16, 1901.

The Speaker took the Chair at 3 p.m.

Prayers and routine proceedings.

PACIFIC CABLE CORRESPONDENCE.

Hon. Mr. SCOTT submitted a return of the Pacific Cable correspondence. He said: I would suggest that this return should be sent at once to the Printing Bureau. The Printing Committee is not likely to meet in time to deal with it, and it is better to have the whole return printed promptly. I therefore move that the return be sent directly to the Printing Bureau to be printed.

Hon. Mr. FERGUSON—I doubt if we have the power. It involves the expenditure of money. However, if the papers are required urgently—I do not know that they are—the usual way is to send them to the Printing Committee, which meets every week, and we could pass an order relating to the printing of these papers.

Hon. Mr. SCOTT—The course I suggest has been frequently followed in former sessions when urgency demanded it.

Hon. Sir MACKENZIE BOWELL—If this were a matter involving an expenditure by the government, my hon. friend from Prince Edward Island would be quite right, but we can pay for this work out of the contingencies of the Senate. These papers laid on the Table now, as I understand the hon. Secretary of State, are a return that I asked for some time ago of the correspondence which has taken place, and the contracts into which the Imperial government and this government and Australia have entered, for the laying of the Pacific cable. The hon. Secretary of State suggests that as it is late in the session, they should be printed forthwith, in order that we can understand the question, when the appropriation for the construction of the work comes up.

Hon. Mr. FERGUSON—I am far from having any objection to the printing of these papers. I remember last year, when similar papers went to the Printing Committee, they were ordered not to be printed. I was not present at the time. I was present at the next meeting, and they were ordered to be printed. I withdraw any objection I have made.

Hon. Mr. SCOTT—The hon. gentleman is a member of the Printing Committee. If he will undertake to have an order made at once by the committee to have the return printed, I have no objection to sending the papers to the committee.

Hon. Mr. FERGUSON—The Printing Committee can afterwards ratify it.

The motion was agreed to.

MATHER BRIDGE AND POWER COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, presented their report on Bill (No. 35) an Act respecting the Mather Bridge and Power Company, with amendments.

Hon. Mr. McCALLUM—It strikes me that in this Bill we are doing something the parliament of Canada has no right to do. This bridge company got a charter here in 1896. They got power to build a bridge from Fort Erie, in the county of Welland, in the province of Ontario, to the city of Buffalo, in the state of New York. I contend that, as far as the parliament of Canada is concerned, our jurisdiction only ex-

tends to the boundary line, that is the middle of the Niagara river. By the Act passed here amending that charter, we knocked out 'the state of New York' altogether, and we substitute 'any state.' It does not even say any state of the union. It may be any state in South America, as far as I know. I am speaking of this because I want to put myself on record. I have my opinion and I am giving it to the public. The committee struck out 'the state of New York' without being asked to do it. The company did not petition parliament to strike out 'the state of New York,' but whoever drew the Bill put that in. Think of it for a moment. 'Any state' may cover a bridge from the village of Fort Erie to Pennsylvania, across the lake. That is the reason I object to this legislation, not that I am opposing the bridge. I want the bridge built if it is possible to do it. The company have had a charter for five years. They are taking five years more now. I know they have had a good deal of difficulty from the state of New York, but they have the power from the state of New York and, after getting that power, why cut out New York State? I have an article here from a paper, saying the same thing. I want it to go on record that, as far as I am individually concerned, I do not want to do anything that will look foolish hereafter. I do not want to appear to legislate for the people of the United States. I contend that our charter ceases when we get to the boundary line. I am not going to oppose the Bill any further. I thought this was the proper time to make a few remarks to put myself right. Hon. gentlemen who are versed in the law can give their opinion, but I have mine, and I am going to stand by it until I hear arguments to convince me that I am wrong.

The report was adopted.

GUELPH JUNCTION RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, presented their report on Bill (No. 23) 'An Act respecting the Guelph Junction Railway Company,' with certain amendments. He said: It will have been observed, from the reading of these amendments, that they are more voluminous than the Bill itself, but they are the outcome of an agreement between the promotors of the Bill, and the corporation of the city of Guelph. The amendments explain themselves. They are not contrary to the public interest or good morals, and I move that they be concurred in.

The motion was agreed to.

BOUNTY TO QUEEN'S COUNTY, P.E.I. FISHERMEN.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay on the Table of the Senate, a return giving the names and addresses of all fishermen in Queen's county, P.E.I., who claimed bounty and received the same, for the season of 1900, with the amount paid to each.

He said: I understand the names are only about 120, and on that account. I expect the return to be laid on the Table at a very early day.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 68) 'An Act respecting the McCleary Manufacturing Company.'—(Hon. Mr. Watson.)

Bill (No. 82) 'An Act respecting the Rathbun Company.'—(Hon. Mr. Young.)

RAILWAYS IN THE YUKON COUNTRY.

Hon. Mr. MACDONALD (B.C.)—I would ask the Minister of Justice if he is in a position to state the policy of the government on the Yukon Railway question. To-day we had a Bill relating to a railway in the Yukon country, and no one could tell whether the policy of the government would permit it to become law.

Hon. Mr. MILLS—The measures on this subject have come here from the House of Commons. They have passed the House of Commons.

Hon. Mr. MACDONALD (B.C.)—This is a Bill introduced here. I believe there is no Bill in the House of Commons with regard to the Yukon.

Hon. Mr. MILLS—Yes, we had one yesterday from the House of Commons.

Hon. Sir MACKENZIE BOWELL—The Bill to which my hon. friend from Victoria refers was introduced in this House.

Hon. Mr. MILLS—There have been Bills. We carried a number through yesterday that came up from the House of Commons on this same subject—that is, Bills relating to railway corporations in the Yukon country.

Hon. Mr. LOUGHEED—I think only in reference to the extension of the time of charters already granted. Do I understand my hon. friend to say that hereafter the government will raise no objection to Bills incorporating railway companies in the Yukon country ?

Hon. Mr. MILLS—I have not said so.

Hon. Mr. LOUGHEED—What qualification does my hon. friend make to his statement ?

Hon. Mr. MILLS—If my hon. friend will look at the list of Bills that have been dealt with already, he will see a number of Bills relating to railways in the Yukon country have passed the House of Commons and come up here. I understand my hon. friend to say that the government had announced a policy preventing any further railway corporations within the Yukon country, and he wanted to know whether any change had taken place in the policy of the government in that particular. That was the question as I understood it.

Hon. Mr. MACDONALD (B.C.)—No, I did not mean that exactly. I mean chartering railways connecting with United States territory in Alaska, that is a question we wish to have answered. There are a number of charters for railways inside the Yukon country that no one will object to, but the question is, will these railways be allowed to make connections with the Lynn canal ?

Hon. Mr. MILLS—With the United States territory connection has not, so far as I know, been sanctioned since the announcement was made by the government a year or two ago, and I am not aware that there has been any change of policy on that question. The question of disputed boundary in the vicinity of Lynn Inlet still continues. We have no reason for authorizing a connection now any more than we had two years ago. Unfortunately there was a Bill carried through parliament at an earlier period, before the commission met, chartering a railway, extending from Skagway up to Lake Bennett. That line has been built, but no further measures have been authorized by the government since that period.

Hon. Mr. LOUGHEED—Surely my hon. friend does not consider the construction of the White Horse Pass Railway a misfortune to the country ?

Hon. Mr. MILLS—My hon. friend suggests a proposition in the question which he puts. I say to my hon. friend I do ; I think you have gone a long way to confirm the United States in the possession of territory that belongs to us, and not to them. This House assumed a very grave responsibility in that matter. That was the opinion which I expressed at the time, and that opinion has only been confirmed by what has since transpired.

Hon. Sir MACKENZIE BOWELL—I think the House and the country will be very much astonished at the attitude assumed by the Minister of Justice on behalf of the government in connection with this matter. Experience, at least, should have taught him that the conclusion at which he arrived, and the principles which he advocated when this question was before the House, have been not only disputed, but proved to be utterly illusory.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—And would have been of the greatest damage to the country, and would have exhausted the treasury of this country to an enormous extent, which no one could justify. However, the question asked by the hon. senator from Victoria was simply whether the government had changed the policy which they advocated when this question was before this House two or three years ago. That was the question he asked, and that was the question which was discussed to-day, as to

whether the parliament of Canada should grant additional charters for the construction of railways commencing at Dyea or at Pyramid Harbour, extending into British territory. It is contended, as the hon. gentleman said—and I think very properly, from what knowledge I have of the country—that not only Skagway, but Pyramid Harbour and Dyea, should belong and do belong to Canada. So that if we pass a law admitting that either of these ports, or any other starting points on the Lynn canal, are in United States territory, we then concede a good deal. It is a fact which nobody denies, that the railway which the government proposed to build from the Stikine river had its terminus at Wrangel, in the United States. We have never contended that Wrangel belonged to Canada; hence it was no more a Canadian route starting from Wrangel, running up the Stikine, than the one that now starts from Skagway, and if we ever have an arbitration, and that section of the country is awarded to Canada, then a city has been built in our own country.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says no. Did he not claim that Skagway belonged to Canada, and if it should ever be awarded to Canada, then the terminus of the road, either at Skagway, Pyramid Harbour or Dyea, would be in Canada. The United States continue to refuse, as I understand, to submit this question to arbitration, unless the commissioners from Canada not only concede, but have the reference to be made to the arbitration concede, that all these places which have been built up on Lynn canal should be in any event United States territory. That is, as I understand, the point upon which the Canadian commissioners broke off negotiations with the United States commissioners, and the position with which I think every Canadian, no matter what his politics might be, was in accord. That is the point that the committee wanted to know, and which has been raised here to-day. I understand the hon. minister to say they have not changed their policy. Then, if they have not changed their policy, it would be useless for the Senate to pass the Bill which was introduced by the hon. gentleman (Hon. Mr. McKeen) in this House. If they do pass the Bill, the policy of the government is such that it will be rejected in the Lower House. Were it not for the complications which have arisen through the negotiations with the United States upon this question of boundary, speaking for myself, I would vote for any Bill for the construction of a railway running into the Yukon territory. But, fortunately for the Yukon territory, fortunately for Canada, and fortunately for that section of the country, there is a railway running by the White Pass, otherwise there would have been no entry to that country at all, unless the government carried out their scheme, which never would have been utilized, and would have been of no use to that country either in settlement or anything else. I say that from the reading of the reports which have been made, in reference to the feasibility or traffic on that road—I could quote it now, but as there is nothing before the House, and this discussion is out of order, I will not do so, although the question is a very important one—from the reading of the reports it can be shown, especially the reports of the Globe's special correspondent, that it is an impracticable route. It can be shown that steamers and barges that went up the Hootalinqua years ago, are there to-day and cannot get away, and consequently the whole thing would have been as huge a failure as could be perpetrated by any government.

Hon. Mr. MILLS—My hon. friend brings up the discussion on the proposed Yukon route.

Hon. Sir MACKENZIE BOWELL—The hon. minister just raised this discussion.

Hon. Mr. MILLS—I may say I have not changed the opinions I formed at the time, after very careful consideration, and I think what has transpired since shows that the course proposed by the government was a wise course, and one which, if adopted, would have been in the public interest. My hon. friend talks about starting from Fort Wrangel in United States territory. We did not propose to start from there. Everybody admitted that from the boundary to the sea the Stikine river was within United States territory, but under the treaty of Washington, as under the treaty of 1824, we have the

right of navigating that river, a right which, under the treaty of Washington, was confined to navigation for commercial purposes. Now, we could have passed through United States territory under the authority of that treaty. We would not have gone through United States territory as we are going through United States territory at the present moment——

Hon. Sir MACKENZIE BOWELL—We do not admit that.

Hon. Mr. MILLS—We go through their territory by sufferance, but in the other case we went by right which we acquired under that treaty. No one proposed that the head of navigation in the Stikine river should be the permanent starting point of the railway, but as our object was to get into the Yukon country with as great rapidity as possible, we began at the head of navigation from the sea on the Stikine river, to construct a road from there northward into the Yukon country, not with the intention of leaving that as the only road to be constructed, but with the intention when the northern section was completed to the Yukon territory, and made available for commerce, we could have begun at the head of navigation on the Stikine river, we could have gone southward and constructed to some point on the sea, admittedly within our own territory. That was the proposition. That was felt to be so much in the interests of the people of the country, that the government of British Columbia, although not favourable to the Dominion government, were willing to make a handsome contribution to every mile of the railway constructed in their province. That was a rational and, in my opinion, a statesmanlike proposition. If that proposition had been carried out, one of the effects would have been to put an end to the growth of Dyea and Skagway. It would have made those points unimportant, and would have enabled us to obtain from the United States government what we have not, up to this moment, been able to obtain, and that is, the reference of our right, or their right, respectively along the Lynn canal to arbitration. The United States government refused to agree to arbitration, and why? Because Dyea and Skagway were becoming important points. They were the entrances into our territory. They would always have considerable commercial importance if the only inlet to the Yukon country was from that point. It was undoubtedly the most convenient point to start from, and therefore it was one of which they obtained possession, and which possession they were unwilling to give up, and the respective rights of Canada and the United States to the country along the Lynn inlet was not referred to arbitration, as we desired.

We referred to the case of the Venezuela arbitration. We pointed out the readiness of the British government to agree to a reference to arbitration. We pointed out the similarity of the two cases, but the United States refused to submit that question, refused to have the boundary there settled by arbitration. They were in possession, and that possession they were not willing to give up. My hon. friend says that the course taken in the rejection of the proposed railway Bill two years ago was a proper action on the part of this House. I was of a different opinion then, and I retain the opinion which I then formed. You have two towns on the Lynn Inlet, Dyea and Skagway, which contain a considerable population, both of which owe their existence to the discovery of gold fields in the Yukon country, and both of which are supported by Canadian trade, and both of which are under United States control; if we had established an independent road into the country those places would have lost their importance and would have ceased to grow. The population that were there would have withdrawn, and whoever might have been entitled to the possession of the country would have been enabled to have that question determined by a competent, fair and impartial tribunal. That we have not obtained. That we cannot obtain. My hon. friend talks about the question of our rights in the country. It is all very well to talk of abstract right. I have no doubt in my mind that that country legally, under the treaty of 1824, the treaty of St. Petersburg, belongs to us, but the United States are in possession and unwilling to give up possession, and never will give up possession, and never will consent to arbitration as long as the country possesses any importance. One important object which we hoped to accomplish by the proposed rail-

way into the Yukon country was to destroy the importance of those points. It would have had the effect of putting an end to their importance. It would have led to the withdrawal of the population from there, because there would no longer be any trade to support them, and we believed, and believe now, and every piece of information that we have got from British Columbia leads us to the opinion, that along the proposed line of railway from the head of navigation on the Stikine river southward to the Portland channel, or to that other arm of the sea in its immediate vicinity, ran through a very rich metaliferous country, one that was capable of infinite development, and it would have been very important to British Columbia if we had built that road, and if we had enabled parties to carry on their geological explorations in that vicinity. We could have secured a large population that would have gone a long way to give local support to the railway. It would not have been wholly dependent upon the trade going into the Yukon country. It would have had another and outside support, and when my hon. friend speaks about the difficulty of constructing the road, I see no such difficulty. Those who have gone through the country, from the head of navigation on the Stikine northward, have pointed out that the country through which the road would run is neither difficult nor expensive.

Hon. Sir MACKENZIE BOWELL—My hon. friend is in error. I said nothing about the difficulties of building the road. I spoke of the impossibility of navigation.

Hon. Mr. MILLS—Navigation is a matter of no consequence. We have the right of navigation under the treaty, and if the river was not well suited for navigation, it would certainly have suited our purpose for a short time. We had appointed surveying parties to explore the country to the southward. We never intended that the commencement of the railway on the Stikine river should be the southern end of the road.

Hon. Mr. LOUGHEED—You would have to navigate the Hootalinqua river, which is equally bad.

Hon. Mr. MILLS—The hon. gentleman says we have to navigate the Hootalinqua river. There is very little trade carried into the Yukon country in the winter, and if the river is navigable in the summer season, as it certainly is——

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—My information points to the fact that it is navigable, and being navigable, it could have been utilized in the summer season. That being so, I think it would have served a convenient purpose. It would have diminished the cost of living in the Yukon country, which was of very likely for years to come, and would have opened a wider field for exploration than is likely for years to come, nd would have contributed to the development of important mining regions in the province of British Columbia, all of which are of very great consequence to the people of this country. I apprehend—that is my feeling, and I trust it is the feeling of every hon. gentleman in this House—that we rejoice scarcely less at the progress and development of any of the provinces, than we do at the progress of one in which we are residents, and I am sure of this, that the government would have been delighted if our railway construction in British Columbia had served to secure a large population and extensive development of the mineral resources in that province, all of which, in my opinion, would have been a necessary consequence of that construction. Hon. gentlemen state, as if it were a matter of great rejoicing, that there is a railway from Skagway into the Yukon country, as far as Lake Bennett. Well, you have placed the whole trade of that country, in which we are making large expenditures, from which we are deriving a very large revenue in proportion to the population, into the hands of our neighbours and rivals to the south of us. We have permission to go into the Yukon country by their sufferance. Our trade and trade regulations are practically under their control, and that condition of things is due to the fact that the proposed measure to give us access to the country, on our own territory and within our own control, was rejected by this House, and our position has been changed

from that moment for the worse. No hon. gentleman can say we are as well off as we would have been if we had had a line of communication wholly within our own country, and whether the territory around Dyea and Skagway is our territory or not, it is practically under the control of the United States. They have possession. They are not willing to give up possession, and they never will give up possession as long as it is of any importance or value to them. If the policy of the government of two or three years ago had been carried out, that territory would have lost its importance to them, because we would have diverted the trade on which those places depend wholly into other channels, and that, in my opinion, even if it had cost much more than it was certain to cost, was an object worthy of the people of this country, but unfortunately the feeling of this House at the time prevented that policy being consummated.

Hon. Sir MACKENZIE BOWELL—I do not propose to continue this discussion, but I simply want to set the hon. gentleman right in reference to the remarks he has made about the continuance of the railway from the head of the Stikine river southward through Canadian territory, by which some three or four million acres of arable lands was to be brought into the market. That proposition was not made by the government at the time, nor was anything said about it at the time, further than the remarks made by my hon. friend from Victoria, who moved a resolution committing this House to a railway scheme starting from some point in British Columbia. That was the proposition made by my hon. friend, and it was confirmed by the majority of this House. The principal argument used by the hon. gentleman to-day was an after thought altogether.

Hon. Mr. MILLS—No, no.

Hon. Sir MACKENZIE BOWELL—And had nothing whatever to do with the proposition to grant a charter to Mackenzie & Mann.

Hon. Mr. MILLS—It had everything to do with it. My hon. friend will remember we took a vote for the very purpose.

Hon. Sir MACKENZIE BOWELL—I remember distinctly that was not part of the proposition made by the government at the time. It was talked about, I admit, after the proposition was brought forward by my hon. friend from Victoria, as to the necessity of another road being built, starting from a point in British Columbia, over which the United States would have no control, as they would have had by exacting statutory and bonding regulations in reference to bonding going up the Stikine river. That is the point I desire to call attention to, and which we will discuss more fully when the government come down with the proposal to pay Mackenzie & Mann some $400,000 which they claim have been expended under the authority of the government itself.

THIRD READING.

Bill (91) 'An Act to amend the Inland Waters Seamen's Act'—(Hon. Mr. Scott.)

APPLICATIONS FOR RAILWAY CHARTERS BILL.

SECOND READING.

Hon. Mr. CASGRAIN (de Lanaudière) moved the second reading of Bill (J) 'An Act respecting the applications for railway charters.'

He said: The object of this measure is to prevent speculative charters being granted by parliament; also to provide that all the necessary data should be furnished to the House in which the Bill is to originate.

Hon. Mr. LANDRY—Is that a government measure?

Hon. Mr. LOUGHEED—I am strongly opposed to the principle of this Bill. I presume that we could discuss the Bill perhaps more intelligibly in committee when we take into consideration the fact that there are many subsections and details to it which could be better dealt with in committee of the whole. However, the principle of the Bill seems to me to be so vicious, and to invade the rights which this House has exercised with reference to its committee work, particularly dealing with Bills before the Railway Committee, that the Senate would be doing an injustice to itself, would be stultifying itself to an inconceivable extent to permit of its being passed. Up to the present time, this House has vested in the committees full power to deal with Bills in whatsoever way that committee thought

best, as the Bills came before it. My hon. friend asks parliament to pass a hard and fast statute by which the committee cannot exercise that discretion which a committee should be permitted to exercise, particularly with reference to Bills of this character. I have had the honour to have a seat on the Railway Committee since I have been in this House, and I live in a section of the country probably where more railway charters are granted than in any other part of the Dominion, and yet there has not come under my observation, up to the present time, the injury which my hon. friend who has introduced the Bill seems to think proceeds from permitting the Railway Committee to deal with charters entirely irrespective of the arbitrary rules which he has embodied in this Bill. My hon. friend in the first place laid down the principle that the applicants for a railway charter should assume the initial expense—or tantamount to that—which would be assumed if they had secured their charter, and practically after they have financed their project in the market, in the making of surveys, plans and all that sort of thing. If my hon. friend had designated this measure a Bill for the further employment of civil engineers, I could very well appreciate his object in introducing it, because the only merit in it is probably that which my hon. friend can very much appreciate, when we consider the fact that he belongs to that profession, of giving very considerable employment to a class of men who occupy a high position in professional life, but who, I think, at this stage of a railway charter, should not have their services enlisted to the extent that he anticipates should be done by the passage of this Bill. If no abuses have arisen in the granting of railway charters, under the procedure which at present obtains in the Railway Committee, I ask why should the Railway Committee or this House be bound by the hard and fast rules embodied in this Bill? I ask furthermore, would the members of the Railway Committee give any more consideration to a Bill by reason of a survey having been made, by reason of plans having been prepared, by reason of estimates having been furnished, and all the other information pointed out in this Bill? Those familiar with committee work know perfectly well that even in most cases a plan is submitted to the committee, and most elaborate plans have in most cases been prepared. The committee seldom examine such plans. They look over the Bill and see whether it is possessed of merits. If it has merits they pass the Bill. In the case of any conflict with vested interests, a controversy may arise as to whether the Bill should pass, but the information demanded by this Bill would not place the committee in possession of facts which are so desirable in dealing with a Bill. We know very well that the most controversial question that arises in dealing with a railway charter is the question of vested interests. It would be impossible under this Bill to obtain information of that character. I would furthermore point out what would the members of the Railway Committee know about the gradients, about the difficulties that may be in the way of construction, about the cost of different sections, and that sort of thing. That is a matter for the domestic concern of the railway company after the road has been started. The greatest facility should be given to promoters of enterprises like railways, particularly in a new country, for the purpose of having the country developed. Railways are the pioneers of civilization in a new country, and if you once handicap that class of enterprise by placing a heavy initial expense upon men who are not possessed of much capital in taking the preliminary steps, you at once prevent that enterprise from being enlisted in the development of the country—and you place this class of work practically in the hands of capitalists who are alone able to incur the vast expenditure involved in the preliminary steps which my hon. friend thinks should be taken incident to the application for a railway charter. I submit to this House that no abuses having been obtruded upon the attention of the House in dealing with railway charters, and the greatest facility should be extended to promoters in obtaining their Bills. Until abuses are shown, I must say I shall feel myself in duty bound to oppose the Bill.

Hon. Mr. MacKEEN—The Bill should commend itself to the judgment of the House, and also of the public. In the first place, I admire it for its conservative spirit, which is something we do not see much of in the

present day. I think the hon. gentleman who introduced this Bill is deserving of more or less credit for his public spirit in trying to repress, as I see the spirit of this Bill tends to, practices and legislation which, to put it mildly, I think in many cases are pernicious, and contrary to the public interest. Notwithstanding the remark of my hon. friend from Calgary, there is no question whatever that a great deal of legislation in connection with railway charters, and a great deal of the time has been expended in promoting railway charters, has been done in the interest of speculators. We know for a fact that men have obtained charters, even through this Railway Committee, and of which they have had the highest opinion, for no other than purely speculative purposes—charters which have been sold in the public market. I think it is known to us all that one charter was obtained in this House and afterwards sold for sixty thousand dollars, without one dollar having been expended. As regards the application of this Bill to the older provinces, I think it is almost perfect. Countries which are now so well opened as our eastern provinces—which are so intersected by railways, and where the topography of the country is so well known, it would be of immense importance, to my mind, to have information of the character the Bill calls for in the hands of the committee. I must say that I am surprised to hear the hon. gentleman from Calgary say that the committee would have no intelligent interest in plans and specifications such as the Bill calls for. That is a mistake ; there are many members of the committee who are thoroughly conversant with surveys, and I do not think there is any man connected with that committee who does not take an interest in maps and specifications which are brought before them. I have seen, when maps were put on the walls, the members of the Railway Committees of both Houses taking great interest in them. While this measure would be of value in the older provinces, perhaps the provisions would be too stringent for the Yukon and British Columbia. I am afraid it would be rather repressive, and perhaps tend to interfere with the development of railways in those territories. We all know that railway surveys, particularly of the kind asked for here, are expensive, and more especially expensive in new and unexplored countries. It seems to me if the Bill asked for what you might call exploratory or barometric surveys, where information could be obtained at a small expense, it might be more practicable in its working. There is no doubt the surveys such as are called for here would be very expensive in countries of the rugged nature of British Columbia and the Yukon, but I think myself the Bill might be so amended as to ask for surveys which could be of very great benefit and very great importance, and add to the information necessary for the committee, and would be less expensive than this. These I presume are instrumental location surveys. The remark made by the hon. gentleman from Calgary that this proposition is in the interest of engineers, I do not think is much to the point, because surveys must be made anyway. No railway can be built without surveys, and whether they are made preparatory to the charter or subsequent to the granting of the charter, it is pretty much the same to the engineers, I would take it; but to ask any company or any invester to expend we will say anywhere from $2,000 to $50,000 as the case may be without any guarantee whatever of success in getting a charter, is perhaps a little hard. I do not think we would succeed in getting any investors to do that in a country like the Yukon; all the same, I think the spirit of the Bill is in the right direction, and with some amendments it will meet with the approval of this House.

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

INQUIRIES AND INVESTIGATIONS INTO SHIPPING CASUALTIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (93) ' An Act respecting inquiries and investigations into shipping casualties.' He said : This Bill is making our law conform largely with the English law, as was provided in the Merchants' Shipping Act. It is to meet the representations of the London Board of Trade that these changes have been made. If hon. gentlemen desire fur-

ther explanation, I am prepared to give it, but as the principle is not likely to be objected to, the changes can be more conveniently pointed out in committee, as we are called on to consider each phase of the Bill.

Hon. Mr. FERGUSON—Possibly my hon. friend will explain. The Bill as it comes before us does not appear to amend any existing Act in Canada. It seems to be an original measure repealing in its closing some section of previous Canadian legislation. It is a classification or consolidation of old Acts or amendments, or is it mainly a new measure ?

Hon. Mr. MILLS—If my hon. friend will look at the last section he will see it deals with chapter 81, the Wreckage and Salvage Act of the Revised Statutes of Canada, chapter 33, and the statutes of 1893.

Hon. Mr. FERGUSON—They are repealed.

Hon. Mr. MILLS—Yes, in a large measure, and there are some provisions that are new, but the new provisions are largely taken from the English Merchants' Shipping Act.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 17, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE JUDGES SALARIES.

INQUIRY.

Hon. Mr. DRUMMOND inquired :

Is the government aware of the following facts :—

1. That the salaries of the judges were fixed in the year 1873 and have not been changed since that date.

2. That in the period of twenty-four years which has elapsed the expense of living and the claims of all kinds on persons in their position have enormously increased.

3. That during this period salaries and wages of all classes have been materially advanced.

4. That, as compared with the judicial salaries paid elsewhere the Canadian scale is unjust and insufficient from the facts above stated.

5. That a comparison of salaries paid in the mother country and in other portions of the empire is substantially as follows :—

England.

Lord Chancellor	$50,000
Lord Chief Justice	40,000
High Court Judge	25,000
27 Metropolitan Police Magistrates, each.	7,500

Canada.

Chief Justice	$ 6,000
Queen's Bench and Superior Court	$3,500 to 5,000

West India Islands.

Trinidad, Port of Spain, with a total population of 269,000, pays its chief justice $9,000.

6. Whether the government has decided to take steps to remedy the grave injustice above set forth?

He said : I have at various intervals asked the leader of the government in this House if he could answer this question, and so far have not been successful in getting at the decision of the government. I have not very much to add to the question, but I do think it is of sufficient importance to warrant prompt attention on the part of the government, and for my part, I am not willing to lie under the suspicion that I have made the motion in a half hearted way, and am not disposed to press it. My present intention is to ask, in the first place, the question, and failing to elicit a reply, to urge on the government the importance of the matter. I have very little to add to the fact stated in the question in the paper, but a further research in the parallel cases in the British Dominion would show something like the following facts :—

	Chief Justice.	Puisne Judges.
British Guiana	$10,000	$6,500
Jamaica	10,000	6,000
Leeward Islands	7,500	.....
Barbados	7,500	.....
Trinidad	9,000	.....
Cape Colony	15,000	.....
Natal	7,500	.....
New South Wales	17,500	13,000
Victoria	17,500	15,000
South Australia	10,000	8,500
Queensland	17,500	10,000
Tasmania	7,500	6,000
Western Australia	8,500	7,000
New Zealand	8,500	7,500
Ceylon	13,750	9,000
		8,000
Straits Settlement	13,500	8,400
Hong Kong	13,500	8,400

Now, if hon. gentlemen will compare these figures with those prevailing in this country, they will, I think, admit the truth of what I have urged on the government, namely, that the present salaries attached to the important offices of judges in this country are absolutely and entirely insufficient, and I trust that the answer which I will receive from the government to-day, or at

an early date, will be of a reassuring character. It is perfectly well known to everybody concerned that the cost of living, and the demands upon people of their station are constantly increasing, and have increased materially since the time when the present salaries were fixed, and this must be so obvious to every member of this House that I am quite sure that no language of mine is required to enforce it.

Hon. Mr. FERGUSON—I might be permitted to make an observation in support of what my hon. friend has said, and to bring a point before the hon. Minister of Justice which has not been touched upon by my hon. friend in the comparative statement that he has made in regard to judges' salaries in Canada and those in other parts of the British Dominions. The case is even worse than he stated in his notice, for I find that he put the judges of the Queen's Bench and Supreme Courts of Canada at from $3,500 to $5,000. In Prince Edward Island the judges of the Supreme Court receive only $3,200 each, which is $300 less than the minimum mentioned by my hon. friend in his notice. I wish to call the attention of the Minister of Justice to this feature of the case, that in any measure that may be submitted dealing with the salaries paid to judges, the Supreme Court judges in the province of Prince Edward Island should be treated as they are treated in the other provinces of Canada. Because the province is small is a good reason why there should not be as many judges as there is in other provinces, but it affords no reason whatever that they should be paid inadequately, or less than judges are paid in other provinces of Canada. I find in Nova Scotia and New Brunswick where it is complained the salaries are too small the Supreme Court judges, other than the chief justice, receive $4,000 each. I call my hon. friend's attention to this anomaly, and when the rearrangement of the salaries paid to the judges is made all over Canada I hope that the peculiar and anomalous position of things in Prince Edward Island shall be redressed. It is very little short of an insult to Prince Edward Island that the judges of that province should be singled out for the insufficient salaries they receive.

Hon. Mr. MACDONALD (P.E.I.)—The judges in Prince Edward Island have been paid certain fees, and have received them up to the present time. That, I believe, was the reason why their salaries were fixed at a lower rate than the salaries given to the judges in the neighbouring provinces of Nova Scotia and New Brunswick. There is a strong feeling against the collection of these fees in that province, as they are not collected in any other province of the Dominion. It is therefore right that the judges of Prince Edward Island should be put on the same footing as similar judges in Nova Scotia and New Brunswick, and that these fees should be done away with. I think in the last year in which Sir John Thompson was premier of the Dominion, this matter came up, and I believe it was the intention at that time to place the salaries of Superior Court judges in Prince Edward Island on the same footing as they are in the province of Nova Scotia. It is also the case throughout the Dominion that there is a very considerable difference in the amount of salary that is paid to the county court judges, and the amount that is paid to the judges of the Superior Court. We see that in Prince Edward Island the salaries of the county court judges have not been increased since they were first established, and the county court judge for the county of Queen's in Prince Edward Island now receives almost the same salary that the judges of the Superior Court does. The salary of that judge is $3,000. The salary of a judge in the Superior Court is but $200 higher than that. This is a matter—when the government is taking this question up—that should be looked into, and I trust that they will deal in an equitable and just manner with the judges in the province of Prince Edward Island, as well as with those of the other provinces of the Dominion.

Hon. Mr. PRIMROSE—Did I understand the hon. gentleman from Charlottetown to say that the county court judge of Queen's county receives a larger salary than any other county court judge in the province ?

Hon. Mr. MACDONALD (P.E.I.)—I am not certain as to that.

Hon. Mr. FERGUSON—Yes, that legislation was passed here two years ago, by which the county court judges in St. John, Halifax, and Charlottetown were given

higher salaries than other county court judges.

Hon. Mr. DANDURAND—I want to draw the attention of the Minister of Justice to the case of the city of Montreal. I do not pretend to speak for the rural districts of the province of Quebec, because I have passed all my life in the city of Montreal, and I know less of the state of things throughout the province ; but there is one thing I know, and it is that $5,000, which is the amount paid to our Superior Court judges, is absolutely inadequate to allow them to live up to the station to which the government calls them. I know that throughout the rural parts of the Dominion there is a certain sentiment that the sum of $5,000 is quite large. I have heard farmers say that that represented about the price of a farm in the country, or two-thirds the price of a farm. I want to draw the attention of the authorities to the fact that those who live in large cities know that $5,000 is absolutely inadequate as a salary for a judge. The rental of houses has gone up to such an extent that one cannot think of obtaining a suitable residence in proper quarters in Montreal much below $800 or $1,000 a year, and prices have increased in proportion throughout, so that I know that judges generally, who have not a private income of their own, have been obliged to devote many hours during the day to other callings as professors in universities, as executors of large estates, and have accepted and sought positions which would allow them to live according to their station, and the public has complained that some of the time of those judges has thus been given to other than judicial work. We cannot complain if they have tried to equalize their income with their expenses, and I think that when such a state of things exists, it is for the government to remedy it. I know that a real case of hardship exists where the government of Canada would be justified in taking action.

Hon. Mr. MILLS—I am quite sure that the legal profession throughout the country will be very much obliged to my hon. friend who has brought this subject before the House for consideration. I only regret that I am not yet able to answer my hon. friend as to whether any action will be taken during the present session or not. I informed the House at an earlier period of the session that a measure had been prepared in my department for the consideration of the government with a view to revising the salaries of the Superior Court judges throughout the Dominion, making more adequate provision for them in the discharge of their duties than is made in the law as it now stands. Hon. gentlemen know that upon this subject the legal profession and the public at large take different views, and while a vast majority of the legal profession, and gentlemen who are extensively engaged in business, regard the judges as underpaid at the present salaries, there is a very large section of the public whose opinions cannot be altogether disregarded, that entertain a different view. Now, I do not say that we ought to be governed wholly by the latter view. If I did so, I would not have undertaken to prepare a measure upon the subject, but it is very important that we should carry public opinion with us, because it is not only important for the representative House in this parliament, but it is also important to the judges, for you do not wish to make on the public mind an unfavourable impression with regard to them. My hon. friend who brought forward this question at the present moment has referred to the salaries that are paid in other British colonies of far less importance than Canada, that are very much larger than any salaries paid to any judge in any court in the Dominion of Canada. That is true, but, after all, I do not think that we can be wholly governed by those salaries. The salary paid at the Straits Settlement and some of the other possessions to which my hon. friend has referred, are salaries fixed by Imperial authority and not by any representative body in the country, and they have been framed in conformity with the views that are held in England, rather than those that are held in any colonial possession. What seems to me the fair way of estimating what salary a judge in one of our Superior Courts is entitled to, is to compare the salary which you provide for him under the law with the amount that will be earned by the leading men of the profession from the same bar. That, I think, is a fair way of ascertaining what amount should be paid to a judge, and while I think that the salaries we are paying at the present time

are below the salaries that would be indicated by the average earnings of prominent men in the profession, certainly the salaries to which my hon. friend has referred would be above that standard. At the present time we find great difficulty in getting men of prominence at the bar to go upon the bench, and that ought not to be the case. The compensation ought to be such that a prominent member of the bar, who is distinguished in his profession, in whom the public have confidence and would like to see appointed to the bench, should not feel that he is making a great sacrifice personally in withdrawing from the practice of law and going upon the bench, and so I think that the subject is one which is deserving of careful considerations and with a view of giving to the judges such compensation as will secure the best men at the bar, and at the same time will not be a sum which men practising at the bar would be disposed to readily desert their profession in order to accept. My hon. friend from Marshfield (Mr. Ferguson) has referred to the salaries of judges in his province. They are lower than in the other maritime provinces, and they were fixed, I presume, at the time—I know that was the point of discussion, but my hon. friend will perhaps know more about that than I do—but I think it was considered that the province being small and the salaries earned in the practice of the profession being less than in other provinces, that the amount allowed to the judges upon the bench, was relatively, compared with the earnings of gentlemen of the profession in the province, a fair amount as compared with the other maritime provinces. My hon. friend does not concur in that view. I do not know how that may be, but I have no doubt the government at the time, as I feel it would be our duty at the present time, took that into consideration, as we will take it into consideration when we are fixing the salaries. My hon. friend will remember this, that in the province of Prince Edward Island there is a population of about 120,000—it may be a little more or a little less than that. They have three county court judges.

Hon. Mr. FERGUSON—They do not complain of their salaries.

Hon. Mr. MILLS—I am speaking about the number—three county court judges and three High Court judges—that is six judges to administer justice to about 120,000 people. If you take the existing salaries and compare them with the population, you will find that the administration of justice provided for in the salaries of judges is more in the province of Prince Edward Island than it is in Nova Scotia or Ontario—in fact more than in most of the provinces, which is one point of view from which the subject may be considered. If you were to unite the three maritime provinces into one province, I suppose you would have but one High Court judge in the province of Prince Edward Island. We have fourteen High Court judges in Ontario, to perhaps two and a quarter millions of people—I am merely estimating the population at this moment—so you have about one High Court judge to every 170,000 people. You have three High Court judges in the province of Prince Edward Island to 120,000, so that the question always has been, on account of the inequalities of the provinces and of the population, and of the jealousies that may arise with regard to the salaries of judges, a difficult one to deal with. The province of Ontario in the past, in providing for the salaries of judges, provided for a puisne judge of one of the High Courts a salary of $5,000. The judge, in addition to that, receives $100 for every court which he holds, and in addition to that the local legislature, in order to avoid the demand on the treasury here for a general increase in the salaries of judges, have added $1,000 a year to the salary of each judge of the Superior Court of the province. We have a large increase of population in the North-west Territories, in Manitoba and in British Columbia. The numbers of cases to be dealt with are year by year increasing, and the population of those two provinces and the Territories is also increasing rapidly, and the relative amount of salary that was fixed some years ago is less, no doubt, than might be considered fair at the present time, as compared with the salaries of the judges in the province of Ontario and in the province of Quebec. My hon. friend has asked, and that has been brought under my attention, that the salaries of judges in Prince Edward Island should be made the same as the salaries of the judges in New Brunswick and Nova Scotia—the two other maritime

provinces. Now, I remember very well that when the subject of fixing the salaries was under consideration, many years ago, of determining what would be a fair amount as salaries for each High Court judge, that the province of Prince Edward Island was not put on a footing of equality with Nova Scotia. Nova Scotia was not put on a footing of equality with Quebec, or with the province of Ontario, because the amount of legal business was apparently less, and the amount that it was possible for a member of the bar to earn was less than would be the average earnings of prominent men at the bar in the other provinces. That was considered in determining a fair salary for the judge. Now, the hon. senator who has brought this matter before the Senate at the present time has pointed out—and in that I agree with his view—that the salaries which were fixed in 1873—nearly thirty years ago—are less than they ought to be ; that a judge cannot well maintain himself in that rank of life upon the salary which he now receives, which his position, the influence which he should possess, and his standing in the community require. I think that that is a sound proposition. How far we should go is a matter about which there may be some difference of opinion, but if you could fix the salaries of all the judges throughout the Dominion upon a footing of equality, I do not think it would be possible, because in some of the provinces the practice at the bar is much more extensive, and the salaries that may be earned in that practice much greater than in other provinces, and that fact can never be lost sight of in undertaking to deal with the subject. What you have to consider is what amount of salary paid to the judge who abandons his profession and goes upon the bench would secure the foremost men of the bar in each province. Beyond that the public would not justify you in going. That you should go that far I think is obvious, because unless you do so, the bench must in time degenerate, because the prominent men at the bar will refuse to accept all judgeships. We want, as far as we possibly can, to secure the best men, men who are learned in their profession, who are good students, who keep themselves abreast of the jurisprudence of the day, who have patience to listen to those who are brought before them, and who will so feel the responsibility of their position as to leave upon the minds of suitors that they have had a full and fair hearing, and that it is not because they have been hurriedly brushed aside that the decision has been against them if it so should be. I need not say more upon the subject. I cannot at this moment state what may be done, but I have no doubt that the Bill which has been prepared in my department, to which reference has been made, will be before my colleagues for decision some day this week. We have had many matters of pressing necessity to consider, requiring immediate attention, and they had to be considered first.

Hon. Mr. DRUMMOND—If I might be permitted to say one word more on the subject, I would express to a certain degree my regret that the hon. leader of this House has approached the subject in such a judicial spirit. He has weighed in the balance the pros and cons in a very fair way I think ; but still the general idea is to leave the impression that he is not sufficiently alive to the exigencies of the case and is disposed to hold out the possibility of an adverse view on the part of the government. I will not say that that is exactly determined ; I hope it is not. With regard to one or two of his arguments, I quite admit, with regard to the Straits Settlement and one or two points in which the judges are appointed by the Crown and their salaries fixed upon English ideas, that they are high ; but that does not in the least apply to others which I read out. Take for instance the colonies of New South Wales, Victoria, South Australia, Queensland, in all of which the population dependent upon those judges is very limited, and, let us suppose, the wealth also dependent upon their decisions very much smaller, and yet while in Canada we pay the Chief Justice $6,000 and the ordinary judges of the Superior Court from $3,500 up to $5,000, in Queensland and New South Wales they pay to the ordinary judges $13,000 and to the Chief Justices $17,500. I only wish to record my solemn conviction that the subject is of the very highest importance and that in dealing with it, if the government take a broad and liberal view of what I consider to be the only true policy in the matter, they have the support of both sides of this House irrespective of party or anything

else. There is no question of party involved. I do not speak as a party man at all. I am not related to a judge or dependent upon a judge, in any sense. While I recognize the fact that there is a certain portion of the community to whom a salary of four or five thousand dollars seems an unlimited fortune, we, that live in cities, know very well that with the claims upon a judge, the amount is entirely and absolutely insufficient, and one gentleman from Quebec tried to point out that judges had to supplement their limited salaries by taking offices which, I think, they should be prohibited from doing.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. DRUMMOND—And the same thing in Prince Edward Island, where they had to collect fees of doubtful propriety. I do not know whether it is so or not. I do not know anything about the fact, but certainly it would be infinitely better if it were not so. There is one theory running through the whole question and that is, to pay sufficiently so as to secure the best service.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. DRUMMOND—I thank Providence that our population have no reason to complain, on the whole, of the manner in which the judges exercise their functions. I think we have a pure and admirable judiciary, taken as a whole.

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. DRUMMOND—But taking the very question which the hon. gentleman took, whether we can secure the best members of the bar as judges, I say we cannot. I know as a fact that the best men at the bar can earn treble and quardruple what they can earn as judges, and will not accept the position. Is that a condition of things which should be justified ? I say it is not, and I say, therefore, that I do trust that the government will take a broad and statesmanlike view of the situation and do justice.

Hon. Mr. LOUGHEED—As pertinent to this question, may I direct the attention of the hon. Minister of Justice to a government notice of motion made by the Solicitor General on the 12th of April, in the House of Commons, in which notice was given of a proposed increase in the salaries of the judges of the provincial courts, and also of the Territories. I find a notice given to increase the salary of the chief justice of the North-west Territories to $5,000, and four puisne judges, $4,000. I should like to direct the attention of the minister to the fact that the salaries of the puisne judges are already $4,000, and there seems to be in this notice of motion a misapprehension existing in the minds of the government as to what these salaries really are. There is an expectation in the Territories that the salaries are about to be increased. This is but a delusive hope, inasmuch as the notice of motion only places salaries at what has been already fixed.

Hon. Mr. MILLS—Quite so. That is the recommendation of a Bill that was before us last year, which had reference to the fixing of the salaries. There is no chief justice of the Territories. It had reference to fixing the salaries of the chief justice and three additional judges in the province of Quebec. That does not touch the question which we have been discussing here.

Hon. Mr. LOUGHEED—The notice of motion deals with the increased salaries to judges of provincial courts mentioned here, but why mention four puisne judges in the North-west Territories at $4,000, when that is the salary already allowed them ? I do not understand the object of the motion.

Hon. Mr. MILLS—I suppose it would have been perfectly valid without mentioning any salary, but it is at all events a notice that a Bill, intended to be founded on those resolutions, preserves the salaries of the judges as they are at the present time, except the chief justice, there being no chief justice.

Hon. Sir MACKENZIE BOWELL—It appears this notice was placed on the Notice paper of the House of Commons as early as the 12th of April. It deals with the subject to a much greater extent than the hon. gentleman has spoken of, because I find in the last paragraph that it deals with no less than seventeen judges of the province of Quebec. It reads as follows :

That it is expedient to amend the Act respecting the judges of provincial courts and to provide as follows :—That the salary of the chief justice of the Supreme Court of the North-West Territories shall be $5,000, and of the four puisne judges of the said court, $4,000 per

annum, and the salary of an additional judge of the Territorial Court of the Yukon territory shall be $4,000.

So far it deals with questions to which the hon. Minister of Justice has referred. Then, the next paragraph reads :

That the salaries of the seventeen puisne judges of the Superior Court of Quebec, whose residences are fixed at Quebec and Montreal, including the judge to whom the district of Terrebonne is assigned, shall be each $5,000 per annum.

I was going to ask, is that an increase of salary of the seventeen judges of the province of Quebec ? If not, what is the object of his Bill, except it might be to include the judge of the district of Terrebonne, who, I understand, resides in Montreal most of his time, and assists the judges of that city in the performance of their duties ?

Hon. Mr. DANDURAND—He gets $5,000.

Hon. Sir MACKENZIE BOWELL—Then, what is the meaning of this notice placed on the Notice paper of the House of Commons? To a layman it would appear that it was fixing the salaries of those whose salaries had not been fixed, and that it was an increase. Otherwise what object can there be in introducing these resolutions upon which to base an Act of parliament to place upon the statute-book ?

Hon. Mr. BAKER—The hon. gentleman who sits in front of me (Sir Mackenzie Bowell) is under a misapprehension. The resolution is not to provide for an increase of the salaries of the fourteen judges of the Superior Court whose residences are now fixed at Quebec and Montreal including the judge to whom the District of Terrebonne is assigned ; for they already receive $5,000 a year. The object is to provide three additional salaries by changing the number from fourteen to seventeen. It is to make provision for the salaries of three additional judges that that clause of the resolution has been inserted There is no difficulty about it.

Hon. Mr. FERGUSON—It is very misleading all the same.

Hon. Mr. BAKER—I admit it is misleading, and when I first saw the resolution it occurred to me there was a mistake, but I looked at the statute and saw at once that the object of the legislation was to provide three additional salaries. And while I am upon my feet I hope I may be excused for saying the remarks of the hon. leader of the government in this House have been exceedingly disappointing to me. He admits himself, that the proposition submitted by the hon. gentleman who asks the question, is well founded. He admits that a necessity exists for an increase in the salaries of judges, and yet, from his place in this House, as Minister of Justice, he hesitates and falters about doing what he himself admits to be an act of justice. The argument of the Minister of Justice, if I may be permitted to say so, is an open pandering to the prejudices of the people who affect to see in the payment of a fair salary to judicial officers, a reason for the government not doing its duty. For years and years, long before this government came into power, it was admitted that the salaries of judges ought to be readjusted, but excuse was made from time to time for not doing it. And the late government was, in that respect, just as much to blame as the present government is, in hesitating to do its duty.

Hon. Sir MACKENZIE BOWELL—It is true.

Hon. Mr. BAKER—Every one who knew anything about it, knew that the late government admitted, sometimes in answer to questions put in the House and at other times in reply to representations made upon the subject, that the necessity for readjustment existed, but the same clamour that is causing the present government to hesitate prevailed in those days, and the act of justice was never done to the judges. The hon. Minister of Justice says that he ought to fix a scale of salaries to judges in such a way as to command the services of the leading members of the profession. I do not believe that that can ever be done. I do not believe that parliament will ever be justified in fixing the scale of the salaries of judges proportionate to the income that is earned by the leading barristers in either the province of Ontario or Quebec. There is an element of certainty about the salary of a judge that commends itself to members of the profession. There is the dignity that has been suggested attaching to the position, but that ought to be insured by an

adequate salary. A judge ought not to be in a position to make it impossible for him to keep up the dignity of the position without engaging in other work to supplement his salary, and I hope, notwithstanding the faltering attitude which the Minister of Justice has assumed to-day, that he, as head of the Department of Justice, will cause his views to prevail, and that the government will not hesitate to bring down a measure by which a substantial increase will be made to the salaries of the judges in all the provinces.

Hon. Mr. MILLS—There is provision made for a second judge in the Yukon in these resolutions. That does not mean a third appointment. Last year we provided in the estimates one thousand dollars, and provided for it in the Bill, as we are providing this year. The year's appropriation was made, and the judge was appointed, but it is necessary, in order to put the judge that was so appointed upon a footing of equality with the other judges, that his salary should not be voted year by year, but in the same way as salaries of other judges ?

Hon. Sir MACKENZIE BOWELL—Am I to understand that this provides $5,000 per annum for three additional judges in the province of Quebec ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Are those the judges referred to in the Bill which was rejected by this House last session ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I regret very much that the suggestions made by the Solicitor General of Quebec, and the late Attorney General of that province, and admitted by the present premier, that the system which prevails in the province of Quebec at the present time is antiquated ; and should be changed, was not acted upon, then the prejudices of the habitants of the people, that my hon. friend the Minister of Justice, is afraid of, with reference to increase of salaries, still continues—I regret that they have not grappled with this question and so arranged the courts in that province as to avoid the necessity for this expense, which the late Attorney General of the province of Quebec, the premier himself, and also the Solicitor General, admit could be avoided if they would only rearrange the courts, and the manner in which they should do their business. In other words, by bringing to the centre of the legal business judges from the outside who really have nothing whatever to do. In connection with this, I have heard of a judge in Quebec who had but one case to hear down in Gaspé, and rather than go down to try that case, he paid the matter involved himself. He was a sensible judge, because it would have cost him more, in all probability, to go down and try the case than to pay the amount.

Hon. Mr. MILLS—When did the case occur, when the judge paid ?

Hon. Mr. PERLEY—I should like to know that.

Hon. Sir MACKENZIE BOWELL—I have been so informed. It was only a very short time ago. The admission made by the Solitor General himself in the debate that took place on this question shows that one judge living at St. Hyacinthe had some eighteen cases during the year, and lived three-fourths of his time in the city of Montreal, assisting judges in that district. The government ought to have sufficient courage to grapple with this question, and to place the courts of that province or any other province in such a position as to avoid the necessity of appointing additional judges and increasing the expenses of the administration of justice. Those additional salaries which are to be paid might very well be given to those already appointed. As a layman, having had some little experience in connection with the appointment of judges to the Superior Court bench, I am fully in accord not only with what the hon. gentleman from Montreal says, but also the Minister of Justice. He knows, as I have experienced on one or two occasions, that it was absolutely impossible to get in the province in which I live a lawyer occupying a prominent position to accept a judgeship even in the Supreme Court, the highest court in the country, and the sooner the Department of Justice and the government, whatever government it may be, is placed in a position to offer to gentlemen occupying the position to which I have referred the salary commensurate with the importance of the duties of the judge, the better it will be for the country.

I frankly admit in my younger days, before I had experience, I thought the salaries were sufficiently high. I am quite convinced now that all the hon. gentleman from Montreal has said is quite true. Take Queensland, for instance, a small colony, smaller almost than some of our smaller provinces, the Chief Justice referred to would not go on the bench until he got $17,500 a year. They pay him well, and he discharges his duty well.

Hon. Mr. ELLIS—The Minister of Justice has divided the community into two classes, the lawyers who want to have the judges' salaries increased, and the public who hesitate. I belong to those who hesitate, and I am glad there is to be further consideration of this matter. My own opinion is that all the judges discharging similar duties in this country, should be paid alike, no matter where they live. In any case, I do not think that the question of which the hon. gentleman from Missisquoi (Mr. Baker) speaks, the question of dignity from the point of view of money, should enter into the matter at all. The judges should be dignified by their character, the fairness of their judgment, and their willingness to quickly discharge the duties of their offices. Doing these things properly, they will attain the highest possible dignity any man can attain in the community. The hon. gentleman from Montreal compares the salaries of our judges with salaries of professors in universities. That is aside from the matter altogether, because no professors receive such salaries as judges. I do not think it is necessary to appoint as judges brilliant, comet-like lawyers who make great records in the courts. It may be that men of calm judicial minds, whose minds are not warped by consideration of special theories of law, can execute justice in the country quite as well as those brilliant personages. I trust, therefore, that the matter will receive further consideration; and I further believe, with all due respect to this assemblage, that no man should be on the bench of Canada who is over seventy years of age. Any man who accepts a position on the bench should be compelled to retire at the end of his seventieth year. No doubt there are many eminent men in this country—one has only to look around this Chamber to see that—who are past seventy, but the majority of men on the bench at the age of seventy years are very apt to have passed that period of life when men are active. I do not impugn their judgment. I do not enter on that phase of the question, but the work of law is delayed in Canada very much indeed by the fact that men have passed the prime of life when they are able to enter vigorously upon the work before them, so I trust when the measure is brought forward here to increase the salaries of judges, —if there be such a measure—there will be no hurry about it, and that it will also make such a change in the constitution of the judiciary as will help the administration of justice in the country.

Hon. Mr. DANDURAND—I want to answer the argument of the hon. gentleman opposite (Sir Mackenzie Bowell). We have a decentralized system, and the people are slow to abandon what they think is an advantage. From their long connection with the British they feel that what they have they should hold.

Hon. Sir MACKENZIE BOWELL—Judging from the hon. gentleman's speech in Toronto, he is of the advanced type and does not hold the view he has advanced.

Hon. Mr. DANDURAND—It all depends on the point of view from which one looks at it. Our people think that as they have in their district a judge who can be easily reached it would be an unpardonable mistake if they let him go far away from them. I have met judges from the rural parts who say, 'Well, we would have no objection to serve at Montreal or Quebec, but once we have freed our judges and once they are independent of us, they will come to us whenever they please. While now we know they must be here every day, and even if they reside outside of the district, we only need to express our desire to have them among us and they come.' The hon. gentleman has mentioned one or two districts where there is very little legal business. We are helped considerably in Montreal by the country judges, but I know that in those rural districts considerable work is done—far more than final judgments would show. Case upon case is settled out of court, or before reaching final judgment, where the judges have the final word to say, and so our judicial system has not cost much more than

the judicial system of other parts of Canada, and the people do not want to abandon it. Besides we have at Ottawa nothing to do with that system. It is the provincial government that has to cope with that question and settle it. So long as the provincial government is not disposed to alter the system, we must accept it as it is.

BILLS INTRODUCED.

Bill (12) 'An Act respecting the London Mutual Fire Insurance Company of Canada.'—(Hon. Mr. Jones.)

Bill (19) 'An Act respecting the Eastern Canada Savings and Loan Company, Limited.—(Hon. Mr. Wood.)

Bill (25) 'An Act to incorporate the Ottawa and Hull Power and Manufacturing Company, Limited.—(Hon. Mr. Perley.)

Bill (37) 'An Act to incorporate the Bishop of Keewatin.—(Hon. Mr. Lougheed.)

Bill (51) 'An Act to incorporate the Algoma Iron and Nickel Steel Company of Canada.—(Hon. Sir Alphonse Pelletier, in the absence of Hon. Mr. Dandurand.)

MACDONALD DIVORCE BILL.

MOTION.

Hon. Mr. KIRCHHOFFER, from the Standing Committee on Divorce, presented their eighth report, recommending that the petitioner in the Macdonald divorce case be required to deposit $25 with the committee for the purpose of enabling the respondent to produce witnesses in her defence, and moved the adoption of the report. He said: The respondent in the case has presented a petition to us asking that the petitioner, her husband, be forced to supply her with money for the purpose of carrying on her defence. She says she has a good defence on the merits. In order to do this, we have to put in a sum to enable her to bring witnesses here to-morrow. We want to proceed this afternoon with the witnesses who are here. I move the adoption of the report.

The motion was agreed to.

THIRD READINGS.

Bill (35) 'An Act respecting the Mather Bridge and Power Company.'—(Hon. Mr. Jones.)

Bill (49) 'An Act respecting the Niagara St. Catharines and Toronto Railway Company.'—(Hon. Mr. McCallum.)

Bill (71) 'An Act respecting the Hudson's Bay and Pacific Railway Company.'—(Hon. Mr. McCallum.)

Bill (23) 'An Act respecting the Guelph Junction Railway Company.'—(Hon. Mr. Baker.)

CANADA NATIONAL RAILWAY AND TRANSPORT COMPANY'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (13) 'An Act to incorporate the Canada National Railway and Transport Company.'

He said: I am somewhat at a loss to know how this Bill appears in my name. I daresay it is because I took charge of it in the absence of some other member. I do not know whether I am in favour of every provision of it, but I will move the second reading so that it may be sent to the committee. I notice, this session in particular, that a good many Bills come up from the House of Commons that appear not to have been placed in the custody of any member of the Senate. I called attention to this fact last session. I think it is a gross want of courtesy to members of the Senate to send up Bills here if the parties who carried them through the House of Commons do not intimate to members of the Senate their desire to have them taken charge of in the Senate. I think there is one Bill to-day that no one took charge of. When a Bill comes from the House of Commons and no Senator is asked to take charge of it, we should allow it to remain on the Table until some one interested in it extends to some member of the Senate the courtesy due to this House.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL moved that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. SCOTT—I notice in the House of Commons a strong objection was taken to the title, making it 'national,' while it is a purely local concern. I understood the feeling of the House was that the title

should be changed at the third reading. I notice it has not been changed.

Hon. Mr. WOOD (Hamilton)—I was to have taken charge of this Bill, but I was told Sir Mackenzie Bowell had arranged to take charge of it, and I paid no more attention to it. With reference to the change of title, that was moved in the House of Commons, and was voted down. We do not want the title changed, and it is hoped when it goes to the committee the title will be allowed to remain as it came from the House of Commons.

The motion was agreed to.

SECOND READING.

Bill (68) 'An Act respecting the McClary Manufacturing Company.'—(Hon. Mr. Watson.)

THE RATHBUN COMPANY'S BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (82) 'An Act respecting the Rathbun Company.'

Hon. Sir MACKENZIE BOWELL—What necessity is there for the second clause of this Bill? I find the first clause simply changes the number of directors from five to seven, and then the second clause makes a provision that you can change, alter or amend the number by the board of directors. This power is given to the directors to change and amend the numbers, but not to be less than three. Why not repeal the fourth section of the chapter to which it refers? I call the hon. gentleman's attention to it. I may be in error in the interpretation I put upon it, but lawyers say it is ambiguous, and they look upon it as unnecessary.

Hon. Mr. WATSON—I must say that I occupy the same position in reference to this Bill as the hon. gentleman did to the Bill of the Canada National Railway Company. I do not know any reason why my name should be attached to it. This Bill was taken charge of by Mr. Young, but as my name is connected with it, I move the second reading.

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

Hon. Mr. SCOTT.

MARKING AND INSPECTION OF PACKAGES OF FRUIT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (32) 'An Act to provide for the Marking and Inspection of Packages containing Fruit for Sale.' He said: This Bill has been approved of by those interested in fruit-growing in Canada. It is for the purpose of preventing fraudulent packing of fruit, and so bringing discredit upon the fruit-growers in this country. The principal provisions of the Bill are first with regard to the marking of packages or defining the grades of the fruit; the prohibition for marking packages as other than the quality they really are, and the prohibiting of placing the fine fruit in the ends, while the centre of the barrel is filled up with inferior fruit. These are the provisions of the Bill, and the object is to carry out honest dealing in the trade in the fruit of Canada being packed for market. The Bill consists largely of details and these can be better explained in committee than now, so I move the second reading, promising to explain each particular section while the House is in committee on the subject.

Hon. Mr. BERNIER—The principle of the Bill will be approved by everybody in the country, but it is felt in our province by the trade that some of its details might be a hardship to the traders. I have received from the Board of Trade in Winnipeg a communication about this matter, and I think the best way of presenting the case to the House is to read it. The letter is as follows:

4th April.

Dear Sir,—I have the honour, by direction, to write you with reference to Bill (No. 10): 'An Act to amend the Weights and Measures Act,' now before parliament.

This board, while agreeing fully with the principle of the Bill, recognizes that if it becomes law it will practically prohibit the people of Manitoba from importing or enjoying berries and small fruits grown in the United States; that means, in effect, all the berries now used in the Manitoba markets until late in the season, when a limited quantity may be had from British Columbia.

If every box containing strawberries, for example, must be handled after arrival here, and stamped 'short,' it would mean that the ordinary importation by express of fifty crates (each containing twenty-four boxes) could not possibly be delivered to retailers on the day of arrival, as all express trains from the United States arrive after noon, and the breaking of the crates

and handling and stamping of each box would certainly injure the berries.

Several attempts have been made to bring strawberries here from Ontario, and in each case a heavy loss has resulted, and in any case the eastern berries do not ripen till months after we commence to receive small fruits and berries from the southern states.

From your personal knowledge of our situation in Manitoba you will readily understand that the enforcement of the Act would be a very great hardship to impose on the people here.

I inclose for your information a letter received from the Winnipeg Produce and Fruit Exchange.

Yours truly,
C. N. BELL,
Secretary.

They inclose another communication from the Winnipeg Produce and Fruit Exchange, which reads as follows :—

Winnipeg Produce and Fruit Exchange,
Office, 483 Main St., April 4, 1901.

C. N. Bell, Esq.,
Secretary Board of Trade, City.

Dear Sir,—Regarding the conversation which took place yesterday between several members of our exchange and the council of the board of trade in reference to a Bill to come before the Dominion parliament, re the marking of all packages of small fruit, we beg to state the Winnipeg Produce Exchange are satisfied that the Bill is all right as far as Canadian small fruits are concerned. The small fruits handled in this province are principally imported from the United States, and the different states, say, Oregon, Kansas, Texas and Wisconsin all use different size boxes. For the small amount of business done with Canada the exporters in those states would not consider it worth while to mark the boxes according to this Bill, and it would be impossible to have the boxes marked after they arrive at their destination, as the fruit would suffer in so doing.

All small fruits imported from the United States are sold on their merits, there is no guarantee of weight or size of package; they are not sold by quantity, but simply sold on sight. This business with the states does not clash or come into competition with Canadian fruits, as the former are out of the market when Canadian fruits are ready to come in.

While endorsing the Bill as far as Canadian-grown fruits are concerned, we would consider it a hardship and detrimental to the trade of this North-west if the Bill was made to cover importations from the United States. Trusting that our views on this matter may receive favourable consideration.

Yours truly,
&c., &c.

I will content myself with reading these communications, and I do so at the present stage of the Bill, so that the hon. Minister of Justice may take these representations into consideration during the interval which will take place between the second reading of this measure and the day when the Bill comes before the Committee of the Whole House, and perhaps the hon. gentleman will then be able to suggest some amendments which will meet the case.

Hon. Mr. FERGUSON—Before this Bill goes into committee, I wish to make some observations with regard to it. To my mind the Bill will be unworkable, and I think in some respects it is a dangerous measure, and calls for very earnest consideration before it is placed on the statute-books. Originally the object of the introducer of this Bill was to aim at the apple and pear trades principally, but the scope of the Bill has been enlarged while considered in the House of Commons so that it includes all cultivated fruits. Wild fruits are excluded from its operation. While I am quite ready to admit that there is a necessity for more stringent enforcement of the inspection law regarding apples and other fruits—while I am fully alive to that fact, we should be very careful before we pass a Bill of this character in its present form. I do not think, and I speak as one having a little knowledge, that there is a great deal of injury to the Canadian trade arising from dishonest and bad packing of apples exported from Canada to Great Britain. We hear a good deal about it in the newspapers, and it often comes up one way or the other, but I have very good evidence that there is no serious ground of complaint on that score. I turn to evidence given by Prof. Robertson, before the Colonization and Agricultural Committee of the House of Commons in 1898. Hon. gentlemen will remember that Prof. Robertson made a very extensive visit to the old country during the season of 1897, and made very exhaustive inquiries as to the way in which our trade was being conducted there. On being examined before the committee of the House of Commons the session following, he made these remarks :

On the whole in England I did not find more than 2 or 3 per cent of the apples not honestly packed. I mean by that barrels that are faced by fine apples and filled with poor ones. There has been a larger percentage of our apples landed in Liverpool in a damaged condition by heating on the voyage or otherwise, but I do not think that more than 2 or 3 per cent were packed dishonestly. But if you listen to all that the fruit-buyers in England say, they will tell you all the faults in connection with packing, and with the apples, and not any of the good things. The tendency to find fault is made too conspicuous. To show you the standing of our apples in England, I need only say that the price last year of 20 shillings and 25 shillings a

barrel were proof that the apples were good—good ripe fruit in most cases.

Now, I submit that is very good authority on the subject. I have other reasons for believing that the injury to Canadian interests by the dishonest packing of fruit for export, is not nearly so great as has been represented in some places. It arises from the interest of shippers to pack honestly and well. Except in years of great scarcity, anybody who sends apples badly packed to the English market may be called on to send money after them to pay the freight. The methods of the market there do not serve the purposes of the dishonest packer. When apples are sold on the exchange, a barrel is turned out before the buyers, and if they turn out bad they are condemned to realize low prices, and the loss falls on the shipper. It is not likely, therefore, that many shippers will be so blind to their own interests as to send dishonestly packed apples to the British market. I am aware that this practice of turning out the barrel does not prevail where shipments of less than twenty barrels are made, but I am informed that these are seldom sold without an examination of the contents of at least one barrel by the buyers, and more than one is examined in case the first one should not be satisfactory. While I feel that is the case, notwithstanding a good deal of talk we may hear to the contrary, I am free to admit there is a great deal of bad packing of apples for the home market. I fear that a great many of our shippers, knowing the heavy expense they incur in shipping fruit across the Atlantic, send only their best apples, and turn the culls on the local market, and in many cases brand them as No. 1 or No. 2, while they are in reality only culls. I fear a good deal of that is done, and I quite admit that a remedy ought to be found for it. My objection to this Bill is to what I may regard as its principle and that is, it takes the inspection of fruit out of the range of the General Inspection Act and sets up a temporary inspection under this Bill itself. I think that is a dangerous thing, and if my hon. friend who has charge of the Bill will take the trouble of looking over the General Inspection Act, he will find that we are attempting to institute a system of inspection of fruit here, without any of the safeguards that are provided both for the packer and the public in the General Inspection Act. Take the General Inspection Act and from section 1 to section 26 there are general provisions that relate to the setting in motion of machinery for the purpose of inspection of all staples. I might say apples were not included in the General Inspection Act when orignally framed. It has been enlarged from time to time by this parliament. In 1892, apples were made a subject of inspection—grades of apples were determined. In 1893, the Act of 1892 was amended and very well considered. Grades were established for apples, and apples were brought under the scope and operation of the General Inspection Act. Now, the General Inspection Act provides that boards of examiners shall be appointed by the boards of trade of the principal cities, naming the cities. Where there are no boards of trade, and no examiners have been appointed, the Governor in Council may, for any county or locality where necessity for inspection exists, appoint a board of examiners. These examiners are sworn men. They are selected because they are experts in the particular staple that calls for inspection. They hold examinations. Candidates for the position of inspector are examined. Inspectors receive certificates if they are found to be qualified. Before entering on the duties of their office they are sworn. They have to put up security for the faithful discharge of their duty, which is a very important one, between buyer and seller, and affecting the trade of the country, and they are amenable to a number of provisions with regard to fines and penalties, if they fail to discharge their duty properly. Now, if the changes that it is proposed to introduce in the fruit trade were made as an amendment of the General Inspection Act, we would have all these safeguards with regard to the appointment and qualification of inspectors. But when we pass a Bill of this kind, which gives the Minister of Agriculture, or of some department, power temporarily to appoint a number of inspectors without any regard to their qualifications whatever, but simply that they have been recommended to him by somebody, and these men are given these extraordinary powers of going to the point of shipment, Halifax or Montreal, to intercept

apples in transit, and in the absence of the owner of these apples opening the packages and examining their contents,—probably opening them and not closing them carefully, or it may be allowing a portion of their contents to be extracted so that the barrels of apples, when they are closed again, even if they are closed properly, will be slack and go forward in bad condition—a grave danger arises when, when men without passing examination or giving security or being sworn, assume the work of inspection. Some of these things might be provided for by way of regulations, but penalties could not be enforced in that way. It is not a general inspection at all that is proposed under this Bill, and it is proposed that these inspectors, if they have any cause or reason to suspect that any apples have not been well or honestly packed, can board a train or steamship, or at some point in transit, examine the apples and condemn them and mark 'Fraudulent' on the head of these barrels in the absence of the owners of the apples, and the apples will go forward so marked to the other side.

Hon. Mr. MILLS—Where does the hon. gentleman find that in the Bill?

Hon. Mr. FERGUSON—My hon. friend will find this in clause (14):

14. Any person charged with the enforcement of this Act may enter upon any premises to make any examination of any packages of fruit suspected of being falsely marked in violation of any of the provisions of this Act, whether such packages are on the premises of the owner, or any other premises, or in the possession of a railway or steamship company; and any person who obstructs or refuses to permit the making of any such examination shall, upon summary conviction, be liable to a penalty not exceeding $500 and not less than $25, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless the said penalty and costs of enforcing it are sooner paid.

It is just exactly as I have stated, that behind the back of the shipper, who may be a thousand miles away, who has no reason to expect any interference, such action as this will be taken. This may be done by a man who has been appointed temporarily for this duty and may not be at all qualified to perform it, and who is not amenable, as he should be, to the provisions of the Inspection Act with respect to the inspection of staples. That is the point I make, and I think it lies very much against the Bill in its present form. Instead of a Bill of this kind, setting up over the General Inspection Act, a system of temporary inspection, which is intended to be monitory in its character, I think some provisions might be incorporated in the Inspection Act, under which any minister, to whom the matter might be relegated, could call in the services of inspectors that would be qualified under the terms of the Inspection Act, in place of proposing to go forward, as is indicated in the Bill before us. This is an objection, which I can see is a very radical one, and makes the Bill dangerous inasmuch as it provides for an inspection that will not guarantee the interests of all concerned as it should guarantee those interests. But there are some other things in the Bill that I wish to point out as objectionable. I think clauses 4 and 5 are very good provisions. They provide that the name of the packer, the initials and Christian name and full surname of the packer should be placed on the package, the name of the variety, and the designation of the fruit, all should be plainly marked. Then it provides that it shall be an offence if that section is not complied with. But sections 6 and 7 provide for certain standards of Canadian fruits. There are two standards provided. No. 1 A Canadian and No. 1 Canadian. These are not compulsory. It is not obligatory on any packer to put either of these marks upon his fruit packages, but if he does mark them, it is then required that the apples shall come up to the standard of these two sections asA-1 Canadian and No. 1 Canadian. I submit this grading is not by any means as good as that which is provided by the Inspection Act of 1893, the last amendment on the subject in which the inspection of apples is found in our statutes. It provides:

No. 1 inspected Canadian apples shall consist of well-grown specimens of one variety, of nearly uniform size, of good colour, sound, free from scab, worm-holes and bruises, and properly packed.

And No. 2 is described as follows:—

No. 2 inspected Canadian apples shall consist of specimens of one variety, reasonably free from the defects mentioned in class No. 1, but which, on account of inequality or size, lack of colour, or other defects, could not be included in that class.

This Bill provides that 'A No. 1 Canadian' shall consist of well-grown specimens of one

variety, sound, of nearly uniform size, of good colour for the variety, of normal shape and not less than 90 per cent free from scab, worm-holes, bruises, and other defects, and properly packed. My idea is that that is scarcely a No. 1 standard, to say nothing of an A-1 standard. I think it is preposterous to describe as No. A-1 Canadian apples that may have ten per cent of wormy apples or scabby apples. There should be none of this. These are defects that are very easily observed, and there should be no excuse whatever for putting wormy or scabby apples in packages that are branded 'A-1 Canadian.' Hon. gentlemen will agree with me that the section in the General Inspection Act, of 1893, which I have read, is a far higher standard than is proposed in this section, and they are to be only called No. 1, not A-1. Here we are called upon to establish a national standard, and still it will be admissible if even ten per cent of the apples contained a No. 1 Canadian should be wormy or scabby apples. I think that is lowering the standard and that it will injure the apple trade of Canada very much. It will be an anomaly. It is not compulsory, and I think that is its only redeeming feature. It would be very much better that it should not be in the Act at all. If it is not made compulsory it should not be in the law at all, and if it is in the law, the standard should be at least a respectable standard that would comply with what No. 1 Canadian apples really ought to be.

Hon. Mr. MILLS—I am told that these two standards have been fixed in accordance with the settled usage of the trade, and that the intention is to make the A-1 and No. 1 Canadian apples exactly as these numbers exist in the trade at the present time. To make them otherwise would be to make the standard for Canadian higher than that for other countries, whereas the purchaser, knowing what the standards of those countries are, would expect them to be no better than apples purchased outside of Canada.

Hon. Mr. FERGUSON—I think my hon. friend has been misinformed on this subject. He seems to think that a barrel of apples, of which 10 per cent might be wormy or scabby, is the A-1 standard of the trade. It is not so. I know packers who care anything for their reputation would consider they ran a risk of loosing that reputation if one wormy apple should be found in a barrel marked with their stamp and branded as No. 1. My view of it is that this standard is not a good one, not one that should be adopted in the interest of Canadian trade. But we now come to what is the second quality in the Bill before us :

7. No person shall sell, or offer, expose or have in his possession for sale, any fruit packed in a closed package, upon which package is marked the grade 'No. 1 Canadian,' unless such fruit consists of specimens of one variety, sound, of fairly uniform size and not less than 80 per cent free from scab, worm-holes, bruises and other defects, and properly packed.

Now we think that the standard in the Inspection Act of 1893 is good enough. I handle apples in a small way myself and I am a grower of apples. I never think of putting anything higher than No. 1 on my barrels, and I would consider that I ran a risk of losing my reputation if one single wormy or scabby apple appeared in a barrel stamped with my name. But what is the standard of this so-called No. 1 Canadian. Eighty per cent of the apples must be free from worm-holes or scales, or in other words, 20 per cent may be wormy or scabby, and still they are No. 1 Canadian. My hon. friend talks of the views of the trade. I am afraid they are rather the views of the Minister of Agriculture, who is always working on what he calls educational lines, and who is legislating in what he describes as educational grooves. I am told that his explanation is that though these clauses are put in the Bill they are not made compulsory but are intended for educational purposes, in order to lead the shippers of Canadian apples to adopt first-class methods in the marking of their fruit. I object to these standards and submit that the standards which are already on our statute-book in the Act of 1893 are very much better :

No. 1 inspected Canadian apples shall consist of well-grown specimens of one variety, of nearly uniform size, of good colour, sound, free from scab, worm-holes and bruises, and properly packed.

And No. 2 is described as follows :

No. 2 inspected Canadian apples shall consist of specimens of one variety, reasonably free from the defects mentioned in class No. 1, but which, on account of inequality of size, lack of colour, or other defects, could not be included in that class.

I am afraid that in the Bill before us, even though the clauses are not compulsory, the educational effect, to use words of the Minister of Agriculture, will be injurious instead of beneficial, and these clauses should not find their place in the Bill. I have been at a great loss to account for the appearance of such clauses as these in the Bill, and I think I have found the explanation in the fact that some such standard as this is applied to the grading of Manitoba wheat. If 10 per cent of the wheat is not Red Fife hard, then it is graded No. 2. It is graded No. 1 if not more than 10 per cent is deficient, but it does not mean that this 10 per cent may be soft, or smutty or frosted wheat; it means, that the other 10 per cent must also be good wheat, but not necessarily Red Fife. If only 10 per cent is found to be of other varieties than Manitoba hard wheat, then it is graded No 1, but if more than 10 per cent is not Manitoba hard, it is graded No. 2. It does not proceed on the principle that the 10 per cent may be soft, or damaged, or defective grain. It must be as good wheat of its own kind as the Red Fife is of its kind. If wheat contained more than 10 per cent of damaged grain, it would not be graded as No. 1 hard. There are other objections to this Bill. Those who suggested the measure must have got their idea from the grading of Manitoba hard wheat, but a little consideration will show hon. gentlemen that it is impossible to proceed on the same lines in grading fruit. In clause 3 there is a provision:

> The expression fruit should not include wild fruit.

I would just show the difficulty of dealing with the question in that way. Take cranberries, for instance. They are grown both wild and cultivated. There are wild cranberries that could not be, except by an expert, and I doubt even by an expert, distinguished from cultivated cranberries, they run so much alike, yet here we have a provision that the wild cranberries are not subject to inspection while cultivated cranberries are. To my mind, the law cannot be made applicable to such fruit as cranberries at all, because bruises should not be made applicable to them. A very considerable portion of cranberries packed in barrels and made the subject of commerce are bruised. I have seldom seen cranberries imported from Cape Cod that were not more or less bruised, and far more than 10 or even 20 per cent of them. There is another feature of this Bill that I think has not been sufficiently considered, and that is this: The penalties that are imposed under this Bill, are money fines, with an alternative of imprisonment and hard labour. I do not know why we should depart from the general principles of the Inspection Act with regard to penalties. If a man puts up a barrel of herrings, and faces them with herrings of better quality than those that are found in the middle of the barrel, and if a prosecution is entered against him, I do not know why it should stop with a money penalty, while the penalty imposed for a similar offence in packing fruit should be imprisonment and hard labour. I cannot see any necessity for these quasi-criminal proceedings that are tacked on to this Bill, and they are especially dangerous in this measure, because it does not provide for certified and qualified inspectors. The mode of fixing the penalties, and the alternative punishment of imprisonment and hard labour imposed for trifling infractions of the law under this Bill, make it, to my mind, dangerous legislation, and renders it almost impossible of enforcement. My suggestion would be this: there are some clauses of the Bill which are useful and desirable, and I would advise my hon. friend to take a little time to consider the matter, and see whether he could not insert these clauses that are really necessary and useful in the General Inspection Act, and then he would have the benefit of all the legislation we have carefully devised, legislation which provides for the manner of appointing inspectors and the fulfilling of their duties, and provides penalties for them as well as for the dealers and packers who may violate the law. I submit that the matter is one which should be very earnestly considered. I know very well that the Minister of Agriculture and other gentlemen in representative capacities such as he is, must receive many suggestions from associations intended to promote the interests of one industry or another, and I know very well that fruit growers' associations have been often moved to pass resolutions upon subjects of this kind, but, although these people may be well meaning,

they know very little about legislation, and the present position of our law on this subject, and when they ask for legislation they do not know the best way of going about it, and they may make suggestions which will be found utterly impracticable when they are attempted to be reduced to law. I fear that has been the case in the present instance, and while the object aimed at in the Bill is good, what we ought to try and do is to take the standard of apples as it is found in the General Inspection Act—and I believe it is good enough for this country, and very much better than the standard sought to be established under this Bill, that it is really a fixed standard, while this is only an educational or suggestive one—we take that and hedge it around with provisions by which we can work it out and provide for such inspection as is necessary to prevent the evils that exist in the trade at the present time. If we do that it is all we can do, and it will not be safe to proceed in the way this Bill proposes to deal with the question.

Hon. Mr. WATSON—We have listened to a number of reasons why this Bill should not pass. I am strongly in favour of this measure, not only from my own knowledge of the evils with which it deals, but from representations made by the Winnipeg Board of Trade. The people of Manitoba and the North-west have suffered greatly from the fact that apples have been packed and sold that were not worth half the money paid for them. The grading might possibly be changed if it does not suit. With reference to the suggestion of the hon. gentleman from Marshfield (Mr. Ferguson) that the minister who drafted this Bill had in mind the grading of Manitoba wheat; while it is true that No. 1 Manitoba hard should have a certain percentage of Red Fife wheat, and the balance sound wheat, it does not follow that the proposed standard would not be suitable for apples. This Bill provides that a certain percentage of apples should be free from worm-holes and scabs, and if we can get such apples as are described as A-1, we in Manitoba would consider them first class, because I am satisfied that 50 per cent of what we get have worm-holes or scabs. The Winnipeg Board of Trade took this matter up. I do not know whether all the members of the Senate received copies of their resolution, but they suggested legislation on the lines of the Bill that has been submitted to us. It is not enough to say that we shall have a certain inspection, but I think the fines and penalties and imprisonment should be imposed on any one who packs a barrel of apples and falsifies the contents. Of course, there may be some trouble in the near future in working this out, but, as I understand it, most shippers who send aples to the old country and to Manitoba and the North-west, are men who buy the crop in the orchard and do their own packing. There is no reason why this penalty should not be imposed on men who pack apples of No. 1 which are defective. The name of the packer is on the barrel, and they can be traced. The wholesaler who purchased the apples and ships them to the North-west knows the packer, and the retailer can, of course, come on the wholesaler, and consequently there can be a guarantee from one to another, and the wrongdoer can be punished. I am in entire sympathy with the Bill, and I am sure if it is passed it will be appreciated by every purchaser of apples in the North-west, because while a great portion of our fruit is exported to England, a considerable quantity is also sent to Manitoba and the North-west from Ontario, and it must be remembered that it is very disappointing to a person who pays four or five dollars for a barrel of apples, when he opens the barrel, to find that half the fruit is of inferior quality. That was my experience with half a dozen barrels that I bought last fall, and which were represented to be first-class fruit. When I opened the barrels I found that they would not come under either of these grades. If my hon. friend lived in the North-west he would be very glad to get apples such as are described here as No. 1 grade. It might be well to have an extra grade made of such apples as he speaks of, because when the apple crop of Ontario is good and there are few worm-holes or scabs on the fruit, it might be well to have a grade free from both scabs and worm-holes, the same as in grading our Manitoba wheat we have No. 1 extra hard, which is pure Red Fife wheat. Then, we could have other grades below that. That might suit the views of the hon. gentleman

from Marshfield, because there is no doubt some years all the apples shipped from Ontario might be above the grade described here.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had compared the present Act with the clause referred to by the hon. gentleman from Prince Edward Island, regulating the grade of apples, he could not have come to any other conclusion than that the present Bill is a retrograde movement instead of an advance. The law as it stands on the statute-book provides that No. 1 apples shall be of a certain quality and must be free from scabs or worm-holes. That is a positive statute. The present Bill provides that there should be two classes, A No. 1, and No. 1, and that A-1 may have 10 per cent of defective apples, and No. 1, which is described in the law upon the statute-book as fruit free from all these defects, can under this Bill have 20 per cent of defective apples, so that the hon. gentleman will see that he is taking a retrograde step in adopting this Bill.

Hon. Mr. WATSON—I suggested that it might be well to have a superior grade as well as these two grades.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's argument was that the apples which have been sent to Manitoba were of a defective character, and I should suppose from his remarks, of a much more defective character than 10 or 20 per cent. The law on the statute-book declares what No. 1 apples shall be, and if apples below that standard have been sold in Manitoba, then the parties who sold them were amenable under the inspection Act, which provides a penalty for any violation of its provisions. That is the point to which the hon. gentleman from Marshfield referred particularly, and that is the point, that the hon. gentleman from Manitoba has entirely overlooked, because he says he will accept a permissive Act in place of an Act which is obligatory in its character, and prescribes a penalty for any violation of its provisions. To evade this Bill, if it passes, the shipper has only to decline to put A-1, or No. 1, upon his barrels, or any other mark. I sympathize with the hon. gentleman, and there is a good deal of force in his remarks with reference to frauds in the packing of apples. It is more than likely that the better qualities of apples have been sent to the European market, and inferior classes to our own markets in the provinces where they are not grown. This question of packing and shipping is of such a character that dishonest people are destroying the trade, and I quite agree that anything like an appropriate penalty should be imposed. I had a striking illustration of this when I was in Honolulu. British Columbia salmon is of admirable quality. The British consul at Honolulu had a consignment of a large number of barrels of salmon packed in British Columbia, and sent to that market. When he opened them he found a few fish on the top of very superior quality, while the fish in the middle of the barrel were very inferior. He refused to accept them and threw the whole responsibility on the shipper in British Columbia, who not only lost the value of the salmon, but also had to pay the freight in addition, and it served him right. I know that in discussing this question when I was abroad, I pointed out to them, as has been pointed out by my hon. friend here with reference to ourselves, if we expect to be successful in any market, we must be very particular in the quality of food we send, and more particularly to England. There is no class of people in the world who are so particular in matters of food as they are in Great Britain, the place where we send most of our products. I am sure if the Minister of Justice will consider the points that have been logically placed before us, he will come to the conclusion that the law on the statute-book today in reference to the quality of apples is infinitely better than this Bill. I cannot possibly understand how the system has grown up, with this law on the statute-book, declaring that a 20 per cent defective barrel shall be a No. 1, or that A-1 shall be permitted to have 10 per cent defective. Because there is a law which regulates what No. 1 is, and it is that we should guide our growers or shippers when they ship apples to the old country. I noticed in the Citizen this morning that the Minister of Inland Revenue had introduced two Bills providing for the amendment of the Inspection Act. When I read that I said: If there is any defect with reference to apples in the General Inspection Act, why should not a

clause be proposed amending it so as to provide for any defects existing there, and then it could be brought under the whole provisions of the Act providing for the inspection of fruits and other products. I think that is a very strong point that the minister should consider. If this Bill becomes law, there is no provision whatever that the man who inspects these apples shall be an expert in the trade. That is left altogether with the Governor in Council or the minister, and as we are governed to-day by departments, and not by the responsibility of the whole government, it makes it ten times worse. The Inspection Act provides for a competent inspector to be appointed, who must take an oath of office and be subject to penalties if he does not perform his duties properly. But it is a dangerous power to place in the hands of a man who may be the appointee of any minister, to authorize him who may have a particular friend to whom he desires to give a job, to go on board the Allan Line of steamers and deal with a shipment as this Bill provides. He might be actuated by spite or by a desire to have the quality of apples being sent to the European market of the very best quality—we cannot tell. Experience has taught us what human nature is. He might go on board the steamer without informing the shipper, and have the apples turned out to satisfy his whim, and if he found a barrel not in accordance with the provisions of this Bill, have them all condemned. That is a dangerous power to place in the hands of any one not a sworn official. It is an important point to which the minister should give his particular attention. I heard the report of the Winnipeg Board of Trade read by the hon. gentleman from St. Boniface. The board of trade evidently misunderstood this Bill, for it does not apply to any fruit not in enclosed packages. Strawberries are brought in small open baskets, hence the argument of the board of trade of Winnipeg does not apply to the extent that it otherwise would. There are many other fruits that might be mentioned, where you can scarcely draw the distinction between what you call wild fruit and cultivated fruit—gooseberries, currants and many others. In our country there would be very little difficulty in drawing a distinction, but in other countries, where they grow to greater perfection, you can scarcely tell the difference. I have seen the wild raspberries as far north as Port Simpson, larger and more luscious, growing wild, than our cultivated raspberries. This is an important Bill, affecting an important trade in this country, and I do not know of any one who can speak more authoritatively on the matter than those who live in fruit-growing sections of the country, like my hon. friend to my right (Hon. Mr. Ferguson), who has large and extensive orchards, and who ships those fruits in large quantities to the European markets. The hon. gentleman knows the consequences of shipping an inferior fruit, and he is canny enough not to do that.

Hon. Mr. MILLS—That motive, I think, operates very largely on other people besides my hon. friend from Marshfield.

Hon. Sir MACKENZIE BOWELL—I only refer to him as having experience.

Hon. Mr. MILLS—I think the Bill is not open to any objections which have been made. With regard to the inspection, what does the Bill provide? That the Governor General in Council may make such regulations as he considers necessary in order to secure the efficient enforcement of the Act—that is the object to be aimed at. In the making of arrangements and the appointment of the party to inspect, if you were to say that the party appointed shall be a competent party, you would add nothing to the provisions of the section, because the government representing the Crown, responsible to parliament, would be censurable for the appointment of incompetent persons equally, whether the Act said they were to be competent or not. The presumption is it is the duty of the advisers of the Crown always to advise for the administration work in every case competent people. Others are not qualified, and are not entitled to be appointed. Ministers are always censurable if they fail in their duty in this regard.

Hon. Sir MACKENZIE BOWELL—What becomes of the unfortunate sufferer?

Hon. Mr. MILLS—My hon. friend will see what becomes of the unfortunate in any event. The presumption must be that the

government will always undertake to discharge their duties properly.

Hon. Sir MACKENZIE BOWELL—The experience is different.

Hon. Mr. MILLS—The hon. gentleman may speak from his own experience, but that has not been the practice since I have been in the government.

Hon. Mr. FERGUSON—I am speaking of the hon. gentleman's experience.

Hon. Mr. MILLS—I am speaking of what is the common sense principle. What object or motive can any government or party have in promoting the trade of this country, to furnish facilities for the commission of fraud upon those who are engaged in it? Surely this is not the object of the Bill, to prevent the government appointing incompetent people, or committing fraud upon the people, or imposing officials upon the community who are altogether unfit for their duties. All these things they are sufficiently protected against in the responsibility of the appointing power, and that responsibility is effective because parliament can always exercise the authority it possesses to punish the men guilty of unfairness or carelessness in the discharge of this duty of appointments.

Hon. Sir MACKENZIE BOWELL—There is no provision for punishing if he does not do his duty?

Hon. Mr. MILLS—Yes, you have that power.

Hon. Sir MACKENZIE BOWELL—Where?

Hon. Mr. MILLS—You dismiss the minister.

Hon. Sir MACKENZIE BOWELL—We would do that if we could, but we cannot.

Hon. Mr. MILLS—My hon. friend knows right well that a minister is not supposed to neglect his duty. He undertakes to discharge it. My hon. friend was for a long time a minister, and he will hardly tell this House that he purposely went wrong—that he was not disposed to discharge the duty the law imposed upon him—that he was disposed to advise the Crown wrongly with regard to the character of the men who were to be appointed in different places. In my opinion, the safeguards which the hon. member from Marshfield seemed to think necessary in that direction are safeguards that are not called for—never are called for, and if you were to put them into a Bill, they are put there simply as a matter of form.

Hon. Mr. FERGUSON—A matter of form?

Hon. Mr. MILLS—The Governor in Council may make regulations. Those regulations will appear from time to time and will be subject to the supervision of this House. Now this is the kind of legislation that has been very frequently authorized in modern times, both in the United Kingdom, and in all the dependencies of the Empire, where parliamentary government has been introduced. I do not think it is a desirable system to authorize the government to make regulations where you already know well the kind of regulation that is required. The origin of this provision is the complexity of modern society, and the difficulty of foreseeing the necessities which may arise, and parliament entrusts the advisers of the Crown with the subordinate power of legislation. That subordinate power is exercised by the making of orders in council or regulations from time to time. When you have dealt with the subject long enough to acquire the information which enables you to say precisely what the regulations will be, if the subject admits of permanent regulations, then you supersede the regulation by an amendment to your Act of parliament. That has been the practice through the whole of the past century. One hundred years ago the system was introduced in the United Kingdom and in this country, and we have continued it. If the Minister of Agriculture knew precisely what the regulation ought to be, he, instead of asking for power to make these regulations, would insert a clause in the Bill stating and defining the functions, but we cannot always foresee—we are not possessed of omniscience, and we ask parliament to vest us with power which is exercised tentatively. Experience might point out, after six months, that some modification or change is called for, and you exercise that power. It is the power with which every administration is entrusted where you have our system of government, and one which it is necessary they should be entrusted with unless you were going to have a Bill that possibly might be found

to be unworkable two months after it becomes law.

You give that power, and you give it simply for this reason that there is no motive that occurs to you which presents itself to the government, why that power should be abused. We are all anxious for this, that the fruits shipped from Canada shall have, as the cheese shipped from Canada has had heretofore, a good name, that we shall send forward the best possible quality—that we shall not encourage our people to put inferior fruit into barrels and so practise a fraud upon the person who ultimately purchases it. We will put an end to that so far as we can, and no minister of the Crown can by any other conceivable motive have any other object in view than to carry out that object and to give effect to it honestly. That is his purpose and interest, for if my hon. friend the Minister of Agriculture were after the adoption of this Bill to undertake to administer it improvidently or improperly, the result undoubtedly would be to bring discredit upon himself. No minister desires to do that. Every minister avoids it so far as he possibly can, and so we have always, in the matter of administration, entrusted every government to whom we commit the work of administration with an unrestricted free hand so far as it is possible to confer that power upon him, and you rest solely upon the superintending power of parliament to criticise or censure him or point out the wrongs which he may commit. It is not in this direction and in regard to matters of this sort there is danger of serious abuse, and so you admit of greater freedom than you do in some other matters of administration. I trust that the House will allow the Bill to be read the second time. I am not asking to go into committee upon it until Monday next, and I will in the mean time have an opportunity of discussing the matter with the Minister of Agriculture and with his officials who have given special attention to the subject, and I have noted what my hon. friend opposite has said, and what has been said by the hon. member from Manitoba, and will bring these matters under his attention, and discuss them with him and with his officers, and see how far he may think changes are necessary, in order to meet what my hon. friend opposite thinks are defects in the measure as it stands. We all desire, I am sure, to make the measure as full and fair as it can be. There are some things I think my hon. friend in his speech overlooked. The apple crop is a very variable crop in this country. Some years it is an immense crop. There are millions of bushels, and millions of bushels go to waste. Other years it is a short crop. Now, you do not want to make it impossible for the farmer who has apples, because they may be somewhat defective, to sell them. He ought not to put them on the market other than as they are, but he ought not to be hindered from putting them on the market altogether. You do not want to frame the measure in such a way as would have that effect. It may be that those disasters which in the past twenty years have affected the apple crop in the province of Ontario may not affect the apple crop in Nova Scotia and Prince Edward Island. I do not know how far that is so.

Hon. Mr. FERGUSON—We have the same troubles.

Hon. Mr. MILLS—Sometimes an apple is fine in form and appearance, yet some of them are wormy. You cannot always examine them so closely as to absolutely detect every apple which may have a worm in it. Some of them may be injured very seriously, and some may not be very seriously affected at all. Now, this Bill says:

> No person shall sell, or offer, expose or have in his possession for sale, any fruit packed in a closed package, upon which package is marked the grade 'A No. 1 Canadian,' unless such fruit consists of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape, and not less than 90 per cent free from scab, worm-holes, bruises and other defects, and properly packed.

Those may be to some extent affected by scab or may be wormy. There is but 10 per cent of them, and there is this fact, that in size and appearance they are all right. There is a defect in them, and if they are not of diminutive size, the fact that there may be a worm in the apple, or a scab upon it, if the size is not affected, the greater portion of the apple may be sound.

Hon. Mr. ALLAN—They would not be all right in appearance if they had scab. Any one who has grown apples knows that.

Hon. Mr. MILLS—It depends on the size of the scab. If my hon. friend were to see a scab the size of a split pea he would not consider it a defect, and yet it is a defect.

Hon. Mr. ALLAN—If an apple has a scab upon it, almost to any extent, it is a great defect in the appearance of the apple, and you can see it without any trouble. It is the same so far as wormy apples are concerned. Any one who knows anything about fruit knows perfectly well when you are packing your apples in the autumn a wormy apple will always show a little hole where it has been penetrated in the spring, and there is something like sawdust where the worm makes its exit, and that can always be detected.

Hon. Mr. MILLS—It depends on the variety of the apple. There are some apples that the worm will be found always to enter the apple at the blossom end, and you will find no other defect, and no other mark of the worm about the apple except where it is shown just within the blossom point.

Hon. Mr. McCALLUM—You can very easily discover it.

Hon. Mr. MILLS—What I am pointing out is, if an apple were as scabby as the hon. gentleman from Toronto suggests, it would not be of the quality described here—it could not be of uniform size and good colour. It would be sorted out, and so with regard to those that are marked No. 1. I spoke to the minister, after reading the Bill, on my way to the House in the morning, and he informed me that what he was providing as No. A 1 and No. 1, was in conformity with the trade in other parts of the continent. My hon. friend opposite from Marshfield denies that. He dissents from that view, and I shall bring what he has said under the attention of the minister. What we, I suppose, desire, seeing that our apples are to some extent affected in some seasons at least by diseases, is not to put greater impediments in the way of our people finding a market for them, such as they are, than exists in other countries in which apples are produced for consumption, in most cases, on the other side of the Atlantic.

Hon. Sir MACKENZIE BOWELL—The request of the hon. gentleman to have the Bill read the second time and referred to committee is a reasonable one. No one desires to prevent the passage of a Bill which will facilitate our trade in any way. I am very much obliged to the hon. gentleman for the dissertation he has given us as to the duties of ministers under our constitution; but if he will refer to the Inspection Act he will find that while the power is given under the 14th section to the Governor in Council from time to time to make regulations for the appointment of and governing of the duties of inspectors it also makes regulations providing for penalties for the contravention of these regulations and it imposes an affidavit and oath upon the person who is appointed, and he cannot be appointed until he has undergone an examination before people who understand the duties which he has to perform. That is all we ask in this respect. The present law gives the power to the Governor in Council to make regulations and appoint these inspectors, but there is no provision for administering the oath, nor is there any provision for a penalty, nor has the Governor in Council the power, while making the regulation, to require that the oath should be taken—there is no power, unless there is a provision under the statute, to impose any penalty. Hence it gives power to the minister to appoint just whom he pleases, whether the man is competent or not. The presumption the hon. gentleman has advanced is, that he will appoint a competent man, and that no incompetent man will be appointed for the discharge of such duties?

Hon. Mr. FERGUSON—I wish to point out to the hon. gentleman my view about scab on the apple, which I regard as a great blemish indeed, and any one who has exported apples will know that. The scab is a fungus, and although it may appear very small when you put it in a barrel, yet, under the heat in shipping, it will grow rapidly, and what is a small defect when it is packed becomes a serious defect by the time the barrel is opened.

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

BILLS INTRODUCED.

Bill (115) An Act to amend the General Inspection Act.—(Mr. Mills).

Bill (116) An Act respecting the Culling of Lumber and the Inspection of Staples.—(Mr. Scott).

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 18, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (M) 'An Act respecting the St. Lawrence and Adirondack Railway Company.'—(Hon. Sir Mackenzie Bowell.)

Bill (53) 'An Act respecting the Manitoba and North-west Loan Company, Limited.'—(Hon. Mr. Aikens.)

Bill (43) 'An Act to incorporate the St. Lawrence Lloyds.'—(Hon. Mr. Wood, Westmoreland.)

IMPROPER CENSUS CIRCULAR.

INQUIRY.

Hon Sir MACKENZIE BOWELL rose to

Call attention to the following circular which has been issued and sent to census enumerators in the province of Ontario, with blanks to be filled with information for the use of the Liberal organizations of that province, which reads as follows :—

Dominion of Canada, province of Ontario.
Month of....., 1901.
Male residents 16 years of age or over.....
Polling subdivision No.....
Municipality of .....
Electoral district of.....
Per .....
P. O. .....
To .....
P. O. .....

Two copies to be prepared by the gentleman so chosen for each subdivision and sent to the Liberal candidate in the last provincial election, or candidate now nominated for the next provinicial election. The schedule which is to be filled up by the enumerator calls for the following information :—

Name of resident—surname, Christian name (be careful to give name of each lot of each male person who is eighteen years of age or over).

Politics .....
Date of birth .....
Month, day, year .....
Number of lot or house, concession or street.
Post office address .....
Nationality .....
Religious denomination and church .....
Remarks .....

And inquire of the government whether this circular was issued and circulated with the knowledge, consent or authority of the government, or any member thereof? If not, have any steps been taken to suppress it, or have any instructions been given to county or riding census commissioners, or to enumerators, not to ask for or seek the information sought by said circular? If so, what instructions have been sent? If not, is it the intention of the government to take steps to prevent these officials from asking the questions suggested in said circular ?

He said : I might have added what punishment do they propose to inflict, and what steps do they propose to take to punish the men who so violate the law. Since I placed this inquiry upon the Notice paper, the question has been fully discussed in another branch of parliament. Therefore we are relieved, I take it, to a very great extent, from entering minutely into the subject of this inquiry. I need scarcely say that I cannot for a moment believe, from the long knowledge I have had of the Minister of Justice, that he would be a party to any such circular being sent to enumerators and census commissioners, who are solemnly warned not to divulge any information which they receive from the people in order to obtain a correct census of this country. Who they are that could be so forgetful of their duty and of that respect due to law, that are so completely under the management of what we understand as the 'machine' in the province of Ontario, as to commit themselves to a policy similar to that which is exposed in this circular, we would all like to know. I do not think I use too strong a term when I say that the circular is of the most iniquitous character, and what is more surprising to the people of Ontario and of the whole Dominion, is the fact, that when this question was brought up in the local legislature of the province of Ontario, the premier of that province actually not only winked at, but attempted to justify the acts of those who had committed this outrage. So strongly is the feeling aroused in the press generally and the people on this question, that even the Montreal Witness condemns it in very strong language. The remarks of Mr. Ross as printed in the Toronto Globe are to the following effect :

He did not think that every census enumerator would perjure himself to give the desired information.

We all know what the duty is and what the instructions are to the enumerators when they take the oath of office to fulfil their duties as census commissioners and enumerators. The Witness commenting on that expression of the premier of the province of Ontario says :

Mr. Ross was surely very unhappy in his treatment of this matter. Surely it is of some im-

portance to a government that not its party, we hope, but some injudicious members of it, should be guilty of trying to persuade or tempt the census enumerators to perjure themselves, and surely if some of the enumerators who were strong party men were tempted to do so, the result would be deplorable. If a government treats such affairs as this one as a matter of no consequence, it is certainly losing its moral perception, and will soon forfeit the confidence of right-thinking people.

I think there is scarcely any one in the province, who has a proper appreciation of the duties of a census commissioner, but will agree with the remarks made by the Witness on this question. I might quote a number of extracts from other papers on both sides of politics on this subject, but I do not think it is necessary. I was pleased to see that when the question was brought to the notice of the government in the House of Commons, while the Minister of Agriculture disavowed all knowledge of it, or that he had heard of it—I think that was the language he used—until it was brought up in the House of Commons by one of the members of that body, and that while he gave no assurance of what course the government would pursue after having it brought to their knowledge, he did, with the consent, I presume, of his colleagues, or perhaps was forced to do it by some of his colleagues, immediately after the rising of the House issue a circular to the enumerators withdrawing, and to a certain extent, denouncing the circular.

Hon. Mr. DANDURAND—Withdrawing ?

Hon. Mr. SCOTT—He had never heard of it.

Hon. Sir MACKENZIE BOWELL—I retract that word. Directing the census commissioners, would perhaps be a better way to put it, not to act upon the instructions which they had received from the 'machine' of the Liberal party.

Hon. Mr. McMILLAN—And to destroy them.

Hon. Sir MACKENZIE BOWELL—Yes, that is quite right.

Hon. Mr. DANDURAND—He denied knowing anything about it.

Hon. Sir MACKENZIE BOWELL—I have already said that. I stated, further, that he not only denied knowing anything about it, but that it was the first he knew of it when his attention was called to it by a member of the House of Commons. I do not think I did the hon. gentleman any injustice. I gave him the full benefit of the position which he had taken. I have simply to say, in that connection, that it is somewhat remarkable that the whole world—when I speak of the world I speak of Ontario and those who are interested—that almost the entire press of the province of Ontario, and even of the province of Quebec should have heard of this iniquity ; and it never came to the ears of the Minister of Agriculture who is responsible for the proper taking of the census, until it was brought under his notice by some member of the House of Commons. I have no desire to hold them responsible for any more than that for which they are responsible. What is published in the newspapers as being the orders sent by the minister is as follows :

The statement is made here that a schedule entitled 'Male residents 16 years of age and over' has been placed in the hands of census enumerators. If such a schedule has been employed, it is fraudulent, and you are required forthwith to instruct all enumerators in your census district to discontinue it under pain of dismissal from office and prosecution and punishment under the provisions of the Census Act. Any such schedule in the possession of the enumerators, whether filled or not, must be destroyed, and the delivery of them to any person or persons, or the retention of them by enumerators will be visited with the full penalty of the law. See sections 11 and 15 to 19, inclusive, of the Census Act. Wire me tomorrow any information you may have regarding this matter, and of the use of the reputed schedule in your census district.

(Sgd.) SIDNEY FISHER,
Minister of Agriculture.

I do not know that the minister could go any further than he has gone in this respect. All that I regret is that it was not done before, because we all know that on the first of April they commenced taking the census in the different provinces of the country, and if there are any, as I have no doubt there are many, who would not consider the attempt to obtain this information of as heinous a character as many of us would, and every one else who would think about it may, in all possibility had been asking these questions during the fortnight previous to the reception of the circular. I regret to say that it is another evidence of the demoralization of political parties in this country. It is an evidence that nothing appears to stand in the way of attempting to obtain in-

formation for political purposes, other than that which is proper, honest and legitimate, and therefore deeply to be regretted. I placed the inquiry upon the Notice paper before any action had been taken in the other House, because I deemed it my duty, not only to ourselves, but to the country, that attempts of that kind should be exposed, and information obtained so that such iniquities be put a stop to. There was another circular which was issued by the government itself which I venture to say, although it is not included in my motion, was a highly improper one. That was the one sent by the assistant commissioner, and was, in fact, part of the government policy of obtaining the census, as acknowledged by the Minister of Agriculture himself. I do not say that there was the vile, iniquitous intention in that circular that there was in the one issued in Ontario, but what I do say is this, and I think every one will agree with me who thinks upon the subject for a moment—that no circular should have been issued, even by the government itself, which deals with the question of obtaining a proper census for the Dominion, and marked 'confidential,' and sent exclusively to one party or one section of the community. If I may be permitted to give an expression to an opinion which I hold very strongly, I think that in this country the sooner we drop the question of where a man was born and raised, the better. That we are British Canadian is quite enough for me, whether a man be of English, Scotch, Dutch or French origin. That is the kind of census I should like to see taken. If it were necessary to issue private and confidential circulars and send them to a certain class of the community, asking them to inquire as to the origin of some people and the race from which they sprang, it was equally important that it should go to all other classes of people. I do not see in that circular to which I referred any reference made to the portion of our French fellow-subjects who bear Scotch, English and Irish names.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—No, not in that circular. There are the Macdonalds, Harwoods, Frasers, O'Briens and Caleys. They are as much French as my hon. friend who is now speaking to the hon. Secretary of State (Mr. Dandurand) that is, in feeling and everything else, but their names happen to be Scotch, English or Irish, and for the reason that their fathers happened to be of that race for generations back, they are French Canadians to all intents and purposes, and if a French Canadian who happens to have an English name is to be classed in the census as of French origin, surely the Macdonalds ought to be classed with the Scotch race, and my hon. friend from Brandon, I think, would have to trace his ancestors to the time the Huguenots were driven from France. I think the Hon. Mr. Kirchhoffer would have to be put down as a Frenchman or Dutchman. It is more of a Dutch name than anything else. I think such a policy unfortunate. If that information is required what necessity was there to put 'confidential' upon the circular, and why was the circulation of that circular confined to a particular race in the country ? I have some of the circulars lying on my desk. They are addressed to people with French names. These the Minister of Agriculture tells us in his speech were circulated to a large extent, and I find fault with that because it leaves a false impression on the minds of all who read that circular, that there was an attempt to swell the number of a certain class improperly. Surely we do not require that. It is a policy that has been adopted by the present minister in taking this census, whether with the consent of all his colleagues or not I do not know. Probably it may not be. If it were issued under any other administration, we might have held the whole of them individually responsible, because under old administrations no circular and no schedule affecting the taking of the census was sent forth until it had been considered by the cabinet and approved, but with this new system of departmental administration, it is just possible that this may have been issued without the knowledge of the hon gentleman opposite, or other members of the cabinet. Of course I cannot speak positively on that question, but judging from the past and the experience we have had in connection with Bills which have come before this House, we might properly presume that such is the case. I have brought this matter before the Senate from a sense of responsibility, as a member of the Senate, and as a Canadian who desires to see the census tak-

en fairly and honestly, and that it should not be used by any party, I care not who it may be, for the purpose which evidently that information was intended to be used, in case of a redistribution of the different constituencies in the province of Ontario. If that were not the intention, what reason can suggest itself to anyone that there should be a special schedule sent out to obtain information which can have only that object in view. I give the government credit, as I have already stated, for having taken the earliest opportunity, after its being brought before parliament, to prevent the iniquity being perpetrated, and I can only express a further hope that the Minister of Justice, in his capacity as Attorney General of this country, if the names of the parties who perpetrated this act, are ever brought under his notice, will prosecute them to the fullest extent of the law.

Hon. Mr. MILLS—I have listened to the speech of my hon. friend opposite with attention, and note what he has said with regard to the proposed taking of the party census. I do not know that I differ in the slightest degree from the observations he has addressed to this House. Whether a party census ought to be taken in a country or not, is a question on which I have often heard individual men, wholly unconnected with parliament, express opinions. Of course, if such a census were taken fully, and with the knowledge of parliament that it ought to be taken fairly, I do not know that there would be any special harm done. There might or might not be. My impression is that if you were to take a census of that kind, the difficulty would be that people do not belong to parties in the same way as they belong to churches.

Hon. Sir MACKENZIE BOWELL—Some of them do not belong to churches.

Hon. Mr. MILLS—Some of them do not, but we do take a church census, and we take it because the theological and religious opinions which men hold are to some extent permanent opinions. They are opinions which are pretty much the same to-day in every church as they were a century ago. It is not so with parties. The parties are undergoing changes constantly, and men are largely influenced in their associations by the character of the candidate who may appear before them for the purpose of receiving their support. They may perhaps naturally be inclined to support one party, but they have a personal preference for the man that belongs to another party, and the character and standing of the candidates always is an important factor, and always ought to be a very important factor in the determination of the electors. So I say that parties are wanting in that permanency that belongs to religious divisions. Then, a government may be anxious to hold an election. They might get information at the expense of the entire community that would be of great advantage to the government, as a government, in that election, and it would be grossly unfair to those who are opposed to them, and who are anxious to secure the defeat of the government when the opportunity occurs and put in power another party, that a large part of the work that belongs to the party and depends upon its own energy and diligence and attention, should be done for it at the expense of the entire community, and at the expense of those who believe that the continuance of the leaders of the party in power may be a misfortune to the country. Now, I apprehend those are the grounds on which my hon. friend has expressed himself in such strong language, and I do not say it is too strong, in condemnation of what it is alleged was attempted by these circulars. My hon. friend has also referred to the fact that the Minister of Agriculture has said that he was not aware that anything of this sort was being done, and he expressed his surprise at that, because, he said, it was in the paper sometime before. Most ministers are pretty busy during the session of parliament. There is not a great deal of opportunity to devote much time to newspaper reading, and so there are very many things in the newspapers that I fail to see, that I know nothing about, except what I casually hear from others who have had more leisure to read them; and I apprehend the Minister of Agriculture is in very much the same position, and so there is nothing, in my opinion, at all surprising that if allusion was made to these matters in the newspapers, it escaped the attention of the Minister of Agriculture. In fact, I heard and knew nothing

about the matter myself until I heard a discussion had taken place on the subject in the House of Commons, and it was the conversation that took place on the matter that gave me the first information on the subject. So if I was myself entirely ignorant of the matter, I am not at all surprised that the Minister of Agriculture should be in the same position.

Hon. Sir MACKENZIE BOWELL—Then I take it for granted the hon. gentleman does not read the notices placed on the notice paper, because this notice was placed on the Order paper before the discussion in the House of Commons.

Hon. Mr. MILLS—That may be. I know the notice was on the paper, but I did not read it over. I looked at the date; the notice itself I did not read, until my hon. friend began his speech, when I cast my eye down on the paper.

Hon. Sir MACKENZIE BOWELL—I read it very distinctly in the House.

Hon. Mr. MILLS—The Minister of Agriculture has put these answers to the inquiry in my hands:

1. The circular was not issued or circulated with the knowledge, consent or authority of the government, or of any member thereof, or of any officer of the census office.

2. The following instructions were wired by the Minister of Agriculture to every census commissioner in the province of Ontario under date of April 15, being the first day on which the circular or any reference to it or notice of it was brought to his attention:

I do not know that the minister could have made his denial more explicit than he has done, or more explicit than has been conveyed to me in these two propositions that I have read, and my hon. friend will see, from reading over the communication which the minister has made to the parties engaged in taking the census, that he has not in any way either countenanced, encouraged or approved of this proceeding; that it was done without his knowledge or approbation in any way whatever; that when it was called to his attention in the House he denounced it, and he took the earliest opportunity of communicating with the officers engaged in taking the census, that it did not have his approval, and that if any such census had been taken, the papers regarding it should be destroyed. I do not think it is necessary that I should say anything further with regard to it. It was no part of the government's policy to take a political census. They gave no instructions for this purpose, and if a census of this sort was taken at all, or if instructions were given for taking any census of this kind, they must have been given by unauthorized parties without the knowledge and without the sanction of any member of the administration. My hon. friend has alluded to the local government. I should be very sorry to charge the local government with doing what I have not done myself, what I do not approve of myself, and I certainly did not approve of attempting the acquisition of any information of this kind through official sources. While the members of every party who sit in parliament are anxious to know their political strength, everywhere, I trust that they all equally feel the necessity of undertaking to obtain that information through voluntary channels at their own expense.

Hon. Mr. DEVER—I thought we had that information at the last election.

Hon. Mr. MILLS—If you do away, in the conduct of parliamentary government under our English system, with these voluntary and individual efforts which, in my opinion, are necessary for the maintenance of a healthy public spirit, by obtaining all that information at the public expense which ought to be obtained voluntarily by parties and at their own expense, you will do a great deal to create a spirit of indifference with regard to public matters, which would not be in the interest, or to the advantage, of the people of this country. We are all, I hope, interested, strongly interested, in the maintenance of our political and constitutional system. It is, in my opinion, the one best calculated to secure a proper administration of justice and the maintenance of private rights and political liberties; but I do not care how you may form a government in a country, if it has not a healthy and intelligent public spirit behind it, you will have degeneration and corruption. One of my strongest objections to the attempt to acquire such information as a census of this sort would afford, if taken, is that you weaken that public spirit, and that self-denial and those personal exertions which the health of every political party renders necessary should be undertaken and carried

on voluntarily by the leaders and supporters of the party itself.

Hon. Mr. FERGUSON—When this question came up for the first time in the legislature of the province of Ontario, and when public attention was called to it, a painful impression was created on the public mind all over the country from the extraordinary attitude which was taken in regard to it by the premier of the province of Ontario. Instead of appearing to find serious fault with what had been done by these parties in tampering with the enumerators and trying to use them for party purposes, he denounced the parties in the Ontario legislature who had found fault with this conduct of outsiders belonging to the Ontario machine. From that time forward it seemed, from the press and the declarations in the other branch of parliament, that there was only one opinion on the subject, and that was a feeling of horror at the attempt which had been made to induce the enumerators to perjure themselves and to demoralize the taking of the census in this country into a party census.

I am sorry that the Minister of Justice, from his remarks to-day, does not look at the subject in that way. My hon. friend, in place of discussing that feature of the question, rises in his place, and gives us, as he is very well able to do, a very learned discussion upon the propriety of a party census being taken in the country, and upon the advantages of a party census. He discussed that pro and con, holding the balance pretty evenly on both sides, and wound up by the conclusion that it would be better for the party itself and all concerned if the party should take its own way of getting this political information. Now, that is about the substance of the speech which my hon. friend has made. There was not a word of denunciation, no horror expressed at these men of the Ontario machine who approached the enumerators to perjure themselves for the purpose of getting this party information. There was no word of condemnation at the attempt to demoralize the taking of the census for party purposes from my hon. friend. I am surprised that he should have discussed this question, to my mind, in such an insufficient way, considering the very grave importance of the subject in so many aspects; and I am also sorry that my hon. friend, the Minister of Justice, sat down without meeting another point raised by my hon. friend (Sir Mackenzie Bowell), and that is to ask him, as the chief officer of justice in the Dominion, if he is prepared to take steps to punish the people guilty of this crime of endeavouring to lead a large body of public officials to commit the crime of perjury. I am sorry the Minister of Justice, for the sake of public sentiment in this country, should have discussed this question in what I regard as such, an insufficient way. The mere incidental question as to whether it is well to have party statistics taken in connection with the public census, or whether that should be left to the party itself, is a question which sinks into insignificance compared with the great moral question involved in tempting the enumerators of this country to commit perjury in the interests of the machine, and I am surprised that the Minister of Justice could have discussed the question in such an entirely inadequate manner.

Hon. Mr. BERNIER—There is not much difference between the hon. leader of the opposition and myself as to the character of the circular which has been condemned. I wish the hon. gentleman had confined his remarks to that part of the subject, the only part of which he has given notice. But he thought proper also to refer to another circular issued by one of the officers of the department in charge of the census. If he had confined his remarks to condemning the use of the word 'confidential,' put on that circular, I think he would have been right. I do not think the word confidential should have been used, because it should not be issued confidentially.

Hon. Mr. SCOTT—The Minister of Agriculture condemned the use of the word 'confidential.' He said he had no idea it was on the circular.

Hon. Sir MACKENZIE BOWELL—Who is responsible for the issuing of governmental circulars? Is Mr. Côté, the assistant commissioner, who was formerly private secretary of Mr. Tarte, the Minister of Public Works, and who allowed his private and confidential letters to be stolen and published to the world, the only responsible party?

Hon. Mr. SCOTT—My hon. friend can hardly hold the Minister of Agriculture, with

the hundreds of thousands, I may say millions of documents issued from that department, responsible for every one that goes out. It would be absolutely impossible for him to see every circular which goes out. He can only give general instructions. The moment he heard of it, he defended the circular, but he said the word 'confidential' should not have been on. He went further and said in every census the origin of the parties was asked for.

Hon. Sir MACKENZIE BOWELL—Then there should have been in the schedule a column for such information.

Hon. Mr. SCOTT—But in the former census, it was complained by a large element that the French Canadians did not receive fair-play; that there were Frenchmen with English names who were put down as English.

Hon. Sir MACKENZIE BOWELL—I hold the minister responsible for the contents of any circular or letter which is sent from the department over which he has control. He should have looked at it and seen what it contained before he approved of it.

Hon. Mr. SCOTT—He approved of the contents of the circular, but disapproved of the use of the word 'confidential.'

Hon. Sir MACKENZIE BOWELL—Then why not dismiss his man who placed the word confidential upon it?

Hon. Mr. BERNIER—To my mind there is nothing improper in that circular. It may be that it would be a good thing if no difference of any kind should exist among us, but the fact is there are differences. As to the taking of a census of the origin of the people, I think it is quite a proper thing to do. We take a census of the churches, and in a community composed like ours, it is a proper thing to take the origin of everybody; but whether it is the proper thing or not, the officers of the census are directed and ordered to do it. They had to do it under the law and regulations; they cannot escape that, and they cannot be blamed for trying to get at the origin of the people of Canada. So, that circular issued by Mr. Côté, apart from the use of the word 'confidential,' I do not think is improper at all. In the last census, injustice was done to some sections of the people to whom that circular seems to have been sent out. The idea of the assistant commissioner was to try to prevent the recurrence of such injustice. As to the origin of people with such names as Fraser, or Hamilton or anything else, there is a column in the schedule which obliges the officers of the department to take that. Each person is at liberty to say whether he is of English, French or Scotch origin, but the officer has to ask for it. I do not see anything improper in the officers directing the population to speak freely and tell the exact truth. That is all I have to say about this. I have said it with some reluctance, and I regret very much that the hon. gentleman thought proper to refer to that circular in his remarks.

THE TRENT VALLEY CANAL.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid upon the Table of the Senate copies of all reports and maps made by engineers, or any other employee of the government, who have surveyed and examined that portion of the province of Ontario lying between Rice Lake and Port Hope, or some points adjacent thereto, for the purpose of ascertaining whether a feasible route exists for the construction of and making the southern terminus of what is known as the Trent Valley canal at or near Port Hope, on the north shore of Lake Ontario.

He said: I make this motion in order to obtain whatever information there may be in the hands of the government on the subject. I need scarcely say to the Minister of Justice, or the Secretary of State, that this is a very old question, and one that has been discussed a great many times in parliament and out of parliament—nearly a hundred years since it was first mooted. During the Mackenzie administration the premier of the country, in discussing this question in the House of Commons, declared that a shorter route could be had than by coming down the Trent Valley to the Bay of Quinté, but whether any surveys had been made until lately, I am not aware. During the last summer there were surveyors upon that route to which I have referred. It is therefore now a question with the government whether the southern terminus of the canal should be at Trenton, on the Bay of Quinté, or at Port Hope on

Lake Ontario. Speaking a word on the merits of the enterprise, I need scarcely say that the great object which governments and people have in view in the past would be completely destroyed if the terminus were made on any portion of the shores of Lake Ontario. The lake, as we all know, can be reached in a shorter distance then by following the Trent river down to the Bay of Quinté, but the great object in the construction of that canal was to have inland navigation from the time it strikes the bay until you reach Montreal. The most dangerous portion of navigation would be what is termed the gaps at the eastern end of the Bay of Quinté, as hon. gentlemen are aware. If the terminus were at Port Hope, Cobourg, or any Lake Ontario port west of Trenton, the most dangerous portion of the lake navigation would have to be encountered in taking freight from the canal down the St. Lawrence, hence the great object that commercial men have in view would be entirely destroyed. What the object was in having that survey cannot be definitely understood, and what I want to know, and the people of the section of country where I live would like to know is, what the probabilities are of any other route than the one to which I have referred for the canal being selected. Even if it is shorter or cheaper, it is for the government to see how far they would adopt a system which would destroy the object they have had in view in spending money on the construction of this canal.

Hon. Mr. MILLS—The hon. gentleman, of course, does not expect me to enter into a discussion as to the relative merits of the various projects that are put forward for the southern terminus of the canal.

Hon. Sir MACKENZIE BOWELL—I should like very much to hear it.

Hon. Mr. MILLS—My hon. friend has no doubt considered that subject to some extent, but I suppose when the project was put forward some years ago, the question rather was—were the surveys made for the purpose of determining the political complexion of the district through which the canal was to run ?

Hon. Sir MACKENZIE BOWELL—Not originally, but lately.

Hon. Mr. MILLS—My hon. friend, I suppose, is aware that this canal will never secure any large portion of the trade of the great lakes.

Hon. Sir MACKENZIE BOWELL—That is a question.

Hon. Mr. MILLS—It will have a local value and the traffic locally will no doubt be very considerable. We have our St. Lawrence canals the present time for carrying traffic from the great lakes to the sea, and we have projected and frequently discussed the Ottawa river and the French river as a highway also to the ocean. A great many people of this country are of opinion that the Ottawa and the French rivers will in the future be an important highway between the great lakes and the Atlantic Ocean. There is no doubt, looking at the future of this country, and at its advance, that this proposed canal of the Ottawa would be of very great importance, but I am not going to discuss the important services that the construction of the Ottawa canal may be made to serve commercially, and for defensive purposes in connection with this country. My hon. friend has moved for certain papers and there is no objection to any information in our possession being given to him upon the subject of the Trent Valley canal—a canal upon which a considerable sum of money has been expended, but which has not been constructed through to connect the waters of Lake Ontario with the waters to the north. Some progress has been made in the construction and no doubt a district of the country has been benefited by the work so far done.

The motion was agreed to.

CONDITION OF PARLIAMENT GROUNDS.

INQUIRY.

Hon. Mr. ALLAN rose to :

Call the attention of the government to the condition of the grounds surrounding the parliament buildings, and will inquire whether it is the intention of the government to do anything towards putting the grounds surrounding the buildings in proper order, and repairing the injuries done to many of the trees and shrubs within the said grounds.

He said : The inquiry is really a repetition of what I have addressed to the government for the last two years, and I am very sorry

to say that no favourable results have followed. Both in 1889 and 1900, I called the attention of the government to the condition of the grounds, as I have done in this inquiry. On both previous occasions I received the assurance of the Minister of Justice, that the matter would be brought before the member of the government within whose jurisdiction it was.

Hon. Mr. MILLS—The Minister of Public Works.

Hon. Mr. ALLAN—And that it would receive immediate attention, and something would certainly be done to remedy the mischiefs which I pointed out were becoming worse year by year. I drew attention chiefly on previous occasions to the condition of the cliff—the Lovers' Walk as it is called—on which the buildings stand, and I mentioned then that there was great destruction going on there year by year, the trees and a great many evergreens were dying and falling over in many cases, because the earth and rock had become disintegrated and crumbled away from frost and rains. That is a thing which goes on increasingly year by year. If any hon. gentleman will take the trouble to go across the Interprovincial bridge and just look back at the cliff on the east side of the bridge, which has never been touched, and see the luxuriant growth of evergreens from top to bottom, and then look across at the cliff on which the buildings stand, and see how quickly the trees are dying and the evergreens are disappearing and the mischief that is going on there, he will see that the longer this state of things goes on the more difficult it will be to remedy the evil. I also called attention to the two groups of trees planted on the east and west sides of this building, and pointed out that many of them are dying for want of thinning out. They have grown so close together that one is destroying the other, and that has been going on to such an extent that it will be much more difficult now to remedy the evil than it would have been two or three years ago, then let any hon. gentleman walk around the cliffs, and see the disgraceful state of what was once a beautiful cedar hedge, and the gaps which exist, particularly on the north-east side, and which seem to be convenient places for the men employed about the buildings to dump their rubbish. I may also point out what I called attention to before, that disgraceful rubbish heap which was made just beyond the buildings near the Supreme Court, and which is being added to all the time, and the face of the cliff there more or less destroyed. In connection with this subject I saw in a paper a day or two ago that twenty-three thousand shrubs had been brought from France for planting out the streets and parks of Ottawa, and the paragraph goes on to state that Dr. Saunders is to give his assistance in superintending the planting of them, and it goes on to give the particulars of where these will be placed. I presume this is a municipal affair, and it seems to me that if the municipality of Ottawa have the public spirit to do a thing of this kind, and to go to a considerable expense to beautify their city the least the government could do would be to remedy the disgraceful state of things existing here at the buildings of the capital, and place the grounds once more in the condition in which they ought to be. Gentlemen who see each year a certain number of flower beds filled with flowers, and the very miserable turf raked and watered occasionally, think that is all that is necessary to be done. What I wish to point out, and what I have alluded to before with regard to the trees and shrubbery is infinitely more important. You can throw all your flowers away one year, and it will only take another year to renew them. But with the trees and shrubbery is a different thing. The only hesitation I have in bringing the subject before the House again is that I have a very great dread of what might be done if some incompetent person is employed to remedy the mischief, and the last state will be a good deal worse than the first. The ordinary jobbing gardener knows nothing about it. We want a man who knows something about trees and shrubs, and the government cannot do better, perhaps, than to follow the example of the municipality, and invite Dr. Saunders to superintend and give hints as to what ought to be done. I hope hon. gentlemen will not consider that I have this question on the brain, because I bring great importance, in which we are all interested, and that the government should take the necessary steps without delay, and incur the necessary expenditure to put the grounds in order.

Hon. Mr. MILLS—I quite agree with everything said by the hon. gentleman from Toronto. There is no doubt the attempt to clear the brow of the hill of fallen timber, and to remove obstructions which existed there, has produced the state of things which the hon. gentleman points out. The cliff is very steep, and if there are any obstructions or impediments of any sort, when the snow melts in the spring, of course there are a great many rills produced that wash away the earth from the surface of the rock, and there is less earth to support the trees now than there was many years ago. My hon. friend has pointed out the luxuriant growth of the evergreens that are seen on the bank of the river below the bridge. Well, there they have never been disturbed, never been interfered with, the natural obstructions from falling limbs and so on, prevents the melting snow and the rain from washing away the earth, and keeps the soil upon the declivity, whereas here the removal of these obstructions, with a view of improving the appearance of the cliff, has been the cause of a great deal of the earth washing away. I agree with the hon. gentleman that if we had a thoroughly competent man who would take charge of the grounds to look after the state of the cliff, to look after the two groups of trees on each side, and to see they were properly thinned out, a good service would be done, and in the course of a few years Parliament Hill would present a very much more beautiful appearance than it does at the present time. Whether some competent man from the Department of Agriculture, connected with the farm, could be given charge of Parliament Hill with a view of exercising the proper oversight over it, I am not prepared to say, but it has occurred to me that that might be one way of securing the improvement of the hill, and the preservation of the trees that have grown upon the declivity, and the improvement of these two clumps of trees, one on each end of the parliament buildings here, I daresay that the result would be accomplished. No doubt injury has been done to those two clumps of trees by their growing too close together, and the removal of some of them, and letting in the light, might do a good deal towards causing the others to spread out, and to grow more luxuriantly than any of them are likely to grow at the present time. Every one who has watched forest growth knows that an immense number of the lives of trees are sacrificed by not giving proper form to those that survive. The larger ones shooting out kill the smaller ones. But, the smaller ones serve the purpose of acting as pruners to those that grow more luxuriantly. I fancy that our trees at the west end of this building are altogether too close together, and there is too much natural pruning being done in consequence of that close press. I will again bring the observation of my hon. friend opposite to the attention of not only the hon. the Minister of Public Works, but also my hon. colleague, the Minister of Agriculture, to see what steps may be taken the better to accomplish the object which he has in view, and which I think a highly commendable one ; and, speaking for myself, I feel like expressing my obligation to the hon. gentleman that he has not permitted this matter to escape public attention, and that by bringing it up here we may in time have this hill placed in the hands of some one thoroughly competent, and who will be allowed a free hand in perfecting the trees and securing the planting of others that may be required to fill the places of those that are gone.

Hon. Mr. POIRIER—Since the question of the repairs of the surroundings of the parliament buildings has been brought before us, I think we might extend the subject and bring it home more closely. I have heard comments on several occasions as to the state of our carpets in this Chamber and in the corridors, as being hardly what we should expect. I do not know who has charge of that matter, but I think while we are at it we might also examine that portion of this building and see if it would not be possible to spend a few dollars, out of the many millions that are appropriated every year, in renewing the carpets here, or if that is too costly, to patch them in some way so as to make them more suitable and proper for this Chamber. I do not know whether it is a matter for the Speaker or the ministers, but I think their attention should be called to that matter also.

PATENT ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. DANDURAND introduced Bill (N) 'An Act to amend the Patent Act.'

He said: I may explain this Bill. There are patentees who have spent labour and money upon inventions and who, during the term allotted to them, have been unable to either finance the work and put it before the public in a manufactured state, and this Bill gives authority to the Governor in Council, after submitting the case to the Exchequer Court, to extend the term allowed the patentee when he has not put before the public the article which he has invented.

The Bill was read the first time.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (29) 'An Act to amend the Dominion Lands Act.' He said: This Bill proposes to amend the Dominion Lands Act in a variety of details. There are a number of clauses which require to be amended, from the experience gathered in the last five or six years. The first is that, under the law, as it now stands, there is an officer known as the Dominion Commissioner of Lands. Very often he may be absent, and this authorizes another officer to perform his duty for the time being as commissioner. Then, where the delay in perfecting a homestead goes beyond six months, the minister must void the entry—it must be absolutely voided. This Bill proposes that it may be declared void if the minister thinks proper. It gives him a discretion, which is only reasonable. Then in the limitations for making homestead entries, persons in Canada or the United States are excluded from the extended limitation of one year. It is proposed to put all persons, whether from any part of Canada or the United States, on the same plane as those coming from Europe. The next paragraph provides for increased conditions to be fulfilled before the homestead entry can be completed. Another paragraph allows the patent to be issued in those cases where a lien exists in the department, that is, of where a person loans money who has a preemption right to a lot. At present the issue of the patent is withheld until the lien is done away with. It is now proposed to let the patent go in the name of the owner if all the conditions have been fulfilled, and leave it to the law to say whether the lien shall be enforced, and the last clause fixes the rate of interest at 5 per cent, according to the Act passed last session.

Hon. Mr. FERGUSON—I think my hon. friend is slightly astray in his explanation of the amendment in one of the clauses. If he will look at it carefully, he will find that it does not propose to put a person from any part of Canada taking lands in the same position as those coming from Europe. It only allows persons from the United States or other parts of the North American continent outside of Canada to be put in that position. I think the word 'immigrant' would not apply to a citizen of Canada moving from one of the provinces to the Northwest. At present the privilege extends to other places than the North American continent. It is proposed to make it open so that United States people could take advantage of it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—But it will not apply to Canada.

Hon. Mr. SCOTT—It applies to any one on this continent as well as to those from abroad.

Hon. Mr. FERGUSON—It only applies to immigrants, and a Canadian is not an immigrant.

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

GAME PRESERVATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (46) 'An Act to amend the Unorganized Territories Game Preservation Act.' He said: The Bill is very brief. It relates simply to the preservation of game in the unorganized districts of Canada. Of course we do not interfere with the game in the provinces not under our jurisdiction, but it seems the general opinion of those who are best informed, that it is necessary that this provision should be made for the preserva-

tion of game in the unorganized sections of the country, and this provision is an amendment of the present law on the subject. It is a substitution for section 17 of the Act of 1892, and reads as follows :

17. All animals, birds, fish or eggs, or the pelt, skin or head of any animal, killed, trapped, snared or taken in violation of any provision of this Act, or any part of such animal, bird, fish, pelt, skin or head, shall, after the conviction of the person who so killed, trapped, snared or took the same, respectively, be confiscated to the Crown by the authority who made the conviction, who shall have the power to declare the same so confiscated, and to order the sale or destruction thereof, and, if sold, the proceeds thereof shall be deposited and applied in the manner provided by section 15 of this Act; provided that such convicting authority may give or direct any animal, bird, fish or eggs so confiscated, or any part of such animal, fish or bird, to be given to any religious, charitable or scientific institution or purpose as in his discretion seems proper.

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

SAFETY OF SHIPS ACT AMENDMENT BILL.

IN THE COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (92) 'An Act to further amend the Act respecting the safety of ships.'

(In the Committee.)

Hon. Mr. MILLS—This measure has been considered with a view of meeting objections that have been made by several gentlemen largely interested in ships' cargoes upon the high seas, and I had sent over to me from the department the Bill amended with a view of giving effect to those provisions, and I have put it in the chairman's hands. I will ask him to read it. Hon. gentlemen have the Bill as introduced before them, and what I would suggest, if nobody objects, and if the Bill as proposed to be amended meets with their approval, is that the committee should rise and report the Bill and have it reprinted as amended before any further action is taken. Practically, the Bill does this : As amended it is proposed not to put restrictions upon ships south of Cape Finisterre in Europe, or vessels sailing to Mediterranean ports. Those sailing to Africa or Australia, or to the other parts of the continent of America, are not restricted at all, and it is thought that it will be quite broad enough to meet the views of every hon. gentleman interested in the subject. I am making these explanations so that hon. gentlemen will have an idea, before they read them, of what they are, and will see how far they meet the views of those gentlemen who are interested in the business of shipping.

Hon. Mr. FERGUSON—If I understand my hon. friend right, it is proposed to make some changes in the Bill from the way in which it came to us, and in order that we may the better understand the changes, they will be read over and the committee will rise, and we will consider the changes later.

Hon. Mr. MILLS—They are simple and easily understood. What I propose is that we should pass the Bill through committee, report progress, and have the Bill reprinted : The committee can sit again.

On clause 2,

Hon. Mr. FERGUSON—There are only two changes, one is to allow steamships to be freed from this restriction as late as the 12th of October each year, whereas, under the old law they are subject to the restrictions from the first of October. In subsection (c), the old Act permitted live stock to form part of such deck-load as is described in subsection (c). Live stock is now left out of the amendment, so that they will not hereafter be carried as deck-loads.

Hon. Mr. MILLS—They were excepted out of the operation of the law as it stood. They are not excepted in this case.

Hon. Mr. FERGUSON—That is less restricted than before. Steamships are allowed to depart, without being subject to these restrictions, as late as the 12th of October, whereas formerly they were subject to restriction if they left at any time after the 1st of October in each year. Last year we passed a Bill with regard to this very subject. A ridiculous blunder was made last year, and the amendment we are now considering is mainly necessitated by that blunder. The Bill was introduced by the Minister of Marine and Fisheries in the other end of the building, and it passed there. I remember when it was before the committee in this House the hon. gentleman from Northumberland (Mr. Snowball) was in the chair, and I asked for information

and received it, but while that Bill was intended to permit steamships to leave as late as the 12th of October, without being subject to these restrictions, in fact practically, as it was worded, it relieved steamships from all restrictions except between the 1st and the 12th of October in each year. Hon. gentlemen will remember the discussion which took place on that subject. The inspectors of New Brunswick ignored the Act of last year, which permitted ships to leave without restriction except between the 1st and 12th of October, and imposed the restrictions, and the shippers claimed that they had fair ground for damages, but they did not appear to make much of it, because even if the inspectors on this side had permitted ships to leave without the restrictions as to deck-load, they would have been met by the British law on the other side, and have come to grief. The point I wish to make is, we have to use our eyes for ourselves with regard to Bills coming before us. That Bill was a blunder. It did not accomplish what it was intended to accomplish, but it really relieved steamship owners from all responsibility with regard to deck-loads between the 12th of October and the 16th of March, the very time of all others when such restrictions should be imposed. This Bill that is before us will remedy that, and also make some other changes, but mainly the effect of the Bill before us is to remedy that error.

Hon. Mr. WOOD—I certainly do not read that Act as the hon. gentleman from Marshfield does. As I understand it, under the general law, steamships were included the same as sailing vessels in the prohibition between the 1st of October and the 16th of March. You will observe that the Act of last year, instead of referring to the prohibition, extends the time when steamships shall be relieved from the prohibition, and says distinctly that they are not subject to any restrictions from the 16th day of March to the 12th of October. After the 12th October they remain subject to the restrictions.

Hon. Mr. FERGUSON—No, they are relieved from the restriction.

Hon. Mr. ELLIS—I should like to thoroughly understand subsection (c). It appears to me as if under this subsection you cannot carry live stock at all.

Hon. Mr. SNOWBALL—Not on deck.

Hon. Sir MACKENZIE BOWELL—If you close in the deck you can carry cattle or any cargo you please.

Hon. Mr. SNOWBALL—As I read it, cattle cannot be carried on deck if they are higher than three feet above the deck. That is like prohibiting the exportation of cattle entirely.

Hon. Mr. CARMICHAEL—That clause requires amendment with regard to carrying live stock. The point is to prohibit the carrying lumber above three feet. It should be stated specifically that that does not apply to live stock. When you talk of covering space, there might be a question. Live stock will always be carried covered, but the covering is temporary, and therefore it should be made clear that the restriction of the three feet does not apply to live stock.

Hon. Mr. MILLS—That only deals with uncovered space. Would you carry during the winter season across the Atlantic on board a vessel, live stock uncovered ?

Hon. Mr. CARMICHAEL—You could carry live stock covered with a temporary structure. They put up a temporary structure to cover the live stock. Most of the shippers that carry live stock put up temporary structures.

Hon. Mr. ELLIS. I hope the hon. minister will look into the matter and make the law right, because the government itself, and the people of St. John and Halifax, are putting forth strenuous efforts to ship live stock in winter time. We do not want the law so framed that it will shut that off. The railways are carrying cattle to these ports and they are shipped in winter, and temporary decks are put up in the vessels, and there are hundreds of thousands of cattle to go during the season. If the hon. Minister of Justice will frame the clause so as to permit the cattle to be shipped during the winter, that is all that is wanted.

Hon. Mr. WOOD (Westmoreland)—That is not prevented under this Bill. If I read the Bill correctly—and I have read it carefully several times—no other meaning can

be taken from it than that, if the deck of the ship is closed in, even temporarily, you can carry a cargo of any description, except deals, battens and light wood goods, which you can only carry to the height of three feet. Any other cargo you can carry to any height.

Hon. Mr. POWER—I do not think it is quite as clear as the hon. gentleman from Westmoreland imagines. The clause says 'or permit to be placed, or to remain upon any uncovered space upon the upper deck.' If the clause stoped there, and paragraphs A, B and C remained, the hon. gentleman from Westmoreland would be right, but it does not. The clause continues :

> Or to remain upon any uncovered space upon the upper deck or in any covered space not included in the cubical contents forming the registered tonnage of such ship.

That provision applies to all the succeeding paragraphs, A, B, C and D. I do not think that is the intention of the draftsman of the Bill, but as a matter of fact that is the effect. It was only intended to apply to the first two :

> (a) 'Any square, round, waney or other timber,' and (b) 'any more than five spars or store spars made, dressed and finally prepared for use, or not so dressed and prepared.'

The intention I think was to allow live stock to be covered in a temporary manner. The wording is defective, and it would be well to see that the meaning and intent are carried out.

Hon. Mr. FERGUSON—Subsection 3 is a restriction to a three-foot deck-load. The old law made an exception to that by allowing live stock to be carried when they occupied a space higher than three feet. That privilege is taken away, and it will apply to live stock the same as any other cargo.

Hon. Mr. WOOD—I must still differ with the hon. gentleman from Halifax and the hon. gentleman who has just spoken. The wording of this clause seems to me very clear. I do not see how it could be misunderstood, and if I understand it, it does not alter the law as it exists to-day, and as it has existed for some years, and we all know that under the law as it has existed, cattle have been shipped on deck by having a temporary covering over them. The first part of the section, certainly prohibits placing, or causing, or permitting to be placed, or to remain upon any uncovered space on the upper deck, or any covered space not included in the cubical contents forming the registered tonnage of such ship. There is a total prohibition of any square, round or waney timber.

Hon. Mr. SNOWBALL—Or any deck cargo of any kind.

Hon. Mr. WOOD—No, no.

Hon. Mr. POWER—Sections C and D are a direct contradiction of the closing portion of the first part of the clause. A, B, C and D are all included in the prohibition contained in the latter part of the first clause, which includes any uncovered space on the upper deck, or any covered space not included in the cubical contents forming the registered tonnage of such ship. The wording does not carry out the intention.

Hon. Mr. WOOD—I do not so read it. A and B are the only sections included. C is specially limited. It specially limits this prohibition to a space where the deck of such ship is not closed in. If the deck is closed in it does not limit it at all.

Hon. Mr. FERGUSON—The next section deals with where the deck is closed in.

Hon. Mr. WOOD—The only limitation where the deck is closed in is contained, first in A and second in B. Then, subsection (d), 'Any deals, battens or other light woods of any description to a height exceeding three feet above the deck where the deck of such ship is not closed in.'

Hon. Mr. SNOWBALL—Lines 20 and 21 of section 1 state distinctly what closing in should be.

Hon. Mr. WOOD—Yes, but a temporary covering is not included in the registered tonange of the ship. If there is any space covered in which is in the registered tonnage of the ship, you can put in any cargo you like. You cannot place any square or waney timber or more than five squares or any cargo of any description above the height of three feet in any space which has no temporary covering.

Hon. Mr. SNOWBALL—I might explain that cattle and live stock are never carried below the main deck. The ships are not built with sufficient ventilation to have the cattle below. If they were below the main

deck, the hatches would have to be kept open at all times, and the ship might be swamped, and they would occupy a valuable space in the ship where the exporters could not afford to pay for the space, and they are being carried in a temporary structure above the main deck. If my hon. friend from Westmoreland reads only the last two lines, or rather lines 20 and 21 of section 1, it says there any uncovered space upon the upper deck or in any covered space not included in the cubical contents forming the registered tonnage of such ship.

The CHAIRMAN—A later clause of the Bill explains it.

Hon. Mr. POWER—I think if the combined intelligence of all the hon. members of the committee does not understand the clause, it requires amendment.

Hon. Mr. CARMICHAEL—Could we not say that the restriction of three feet should not apply to the carrying of live stock ?

Hon. Mr. MACDONALD (P.E.I.) There are on ships certain spaces that are not included in the registered tonnage of the ship. They are allowed for the accommodation of the crew, or, possibly, for passengers, or anything of that kind, and they are above the main deck of the ship. This prevents the carrying of timber, or any of those articles in any of those spaces, for it is apt to sink the ship deeper than it is safe for her to be, or deeper than it was intended when she was registered. I think the clause is quite right in that respect.

Hon. Mr. SNOWBALL—There is no place on the ship which is not included in the registered tonnage. The law says you shall have certain space for your engines, crew, &c., and these are taken off, and the remainder is the net tonnage of the ship. These are exempt spaces for certain purposes.

The clause was adopted.

Hon. Mr. BAKER—When the committee sits again, I presume that we will have an opportunity of discussing it ?

Hon. Mr. MILLS—Certainly.

Hon. Mr. BAKER—We need an opportunity of consulting in regard to it, and discussing it with our confreres from the lower provinces, who are supposed to be au fait in these matters, and I have refrained today from making any observations in the committee.

Hon. Mr. MILLS—I may say to my hon. friend that important changes were made in the Bill since it came from the House of Commons, to meet the wishes of ship-owners, and that those changes are expressed in the copy of the Bill that is before the chairman, and I propose that the committee rise, report progress and ask leave to sit again, and when the Bill is printed and comes before the committee next week, we will be perfectly free to consider every provision.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman look over that clause in reference to the covered and uncovered space, which seems to the uninitiated somewhat contradictory, not altogether, perhaps, but it is certainly subject to different interpretations, and it suggests itself to me that it might meet the approval of the lawyers in the House, because it would probably furnish excellent material for lawsuits ?

Hon. Mr. MILLS—I do not think there will be much difficulty in understanding when it is reprinted. Subsection (c) reads :

> Any cargo of any description to a height exceeding three feet above the deck in any space where the deck of such ship is not closed in.

It follows by inference from that, that if it is closed in, then that restriction immediately preceding does not apply. I think that is what is intended, and my impression is that it carried out that meaning. However, hon. gentlemen will have a better opportunity of examining the details when the Bill is reprinted.

Hon. Mr. LOVITT—The hon. minister might explain whether it is permanent or temporary closing in that is referred to.

Hon. Mr. ELLIS—A vessel could only carry cattle on the deck. They build cattle pens on the deck, which are inspected by the government inspector to provide for the safety of cattle. If that is what is meant by being covered in, well and good, but if it is not a covering in, then this Bill will be bothersome for the trade of the maritime ports from which cattle are shipped.

Hon. Mr. BAKER—It will be serious for the other provinces as well, because it will affect them to a large extent.

Hon. Mr. LOUGHEED. from the committee, reported that they had made some progress with the Bill and asked leave to sit again on Wednesday next.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 19, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LONDON MUTUAL FIRE INSURANCE COMPANY OF CANADA BILL.

SECOND READING.

Hon. Mr. JONES moved the second reading of Bill (12) 'An Act respecting the London Mutual Fire Insurance Company of Canada.' He said: The changes in this Bill are merely changes enabling the company to manage their affairs somewhat differently from what they have done in the past. The principal change in the Bill is to enable the manager of the company to become a director of the company. No paid official previously had the right to be a director. The only other change is with reference to the amount of stock which a shareholder might hold. It was limited to thirty shares. That is changed now, so that a shareholder can hold a larger amount of shares. These are the only changes.

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

SECOND READINGS.

Bill (19) 'An Act respecting the Eastern Canada Savings and Loan Company (Limited).'—(Hon. Mr. Wood, Westmoreland.)

Bill (25) 'An Act to incorporate the Ottawa and Hull Power and Manufacturing Company (Limited).'—(Hon. Mr. Perley.)

Bill (37) 'An Act to incorporate the Bishop of Keewatin.'—(Hon. Mr. Lougheed.)

CULLING OF LUMBER AND INSPECTION OF STAPLES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (116) 'An Act respecting the Culling of Lumber and the Inspection of Staples.' He said: The object of this Bill is simply to transfer the administration of the law relating to the culling of lumber from one department to the other. At present they are under the control of the Minister of Inland Revenue, and it is proposed to transfer the power to the Department of Trade and Commerce.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. SCOTT—I suppose the Minister of Trade and Commerce has not quite as much to do, for one reason, and this gives a little more work to him. That is the reason that was given by Mr. Bernier. He thought he had quite enough in his department.

Hon. Sir MACKENZIE BOWELL—It may be on account of the fact that it pertains more to trade and commerce than for the reason the hon. gentleman has given, because every one knows that the duties of the Inland Revenue Department are not so onerous as to require the removal of one portion of its duties to another department. However, I am not so sure that the course pursued by the government in this case is not the correct one. There are many duties performed by other departments that pertain more to the Department of Trade and Commerce than to the departments that administer them, and this is one of them. Does this affect the weights and measures as well?

Hon. Mr. SCOTT—No, it is simply limited to lumber and the inspection of staples.

Hon Sir MACKENZIE BOWELL—Is it intented to transfer that portion of the Inland Revenue work pertaining to gas and electric inspection to this department? I think I have seen something to that effect in the newspapers.

Hon. Mr. SCOTT—I will make some further inquiry. It is not contained in this Bill.

Hon. Mr. FERGUSON—There is a Bill on the paper for Monday to amend the In-

spection Act which provides for handing over the inspection as well as the culling of lumber.

Hon. Mr. SCOTT—There is a clause in this Bill that transfers the inspection of grain.

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

DOMINION LANDS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (29) 'An Act to amend the Dominion Lands Act.'

(In the Committee.)

Hon. Mr. SCOTT—The first clause of the Bill deals with the appointing of an officer to perform the duties of the commissioner of Dominion lands. It is found necessary in his absence to have an officer in the department who does his duty and takes his place.

Hon. Mr. FERGUSON—He would be an officer appointed by the government.

Hon. Mr. SCOTT—Yes, some other officer in his branch. It is to remove any doubt as to whether the assistant is authorized to perform his duty.

The clause was adopted.

On clause 2,

Hon. Mr. SCOTT—At present the law is arbitrary, and if certain conditions with regard to homesteading are not performed within the time, it is absolutely void. This gives the minister the right to exercise his discretion; instead of the words 'it shall be voided,' the words used are 'it may be declared void,' by the minister, because there may be circumstances which would justify him in not actually voiding it. The other portion of the clause widens the privilege.

Hon. Mr. FERGUSON—I do not think this will effect the object the hon. gentlemen appears to have in view, because I do not think a settler coming from any of the older provinces of Canada is an immigrant. This provides that only immigrants will have the privilege of extending the period for entry. I think we should give the same extension of time and privileges to settlers from the older portions of Canada as we give to settlers coming from the United States.

Hon. Mr. SCOTT—I quite agree with the hon. gentleman. If the law does not meet that, I think it ought to.

Hon. Mr. LOUGHEED—The hon. Secretary of State does not appear to apprehend the point taken by my hon. friend from Marshfield.

Hon. Mr. SCOTT—Yes, I do. It is whether a settler from one of the older provinces has not the same privileges as an immigrant from a foreign country.

Hon. Mr. LOUGHEED—The difficulty I see is there is no interpretation of the word 'immigrant.' If there is any doubt on the point it should be removed. It certainly would do no harm to put a clause in the Interpretation Act stating that the term 'immigrant' should apply to a settler from any portion of Canada as well as from a foreign country.

Hon. Mr. FERGUSON—I find that the language formerly used shut out settlers from the United States and Canada. Now, we say all 'immigrants' shall have that privilege. I contend that a person moving from one part of Canada to another is not an immigrant. He is a citizen of this country, and not an immigrant.

Hon. Mr. SCOTT—I am inclined to think there has been no discrimination in the past; otherwise we would have heard of it. It is not likely Canadians going to the Northwest would be discriminated against. If the interpretation given to it has been the broad and liberal one, and the only people shut out were those from the country south of us, this amendment is all that is needed.

Hon. Sir MACKENZIE BOWELL—Why not change the word 'immigrant' to 'settler.'

Hon. Mr. SCOTT—There may be some qualifications to the term 'settler.'

Hon. Mr. POWER—Would not the object of the hon. gentleman from Marshfield be met if some word were inserted instead of 'immigrant' to indicate a person coming from some place outside of the Territories?

Subsection 3 of clause 2 was allowed to stand.

On clause 3,

Hon. Mr. SCOTT—Those are qualifying words, all in the direction of widening the advantages of the law to the homesteader. The second homestead that a man takes up must be in the vicinity of the first.

The clause was adopted.

On subsection (b) of clause 4,

Hon. Mr. MACDONALD (B.C.)—I think this is too stringent. The poor man going in there cannot possibly have forty head of cattle.

Hon. Mr. PERLEY—This law was amended to meet certain circumstances in the North-west. Forty head of cattle is found to be far too many. I spoke to the Deputy Minister of the Interior this morning on the subject, and the department agree to what I propose to do now, that is to amend the clause to say twenty head of cattle upon such lands, or on some land occupied by the settler.

Hon. Mr. MACDONALD (B.C.)—That is still too many.

Hon. Mr. PERLEY—If a man is living on a quarter section that he has bought for the purpose of building, and has his cattle on that section, they have so far regarded that as satisfactory. This makes it positive so that there can be no question about it. I propose to make the section read that the settler shall have at least twenty head of cattle.

Hon. Mr. SCOTT—He may have only a temporary occupation.

Hon. Mr. PERLEY—We do not want that. This is what we agreed on this morning.

Hon. Mr. POWER—He might have land in another territory.

Hon. Mr. PERLEY—That is the intention.

Hon. Mr. POWER—Or he might have it in some other province.

Hon. Mr. PERLEY—Oh, no ; it must be in the vicinity.

Hon. Mr. SCOTT—Then it would be better to say so.

Hon. Mr. LOUGHEED—I suppose my hon. friend understands that this is in lieu of breaking a certain amount of land. He can either break the land or put on the cattle.

Hon. Mr. PERLEY—Yes ; he is not required to do both.

On subsection 6 of clause 4,

Hon. Mr. SCOTT—In many cases parties advance money on land before the patent is issued, and it remains a lien. The original owner leaves the country, or abandons the land, so the man who advances the money is embarrassed as to how to get it back. This authorizes the Minister of the Interior, if all the conditions have been complied with, to issue the patent in the name of the original holder, and the lender has recourse in the courts.

Hon. Sir MACKENZIE BOWELL—Suppose the man leaves the country before he fulfils the conditions entitling him to a patent. Under these circumstances would the patent be issued in order to enable the party who loaned the money to have his lien on it ?

Hon. Mr. SCOTT—I presume the conditions would have to be fulfilled before the patent could be issued.

The clause was adopted.

On clause 5,

Hon. Mr. SCOTT—At present the lease for grazing lands has really to come to council. It is purely a departmental matter, and there is really no reason why it should come before council. The Minister of the Interior has to take the responsibility of it.

Hon. Sir MACKENZIE BOWELL—I am opposed to that species of legislation altogether. You are placing a power, by this and other Acts which have been introduced, in the hands of the minister for the exercise of which the whole government ought to be responsible. There is no reason, that I can possibly comprehend, why, if the lease is to be granted, it should not receive the approval of the government. You enable the Minister of the Interior, for the time being, whoever he may be, to issue these leases to whom he thinks proper, and when he thinks proper, without the authority of the Governor in Council. Or, in other words, you give him power to do by

law what he cannot now do unless he reports to council and gets the approval of council. I admit it may involve a little labour attending to a matter of this kind, but if the Minister of the Interior should be an unscrupulous person—there may be such a person, I do not say there is now—with this power in his hands, the government would never know what he had been really doing, or who had received leases, and I may say in many cases, improperly. I think it is wrong legislation altogether.

Hon. Mr. MILLS—I quite agree with my hon. friend on a great many things, but I cannot agree with him in this matter. The work of each department should be done by the minister of that department, and on his own responsibility. As I understand, the regular practice in England is for every minister to perform the work of his own department. He only brings a question to council when there is some kind of public policy involved, and with a view to settling that question of policy. But with regard to the ordinary work of administration, he is the party who is responsible. You fix the responsibility more clearly by fixing it upon a specific individual, than if you undertook to distribute that responsibility for the ordinary work of administration over the entire government. Let my hon. friend look at the provisions of the law. You turn up any statute creating a department. In that department you have it clearly defined what the functions of the minister at the head of it are. You have the patent issued to him by the Crown. He is sworn to discharge the duties of that department. Nobody else is sworn. His colleagues are not sworn on that matter, and the patent is which he is not permitted to discharge those duties. Now, if all his colleagues are to join him in undertaking that work which he has sworn to discharge, and which he is appointed by law to discharge, and a duty which he is not permitted to discharge without the concurrence and approval of his colleagues, it would be an anomalous condition. Very often his colleagues may ask to have time to inquire into the subject. Very often a colleague may ask to have a matter stand over until he can make inquiry, and I can see nothing growing out of that system but to hinder and delay the work which is imposed upon him by the law. I do not know where my hon. friend has got his view that all the members of the government should assist in the working of the administration of each department. As I understand it, in England that is never done. Each minister discharges the work of his own department. The Colonial Secretary does not take the work of his department before his colleagues to decide any question of administration. The law settles what he really has to do, and it is his business, and he is responsible for conforming to that rule which the law requires. That is the English system, and every departure in this country from it merely hinders and delays the work of administration, and the minister may be made responsible for delays which are not his, which are due to some colleague, who is perhaps insisting upon undertaking to decide some question for him because it may have arisen in a locality which he represents. One minister would undoubtedly consult another with regard to a matter which might affect his colleague in any way, but the work of council is to settle the general policy of administration. It is not its duty to administer; it is the duty of each minister to do that. He receives his patent from the Crown, and is sworn as minister to undertake the discharge of that duty, not in partnership, but upon his own responsibility.

Hon. Sir MACKENZIE BOWELL—To a very great extent I agree with the hon. gentleman, but not wholly. The very fact that you are placing upon the statutes laws where regulations are to be prepared by any department, shows that it must be, as it has been in the past, with the authority of the Governor in Council before they are put into force.

Hon. Mr. MILLS—There you are settling a question of policy.

Hon. Sir MACKENZIE BOWELL—Yes, that is a question of policy. While it is a fact that our system is based on the English system we know in the past it has never been carried to the extent in this country that it has been carried in England in the administration of the affairs of the empire, and for very many reasons. The powers vested in the deputy, or permanent heads of

the departments in England, are vastly different from those which are vested in the departmental heads and those who administer affairs in this country. There, it never would be supposed that a minister would consider all the details of the department of which he is the head. The law lays down what the duty of the deputy is, and he administers that portion of his department almost without consultation with his minister at all. Take the business of the empire and the duties pertaining to any minister of the Crown and compare them with those of the ministers in Canada ; it will be seen at once that the power given to the minister there should be, and must of necessity be, greater than in this country. It is a question whether we should go the full length, which the hon. gentleman argues we should go, in adopting the whole system of administration that prevails in England. In a small country—small compared with the empire itself—like ours, I do not think we have arrived at that stage yet when we ought to adopt that practice, and wherever concessions are to be made to settlers, or to any one else, that involve a dealing with the property of the Dominion, the council ought to be cognizant of what the minister is doing and assume the responsibility. I know the hon. gentleman may answer me that if a minister administers the affairs of his office improperly, the whole government is necessarily responsible.

Hon. Mr. MACDONALD (B.C)—But it is too late then.

Hon. Sir MACKENZIE BOWELL—Precisely. What follows if it is administered improperly ? If a lease of this kind be given improperly, then, as my hon. friend says, it is too late. You either have to quarrel with your minister or turn him out of office. I apprehend under many circumstances it might be used to the disadvantage of the country. I have formed these opinions from a number of years' experience, and I think we have had ample proof of it during the last three or four years in this House, where Bills have come down from the different departments which affect the administration of those departments without either of the gentlemen opposite knowing what they were. We have had the Minister of Justice acknowledge from his place in the Senate, that he has never been consulted upon a question which affected large and material alteration of the land laws of the country. We have had the Secretary of State tell this House, when asked to explain a government Bill, that he knew nothing about it. He supposed that the minister who had introduced the Bill in the lower House wanted a change made. We have no doubt about that, but he ought to have known, as a minister of the Crown, when he came here and asked the Senate to amend the law in any particular, why that amendment was required, and it is not a sufficient reason to give 'I suppose if the minister who introduced the Bill wants it, that is sufficient for you.' That is not enough for me, or for those who have had any experience at all in administering the affairs of the country. I do not intend to combat the question further, but I think the hon. gentleman is carrying it altogether too far, and that the Governor in Council, or in other words, the ministry as a whole, are relieving themselves of trouble in connection with many acts for which they should assume the responsibility, by throwing it upon the heads of the departments.

Hon. Mr. MILLS—My hon. friend is now discussing a question of legislation, which is a very distinct thing from administration.

Hon. Sir MACKENZIE BOWELL—I admit that, but the same principle prevails by adopting the system which the hon. gentleman says they have adopted in this country. I am using that as an analogous argument to illustrate what I mean with reference to the other. However, you may put the whole power in the hands of the Minister of the Interior if you like, but I question if the country, after the experience they have had, will approve of your placing too much power in the hands of the minister, particularly the minister now at the head of the department.

Hon. Mr. SCOTT—If the hon. gentleman's views were to be carried into effect it would be absolutely impossible to administer the affairs of government—if a minister had to be familiar with all the details of his department.

Hon. Sir MACKENZIE BOWELL—I am not arguing that at all.

Hon. Mr. SCOTT—Coming down to the question before us, whether the Minister of the Interior should be permitted to issue leases without going to council when all the conditions have been complied with, surely, the issuing of a lease is less important than the issuing of a patent. Now, my hon. friend knows that at no time in the history of this country has an order in council been required for an ordinary sale of land, and the Minister of the Interior issues patents constantly, enormous quantities of them, and in the same way he should issue leases. Many of those leases are for small blocks of land, perhaps a couple hundred acres adjoining the homesteader's lands, for a comparatively small consideration. What could any member of the council know about it unless he had gone over all the correspondence in connection with it? As many as fourteen pages of leases have come before council at one time.

Hon. Mr. LOUGHEED—The hon. gentleman is mistaken in saying an order in council is not required for a sale of land.

Hon. Mr. SCOTT—No, I am not mistaken. You take the lands that are open for sale in the North-west, you do not mean to say that the minister would have to go to council on the sale of each individual lot, or that the commissioner of Crown lands in any province would have to go to council to get approval for a sale. I have been commissioner of Crown lands myself, and have sold a block of 25,000 acres without going to council. The price was fixed by order in council, but the sale was not, otherwise it would be absolutely impossible to adminster the affairs, not alone of Canada, but of the province of Ontario, or any other province in the Dominion.

Hon. Mr. LOUGHEED—You have a regulation permitting the sale of certain lands;but now you propose taking the whole of the public lands not otherwise provided for by statute, out of the hands of the Governor in Council and putting them in the hands of the minister to sell. I think the minister should have power to grant leases of public lands without reference to order in council, but a sale of lands, of course, is a more important subject.

The clause was adopted.

On clause 6,

Hon. Mr. SCOTT—By. section 3 of cap. 26, of the amending Act of 1894, provision was made for the sale or lease of lands vested in the Crown which were not required for public purposes. There are very often public lands set apart for public purposes, and afterwards they are found not to be required, and it is that particular class of lands that is referred to here. The minister must, of course, conform to the order in council authorizing that particular class of land to be sold.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—Hon. gentlemen will remember that we reduced the rate of interest from 6 to 5 per cent. This is applying the same prinicple to the administration of the land department. Hereafter land sales, where there are arrears on them, will bear 5 per cent, in conformity with the new law.

Hon. Sir MACKENZIE BOWELL—Is this retroactive?

Hon. Mr. SCOTT—From the 7th of July, 1900.

The clause was adopted.

Hon. Mr. WOOD (Westmoreland), from the committee, reported that they had made some progress with the Bill, and ased leave to sit again.

UNORGANIZED TERRITORIES GAME PRESERVATION BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (46) 'an Act to amend the Unorganized Territories Game Preservation Act, 1894.'

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I thought this was all provided for.

Hon. Mr. MILLS—Not in the unorganized territories. A good many hunters go in the summer season into our unorganized territories, and engage in the destruction of muskox, caribou and other animals, and it was thought desirable to make some provision for the preservation of these animals.

Hon. Sir MACKENZIE BOWELL—There was an Act passed some years ago for the protection of animals in the unorganized territories, was there not ?

Hon. Mr. MILLS—Yes, in 1894.

Hon. Mr. LOUGHEED—I do not see any distinction between this Bill and the statute to which the hon. gentleman refers.

Hon. Mr. MILLS—This is much wider in its terms. In a good many cases, parties have engaged in hunting the muskox to take away the head and horns. This Bill would prevent the destruction of animals for any such purpose.

Hon. Sir MACKENZIE BOWELL—It also prevents the party convicting the offender from keeping it himself.

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

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (97) 'an Act to incorporate the Manufacturers and Temperance and General Life Assurance Company.—(Hon. Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 22, 1901.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

EMPLOYMENT OF EX-SENATOR BURPEE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has Charles Burpee, Esq., late a member of the Senate, been in the employment of the government since he resigned his seat in the Senate ?
2. If so, in what capacity was he employed ? What remuneration did he receive for the services rendered, per diem allowance or otherwise ?
3. Is he now employed by the government ? If so, in what branch of the service, and at what rate per diem, month or otherwise ?

Hon. Mr. SCOTT : The answers to the hon. gentleman's questions are as follows :—

1. Yes.

2. He was appointed by Order in Council under date the 18th of July, 1900, a member of the Canadian Board of Commissioners for the Paris exhibition. He was paid at the rate of $2,500 per annum, with travelling expenses and an allowance of $3.50 per day for living expenses while in Canada but absent from his place of residence, and $5 per day for living expenses while out of Canada.

3. No.

VISIT OF HIS HIGHNESS, THE DUKE OF CORNWALL.

INQUIRY.

Hon. Mr. MACDONALD (British Columbia) inquired :

If it is the intention of the government to call parliament together during the visit of His Royal Highness the Duke of Cornwall and York to Canada, as was done during the visit of His Royal Highness the Prince of Wales (now King Edward the VII.) in 1860 ?

He said : I did not mean by this inquiry that parliament should be called together in the usual way, but simply as was done in 1860, as the hon. Secretary of State will remember, when the members were invited to appear at the Capital to welcome the Prince of Wales. On that occasion the mileages of the members to and from the Capital were allowed them.

Hon. Mr. MILLS—I may say to my hon. friend that the matter has not been considered, but I understand that the visit of His Royal Highness to this country is to be of very short duration, and the time that he would spend here would be very brief indeed; in fact, the time spent in the whole country between Halifax and Victoria would be short, and while it is impossible to say whether parliament will be called together or not, if the program as indicated to the government is carried out, there will be, as far as I can see, no object in calling parliament together. But if the visit is to be more protracted, as the government no doubt desires it should be, then it will alter the circumstances altogether. But the matter has not been finally disposed of.

Hon. Mr. MILLER—I do not think that parliament was called together on the occasion of the Prince of Wales' visit in 1860. Members of parliament were invited to come to the Capital, but parliament was not summoned.

MARKING AND INSPECTION OF PACKAGES CONTAINING FRUIT BILL.

ORDER POSTPONED.

The Order of the Day being called :

Committee of the Whole House on Bill (32) An Act to provide for the marking and inspection of packages containing fruit for sale.

Hon. Mr. MILLS said : I have not had an opportunity of devoting one moment to the consideration of the subject of this Bill since the House rose. I was anxious to compare it with the law as it now stands before bringing the matter under the attention of the House again. I move, therefore, that the Order be discharged, and that is stand for an Order of the Day for Thursday next.

The motion was agreed to.

SECOND READINGS.

Bill (115) " An Act to amend the General Inspection Act."—(Hon. Mr. Mills.)

Bill (43) "An Act to incorporate the St. Lawrence Lloyds."—(Hon. Mr. Perley, in the absence of Hon. Mr. Wood, Westmoreland.)

Bill (M) " An Act respecting the St. Lawrence and Adirondack Railway Company."—(Hon. Sir Mackenzie Bowell.)

MANITOBA AND NORTH-WEST LOAN COMPANY'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL, in the absence of Hon. Mr. Aikins, moved the second reading of Bill (43) " An Act respecting the Manitoba and North-west Loan Company, Limited. He said : This Bill is innocent in its character, and somewhat out of the usual line. It is to enable the company, which has really ceased to do business, to wind up its affairs without referring to the courts under the Winding Up Act. The directors and shareholders, I believe, have, after considering the matter, decided that they would wind it up much more cheaply and effectively than by proceeding under the Winding Up Act.

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

CULLING OF LUMBER AND INSPECTION OF STAPLES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole ou Bill (116) ' An Act respecting the Culling of Lumber and the Inspection of Staples.

(In the Committee.)

Hon. Mr. SCOTT—This is a purely formal Bill transferring the matter of the culling of lumber and the inspection of staples from the Department of Inland Revenue to the Department of Trade and Commerce.

Hon. Sir MACKENZIE BOWELL—What is the reason of making the change ?

Hon. Mr. SCOTT—I presume the two ministers have arranged between themselves that it is more convenient to have this branch under the Department of Trade and Commerec. I do not know any other reason. I suppose Mr. Bernier wanted Sir Richard Cartwright to take charge of it.

Hon. Mr. FERGUSON—It seems quite proper that it should be under that department. I do not think the department is overworked.

Hon. Sir MACKENZIE BOWELL—Are we to understand that this arrangement has been made between the two ministers themselves without the consent of the government ?

Hon. Mr. SCOTT—Oh, no. It came up in council and received the approval of council.

Hon. Sir MACKENZIE BOWELL—Then it must have been done to justify the declaration of the present head of that department when in opposition, that the Department of Trade and Commerce was useless. After an experience as head of that department for five years, he now wants it to have something to do for the next five years, and so he takes over the officials connected with the Culling Department, and also the Weights and Measures and Gas Inspection. I do not know what the hon. gentleman has found to do in that department ; I know while I had the honour of occupying that position, I found plenty to do. I have no objection, however, that these additional duties should be imposed upon one who said the department had nothing to do, and perhaps it would be just as well to relieve some of the other departments which are overworked, but in doing so they had better take these departments which really have something to do. If some branches were

taken from the Customs Department, which is one of the hardest worked departments in the administration of affairs of the government, they might with propriety transfer some of the labour which is imposed upon the Minister of Customs and give it to the Minister of Trade and Commerce. I cannot understand any other reason why this trifling transfer has taken place.

Hon. Mr. SCOTT—The Customs Department, to which my hon. friend refers, as he very well knows, is not capable of being divided. All subjects under that office are germane to that office, and in the Department of Trade and Commerce, the minister has charge of important duties, and very many subjects. He has to do exclusively with the subventions to steamships, contracts made with steamships on the Atlantic and Pacific, and a variety of kindred subjects.

Hon. Sir MACKENZIE BOWELL—There is where the hon. gentleman is in error. There are branches of the public service which might with propriety be transferred to the Department of Trade and Commerce. The Post Office has something to do with certain subsidies under the title and name of Post Office subventions, but it is only a change in name; all that branch of the Post Office might with propriety be transferred to the Department of Trade and Commerce, because it really and legitimately belongs to that department. However, it never has been done.

Hon. Mr. FERGUSON—I think my hon. friend is too inquisitive about these things. I presume that the government, since the Minister of Trade and Commerce has made such a magnificent success of the fast line service, and has got through that subject, have come to the conclusion that they will give him another contract.

Hon. Sir MACKENZIE BOWELL—We are to have the bottle-nosed ships by-and-by.

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

DOMINION LANDS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (29) 'An Act to amend the Dominion Lands Act.'

(In the Committee.)

Hon. Mr. SCOTT—Hon. gentlemen will remember that the committee rose the other day leaving subclauses 2 and 3 of clause 2, undisposed of. The point for inquiry was whether the privileges granted to immigrants should not also be extended to native-born Canadians who go there from other parts of Canada, and I have now the pleasure of substituting for those subclauses one which embraces everybody—one which excludes nobody.

The subclauses were adopted.

Hon. Mr. SNOWBALL, from the committee, reported the Bill with amendments, which were concurred in.

BILLS INTRODUCED.

Bill (41) 'An Act respecting the Saskatchewan and Western Railway Company.'—(Hon. Mr. Landerkin.)

Bill (44) 'An Act respecting the Ottawa and Gatineau Railway Company, and to change its name to the Ottawa, Northern and Western Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (52) 'An Act respecting the Vancouver and Lulu Island Railway Company.'—(Hon. Mr. Templeman.)

Bill (56) 'An Act respecting the Columbia and Kootenay Railway and Navigation Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (58) 'An Act to incorporate the Kootenay and Arrowhead Railway Company.'—(Hon. Mr. Macdonald, B.C.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 23, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ELECTION IRREGULARITIES.

INQUIRY.

Hon. Mr. PERLEY inquired:

If in the matter of the Dominion election of a member of parliament for the House of Commons of Canada, has a returning officer under the law governing such election, the power,

either himself, or through any of his deputy returning officers, to give ballot papers to any persons other than the deputy returning officer ?

Hon. Mr. MILLS—It would be highly irregular to give them prior to the date of the election, but of course they must give them at the polling places, and only at the polling places should they be given out. The giving out of ballots at any other time is a highly irregular proceeding, to say the least.

Hon. Mr. PERLEY—Is it contrary to law ?

Hon. Mr. MILLS—Yes.

Hon. Mr. PERLEY—All I can say is, then at the polling station of Wolseley the late returning officer for East Assinaboia told me himself, and I know it of my own knowledge, that he has given out ballots to agents, and I think he told me he got his authority from the Secretary of State.

Hon. Mr. SCOTT—He has no right to quote the Secretary of State for a thing of that kind. I have no recollection of ever having been applied to, or anybody speaking to me or writing or telegraphing upon the subject.

Hon. Mr. McCALLUM—The government has a very poor recollection.

THIRD READING.

Bill (116) 'An Act respecting the Culling of Lumber, and the Inspection of Staples.'—(Hon. Mr. Scott.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 24, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

JUDGES SALARIES.

Hon. Mr. DRUMMOND—Has the leader of the government any answer to give on the question of the judges' salaries, which I have brought up so frequently ?

Hon. Mr. MILLS—I have not at the present time, but as soon as the matter is finally disposed of, I will have pleasure in informing my hon. friend as to what the conclusion is for the session.

VISIT OF THE DUKE OF CORNWALL.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether the government has information as to the precise approximate date of the visit of His Royal Highness the Duke of Cornwall and York to the following cities : Halifax, St. John, Quebec, Montreal, Ottawa, Kingston, Toronto, Winnipeg, Regina and Victoria, and in what order these cities will receive a visit from His Royal Highness?

Hon. Mr. MILLS—I am unable to give my hon. friend the information which he desires at the present time, but as soon as I am able to give him a definite answer I shall have pleasure in doing so.

THE MICMAC INDIANS.

INQUIRY.

Hon. Mr. LANDRY rose to

Call the attention of the government to the following document sent to the members of the Senate and of the House of Commons :—

An Appeal to Parliament.

Indian Reserve,
Sainte Anne de Restigouche, P.Q.,
February 9, 1901.

To the Members of the Senate
And the Members of the House of Commons.

Gentleman,—As chief of the band of Micmac Indians residing here, with the full approval of the members of the council of the band and of all the men of the band, with very few exceptions, I desire to appeal to you to secure for the band that justice and fair treatment which the Department of Indian Affairs has refused to grant to it.

I ask for no favours for the band, I merely ask that you have brought before you for examination the petition and letters which I have, during the last few months, sent to the department in regard to the Indian agent for the band, and the replies of the department to the same, and if, after an examination of the same, you consider that the band is entitled, as wards of government, to have the complaints made against the agent investigated, I ask that you insist upon a fair and impartial inquiry into the matter by some competent person.

That you may thoroughly understand the situation, I beg leave to direct your attention to the following facts :—

1. The agent lives twenty miles from the reserve and seldom visits it, and when he does visit it he fails to give attention to the affairs of the band in a satisfactory manner, and in my opinion he does not possess that education or business ability which would enable him to give those affairs the attention they properly should receive.

2. About two years ago the band was given the right to elect a chief and council for the purpose of managing its affairs, and an election was held and a chief and councillors were then elected, but although often requested so to do, the agent has never called a meeting of the council.

3. Owing to the incapacity of the agent or his neglect of duty and his refusal to call a meeting of the council to enact such regulations as are necessary for preserving peace and good

order, there is often much unruly and disgraceful conduct on the reserve.

Although the members of the band cannot vote in Dominion elections, I do not think that for that reason they should be refused that fair treatment which is the right of all British subjects, even if by granting it the government may be compelled to remove from office one of its active supporters.

Gentlemen, on behalf of the band, I appeal to you to see that, putting aside all political considerations, the government administers the affairs of the band with due regard to the rights of the people.

I have the honour to remain,
Your faithful and obedient servant
ALEX. MARCHEL,
Chief.

And inquire if the complaints made against the Indian agent of the Indian reserve of Ste. Anne de Restigouche have been investigated, and if so, what is the result of such an investigation ?

If no investigation has yet been held, is it the intention of the government to hold one, and when?

If not, why ?

Hon. Mr. MILLS—Mr. McRae, the inspector of Indian agencies, has just returned from making an investigation into the complaints made by Chief Marchel, but has not yet submitted his report.

THE OLIVER EQUIPMENT.

INQUIRY.

Hon. Mr. LANDRY rose to

Call the attention of the government to the following facts :—

On the 27th of March last Capt. C. F. Winter, Adj., the Governor General's Foot Guards, spoke to the officers of the Ottawa brigade upon some observations from recent experiences in South Africa and their application to Canadian defence. The lecturer was introduced by Major General O'Grady-Haly, commanding the militia, who presided. Among his observations are the following :—

' . . . The Oliver equipment has not found much favour among the men, and the water-bottle which goes with it was strongly condemned—the best proof of this being that the regiment procured the army water-bottle at the very first opportunity, and the individual men, whenever they could, got a ' Tommy's ' set of straps to replace their own. The main objection to the Oliver was the excessive pressure on the back of the neck between the shoulders, which resulted when carrying the blankets, &c., on the hips. The bandolier was the proper way to carry ammunition on the person, but it must always be covered by a flap, otherwise cartridges work loose and are lost. It was a fact that in South Africa the men of the regular regiments used to say that they could always tell where the " Canadians " had been by the amount of loose ammunition left behind. Haversacks wore out very quickly on service, and those of Royal Canadians after seven or eight months' service were a sight once seen to remember for ever. . . . .

' Boots were always a question of extreme import to an infantryman, but it was not conducive to Canadian pride to find the regulars' ammunition boots superior and more lasting to those sent with the troops from Canada. Too much attention could not be paid to this matter.'

Major General O'Grady-Haly, in summing up and moving a hearty vote of thanks to the lecturer, stated he had listened to the lecture with the keenest interest, and hoped it would not be the last time he would hear Capt. Winter. . . . . He was also in accord with the lecturer about the Oliver equipment—he was in Canada when this had been tried for the Imperial service and rejected at Halifax some years ago. Too much stress could not be laid upon the necessity of giving men a good water-bottle.' (Vide The Military Gazette, April 16, 1901.

And inquired :

Is it the intention of the government to investigate into the complaints brought forward by Capt. Winter and to improve the general equipment of the Canadian militia?

In the meantime, is it the intention of the government to discontinue the distribution of the Oliver equipment to the Canadian militia and to substitute for it a more suitable one?

How do the government explain the fact that the Oliver equipment has been selected for the Canadian militia when the same equipment has been refused and rejected by the Imperial authorities after a trial made in Canada, at Halifax some years ago?

Hon. Mr. MILLS—I am not prepared to answer that to-day. I will make inquiries, and I ask the hon. gentleman to let it stand for the present.

SECOND READINGS.

Bill (51) ' An Act to incorporate the Algoma Iron and Nickel-Steel Company of Canada.'—(Hon. Mr. Dandurand.)

Bill (97) ' An Act to incorporate the Manufacturers and Temperance and General Life Assurance Company.'—(Hon. Mr. Lougheed.)

GENERAL INSPECTION ACT AMENDMENT BILL.

IN THE COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole on Bill (115) ' An Act to amend the General Inspection Act.'

(In the Committee.)

Hon. Mr. MILLS—Hon. gentlemen will see, by examining the Bill, that the changes are very slight, and mostly verbal. The changes are suggested, I understand, by the inspector and the board of trade.

Hon. Sir MACKENZIE BOWELL—Is there much wheat raised at the present day in Ontario, west of Lake Superior ?

Hon. Mr. MILLS—I think not, but there are some wheat-growers along the Rainy River, who I suppose would like to have the

same regulations applied to them, and they are in the same inspector's division.

Hon. Mr. WATSON—It is the intention of the western grain men to, if possible, make the grades conform to Duluth grades, and it was the intention a year ago to make these grades permanent, so they will not be changed from year to year. As a rule, the grades have been made to suit the samples in the past. It is the intention to make the standards permanent now, and make them conform as much as possible with the grades at Duluth. Of course some years, when they made the grades conform with the crops, sometimes Manitoba hard was worth five cents more per bushel in the market, but it is desired to make the grades permanent, and in conformity with the inspection at Duluth.

Hon. Mr. PROWSE—I am glad to hear that it is the intention of the government to make the grades now being established permanent. It is of the very greatest importance to the farming community that there should be no unnecessary changes made in the standards of our products. Let us have our standards fixed here that all the world may know what the standards are, but if changes are made every year or two, people do not know what they are. Probably the proposition of the hon. gentleman from Marquette will be appreciated and fully carried out by the government, and no changes made which are not absolutely necessary.

Hon. Mr. PERLEY—Will the hon. gentleman explain how the standards can be made permanent ?

Hon. Mr. WATSON—As the hon. gentleman is well aware, the grain men, or the board that have made the samples, have met year after year in the past, to strike samples for the crop, and it is for that year. There may be a difference in value in this year's and a last year No. 1 hard for milling purposes. I understood it is the intention of the government, and the inspectors are going to carry out that idea, that the value will be maintained the same, no matter what the crop may be. There may not be in Manitoba a bushel of No. 1 hard, but the standards will be the same. The values will be equal year by year for milling purposes. Last year, there was a smaller quantity of No. 1 hard than the year previous. If the inspectors had selected a sample of No. 1 hard, the wheat would not have been worth as much as the year previous. It is important that the value of the standards should not be changed from year to year. If a person is buying Manitoba wheat in the British market, No. 1 hard of this year should be of equal value to No. 1 hard of last year. These changes which were recommended by the grain men in the west and adopted by the government are the standards of Duluth. The Manitoba wheat may be quoted 5 cents a bushel more than Duluth No. 1, and consequently the buyers try to keep down the price of Manitoba wheat. The desire is to have a uniform standard.

Hon. Mr. YOUNG—This matter was very fully considered last year by the standards board of the west, a board composed of farmers and dealers who meet once a year to select samples and fix the standard of the commercial grades. Certain grades are fixed now and defined by the Act. The inspector fixes those grades by the standards in the Act. It was found, by looking into the Act and taking the experience of those handling grain, that the effect of our law was to delay transactions in grain to some extent on the other side of the Atlantic. Dealers had to wait to see what the quality of our grades was before purchasing. Samples had to be sent across, because there was a variation from year to year, and they did not know by last year's grade what they would be getting from the crops of this season, and consequently there was a delay at the beginning of the season. There was also another disadvantage, and that was to the producer himself. It was very hard to explain to the farmer why grain that was No. 2 hard or No. 3 hard, or No. 1 hard one year should not be of the same grade the next year, and that explanation would come in, that the standard was changed. You can see if a uniform grade is established as far as is possible and reasonable, that the farmer himself will become educated in the grades, as well as the dealer or inspector, more uniform system of handling our grain year in and year out will prevail. As I understand it, all these recommendations were made by the united action of this standards board and the grain trade of the west. After the propositions were considered by the

individual bodies, who met jointly to consider what was the best, and made these recommendations, and I fancy that the experience that these people have up there, with the fact that nearly every interest was represented—the producer, the dealer and everybody else at these boards, you can very well take those recommendations and crystallize them into legislation.

Hon. Mr. PERLEY—I fail to know more about the Bill now than I did before. Prior to last year a number of gentlemen met who were appointed by the government for the purpose of fixing the standards for the crop of that year. They fixed the standards last year, as I understand, by changing the law, and made four grades permanent by Act of parliament. A man in England could take up the law and buy by it, because he knows that so many pounds of a certain class of grain makes No. 1 hard. Now this grain board, I understand, goes on to examine the remainder of the crop. They fix what those grades will be, and you have to do that every year. You cannot fix the standards this year for next year's crop. That must be fixed by the crop of the year. But there are four grades fixed permanently by Act of parliament here, and you do not require any legislation on it, to my mind, at all.

Hon. Mr. YOUNG—If my hon. friend will read the Bill he will see we are extending the permanent grades, and it is proposed to do away with the grade called No. 2 hard altogether, and also changing the percentages in one or two cases.

Hon. Mr. PERLEY—What do you do with No. 2 hard ?

Hon. Mr. YOUNG—It goes into No. 1 Northern, and as my hon. friend explained, it is to get in line with Duluth as much as possible.

Hon. Mr. PERLEY—No. 1 northern and No. 2 hard are the same ?

Hon. Mr. MILLS—Yes.

Hon. Mr. PERLEY—There is no common sense in that ? I do not know what is meant by No. 1 northern.

Hon. Mr. YOUNG—Perhaps my hon. friend has been raising No. 2 hard and does not know about it.

Hon. Mr. PERLEY—I do not know much about No. 2, as we raise No. 1 only for sale. You could say No. 1, No. 2 or No. 3 in any class of goods but when you use the word 'Northern' I do not understand it. You put an ambiguous term which no one can understand.

Hon. Mr. YOUNG—My hon. friend knows that is a trade name, that wheat has been known by for years.

Hon. Mr. PERLEY—It is put in for dealers, and not in the interests of the farmer. Put No. 2 hard and you have it all right. I object to that clause.

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

SHIPPING CASUALTIES BILL.

IN COMMITTEE.

The House resolved itself into committee of the Whole on Bill (93) 'An Act respecting Inquiries and Investigations into Shipping Casualties.'

(In the Committee.)

On clause 5,

Hon. Mr. MILLS—In subclause 2 there are certain alterations to make the phraseology a little more distinct than it is in the present law, but the effect is practically the same as it is in the present statute.

Hon. Sir MACKENZIE BOWELL—Is this a consolidation of the Act ?

Hon. Mr. MILLS—In a large measure it is so, as my hon. friend will see by looking at the last clause. Almost everything in the Bill is contained in the Revised Statutes.

Hon. Mr. FERGUSON—As fas as I am able to arrive at the scope and object of this Bill, it is to regulate the conduct of investigations into losses of shipping, &c.

Hon. Mr. MILLS—Yes, and to bring our law into harmony with the English Merchants Shipping Act.

Hon. Mr. FERGUSON—It does not deal at all with the question of the liability of the owners of ships, either to passengers or to owners of goods. That is governed by another statute. This is to find the cause and the culpability of the owners or masters, &c. ?

Hon. Mr. MILLS—Quite so.

Hon. Mr. FERGUSON—I looked carefully into the Bill, because of a matter which personally interested me not long ago. When a ship is lost, though it may be shown on such an inquiry as this, that she was lost through the negligence of the employees or fault of the owners in not supplying proper appliances, yet there is a condition on the tickets sold by most steamship companies endorsed on the back of the tickets, that they do not hold themselves liable for any loss arising through the negligence of the officers or from any other cause. I have been told that the contract which is endorsed on most passenger tickets, has been held in the United States to be against public policy and to be invalid. Still it is there written in most cases. This Bill does not touch that.

Hon. Mr. MILLS—What my hon. friend says is true. There is a large distinction between the English and the United Sates law on that subject. The United States law will not allow a common carrier to contract himself out of his legal obligation, a very good provision I think, if he fails to discharge the duties which the law imposes upon him, he cannot relieve himself of his obligation by undertaking to make any condition upon ticket. That has not been the practice in England or in this country. This statute of course introduces the provisions of the Canada Evidence Act into the Bill. Under the Canada Evidence Act, a party is compelled to give testimony, even where, under the common law or under the ordinary criminal law, he would incriminate himself, but if he speak the truth, no action can be brought against him in consequence of his own evidence. It is only an action of perjury that would lie against him for anything he might say, under the provisions of this Act. If my hon. friend will look at the Revised Statutes of Canada, chap. 81, section 5, subsection 3, he will see there that if a party will assert that what he may say would incriminate him, he is not compelled to testify, but under this statute it is amended, so that he must testify or be liable to a fine of $40, but he incurs no obligation if he testifies.

Hon. Sir MACKENZIE BOWELL—Has he a claim to the protection of the court under the circumstances, or does he merely give the evidence though it may incriminate himself, and be held harmless ?

Hon. Mr. MILLS.

Hon. Mr. SCOTT—The words are merely copied in the new Bill.

Hon. Mr. MILLS—The Bill is brought in harmony with the Evidence Act of 1893. The practice is, that a witness shall claim the protection of the court.

The clause was adopted.

On clause 8,

Hon. Mr. MILLS—The latter part of this clause would be, under our constitution outside of our competence, but that power is conferred upon us under the Merchants' Shipping Act, and it is under the provisions of that Act that are given jurisdiction, if we choose to exercise it, beyond a marine league from the shore.

The clause was adopted.

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

SAFETY OF SHIPS ACT AMENDMENT BILL.

ORDER POSTPONED.

The Order of the Day being called—House again in Committee of the Whole on Bill (92) 'An Act further to amend the Act respecting the Safety of Ships.'

Hon. Mr. MILLS said: In looking over this Bill with some care to-day, it was perfectly certain to me that the intention of sub-clause (c) of clause 1, was to enable shippers to carry cattle upon the upper deck in an inclosed space. That intention is very obscurely expressed in the Bill as it appears now, and I desire to let it stand over, and I hope to amend that provision so as to make the intention perfectly clear, and with that object in view, I move that the Order of the Day be discharged and that it be made an order for to-morrow.

The motion was agreed to.

SECOND READINGS.

Bill (44) 'An Act respecting the Ottawa and Gatineau Railway Company, and to change its name to 'The Ottawa, Northern and Western Railway Company.'—(Hon. Mr. Perley.)

Bill (56) 'An Act respecting the Columbia and Kootenay Railway and Navigation Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (58) 'An Act to incorporate the Kootenay and Arrowhead Railway Company.'—(Hon. Mr. Macdonald, B.C.)

BILLS INTRODUCED.

Bill (61) 'An Act respecting the W. C. Edwards Company, Limited.'—(Hon. Mr. McCallum, in the absence of Mr. Clemow.)

Bill (70) 'An Act respecting the E. B. Eddy Company.'—(Hon. Mr. Macdonald, B.C., in absence of Mr. Clemow.)

Bill (75) 'An Act respecting the Canada Northern Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (79) 'An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.'—(Hon. Mr. McHugh.)

Bill (83) 'An Act to incorporate the Kootenay Central Railway Company.'—(Hon. Mr. Templeman.)

Bill (84) 'An Act respecting the Alberta Railway and Coal Company.'—(Hon. Mr. Lougheed.)

Bill (85) 'An Act to incorporate the Alberta Central Railway Company.'—(Hon. Mr. Watson.)

Bill (90) 'An Act respecting the Dominion Burglary Guarantee Company, Limited.'—(Hon. Mr. Dandurand.)

Bill (107) 'An Act to confer on the Commissioner of Patents certain powers for the relief of John Abell.'—(Hon. Mr. Perley.)

PATENT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (N) 'An Act to amend the Patent Act.' He said: This Bill is all contained in one clause and one principle. If the opinion of my hon. colleagues is made up and settled on the point, and if the principle involved is agreeable to the majority of the members of this House, then as to the details there will be very little to be done. A Bill was presented last year which covered, I think, the point I am now raising and submitting to this Chamber, but which went much further. It had three or four clauses, and it covered a great number of cases which are not covered by the present law. A couple of cases have come to my notice, have been pressed upon me by some patentees, where they thought there was a hardship which they should be relieved from. One case has more especially appealed to my sense of justice and equity. A patentee obtained a patent fifteen years ago. It will lapse in a few months. He spent—I am giving an incident to illustrate the class of cases this Bill will cover—a fortune in developing his idea, and succeeded in obtaining a patent. During the ten or twelve years that followed, he in vain looked for financial assistance to float his invention and put it on the market. The invention is a costly one; the apparatus still more costly. He died a few years ago and left to his heirs the invention, the patent for which is about to lapse. As another similar case has come under my notice, I thought that perhaps an amendment such as the one I am now suggesting should be added to the Patent Act. It is that when a patent has not, for certain reasons, been placed on the market during the term granted the patentee may, before the lapse of the term, ask for an extension. The petition made to the Governor in Council could be referred to the Exchequer Court, the allegation of the petitioner could be inquired into by the court, at his cost, and if the court found that during the time allotted by law he did not proceed, and there has been no acquired right, then the Governor in Council may, on that favourable report, grant him an extension. I do not see that any injury is done to anyone, and relief may be granted to a party who has had a valuable invention and has been so unfortunate as not to succeed in raising the proper capital to place it on the market and recoup himself for his labour and his expenditure of money. I know that we should not legislate generally for private cases, but as there were some cases that I knew similar to the ones that I want to cover, I thought there would be no harm in giving this power to the Governor in Council after having submitted the case to the Exchequer Court.

Hon. Sir MACKENZIE BOWELL—One point strikes me in this Bill, admitting the principle to be correct: why is not the usual course adopted of giving to the minister, under whose charge the issuing of these patents is, the power that you desire to give the court in this case? Could not the minister and the Governor in Council perform the same duties and make the same inquiries that are imposed on the Exchequer Court? That would relieve the party desirous of having an extension of his patent,

of all the expenses attending a reference to the court. Of course, I understand under this Bill the Governor in Council would have the power, in case of an application such as the hon. gentleman speaks of, and no caveat filed, to act. In case a caveat is filed, it goes to court, I understand.

Hon. Mr. DANDURAND—It goes to court in any case.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman thinks it is safer to go to the court. What suggests itself to me, is, the expense which would attend an application of that kind in going to the courts, might be avoided if the minister had the power to act.

Hon. Mr. DANDURAND—My first idea was, to act upon the lines just mentioned, but it was represented to me that the referring to the court would have for its object and result, greater uniformity in the decisions to be rendered, and, besides, the Governor in Council could not well sit as a tribunal upon a statement of fact and hearing of witnesses in case opposition were entered against the application. Besides, it may affect private rights, and the public in general, and it was represented to me it would be a fairer proceeding to leave the finding of the facts to the Exchequer Court.

Hon. Mr. FERGUSON—My impression is, that if a person applies in the usual way, and obtains a patent for a term of years, and within the life of that patent, or towards the end of the term, he may apply and get an extension of it.

Hon. Mr. DANDURAND—No.

Hon. Mr. FERGUSON—I know cases of it, and I think my hon. friend will find that a patent itself contains the provision that it is for a number of years and may be extended. My hon. friend proposes that there shall be an extension beyond anything provided for in the Patent Act. I have had no practical experience with the question of patents myself, but I remember having had a correspondence with a gentleman in Ontario, and in his interests I went back and forward to the Patent Office, and I found that his patent had expired, but that if he had applied before the expiration of the first period mentioned in the Bill, he could have procured such an extension as the patent contemplated. My hon. friend's Bill, as I understand it, contemplates an extension such as is not covered or embraced in the original patent. That being the case, I imagine that there would not be very many cases in which it would be regarded as in the public interest to do what my hon. friend seeks to have the law to do, but it is quite possible such cases might arise and if such cases do arise, I think that this is a very guarded amendment. It provides that a party wanting an extension may petition. Any person whose interest is affected, or who thinks the public interest is affected, can object, and it will be referred to the Exchequer Court as mentioned by the hon. gentleman. As far as I can see, I do not think any harm could arise.

Hon. Mr. SCOTT—Patents are limited to fifteen years, but in order to relieve parties from a large fee, they are allowed to pay a fee for a limited term of five years. At the end of five years they are allowed to pay for another five, and so on. Very often a man forgets when the first five years expire, unless he renews it in time, the patent expires. My hon. friend's Bill would cover both contingencies.

Hon. Mr. JONES—I think the Secretary of State is mistaken as to the period for which patents are allowed to run. He has been looking at the Act of 1886. The extreme life of a patent now is eighteen years. I think that is the longest term granted a patent by any government. It has been fifteen years until recently. In the United States patents are now granted for seventeen years, that is the extreme limit. There is no law in the United States enabling the courts to extend the time. Efforts from time to time have been made in the United States to enact such a law, but they have never been successful, and only by congress itself can a patent be extended in the United States. In England I think the extreme limit for the life of a patent is fourteen years, and there I think you will find they have a law somewhat similar to the Bill which is now before this House, in which a patentee is enabled, if he desires to go before the court or possibly first to get an order—I am not sure about the details, but at all events he is able to get, under certain conditions, before

the court, and if he can show there that his patent was taken out at an earlier period, possibly, than the country was ready for the use of the patented appliance which he had, or for other reasons he was unable to profit by the use or manufacture of the article named in the patent for such time as would seem reasonable to the court that he ought to have been protected, then he is enabled (under certain conditions) to get an extension. The advisability or the necessity of extensions in Canada is less liable to happen, because a patent here runs eighteen years to begin with. There may, to my mind, arise very serious difficulties in the interest of the people, and of patentees also, with reference to this. I do not think that this law will necessarily affect the class of people which may be considered as the majority—the great majority of the inventors. I think hon. gentlemen will agree with me the great majority of inventors are poor. They are geniuses, but they never get much money, as a rule, for their patents. They therefore would not probably be enabled to go before the court and pay the expenses necessary to give them a right to the extension of a patent under this law. Then there is another class of people who might take great advantage of the law which enabled them, under certain conditions, to tie up what might be an exceedingly important thing for thirty years. It will be possible, as I understand it, by this law, to get a patent giving the owner absolute right for a period of 30 years. That seems to me to be a very long time to tie up any patent that is taken out.

There are now probably 70 or 80 thousand patents in Canada, although this number has been reached in a comparatively short time. The foreign patentee may come here—and I refer particularly to the inventors in the United States. It is a very big country, lying convenient to Canada, and you will find, if you go through the lists of patents, a large proportion have been taken out by United States inventors. These generally find their way into the possession of large corporations who control them. It might, under this law, be thought advisable by a large corporation to withhold the manufacture of an article, using possibly less desirable inventions, but which serves their purpose in the meantime, and thus tie up for a long time useful inventions. There has been in the United States, and possibly to some extent in Canada, serious consideration given to that feature of the law with reference to telephones and other important inventions which are now considered almost absolute necessities. It seems to me that a wealthy corporation, controlling large numbers of patents, might in this way get possession of and control a series of patents which would practically tie up—possibly against the interests of the public—for a very long period of time what ought to be open to everybody to manufacture within a shorter time, because the patentee would have been well repaid for his invention long before such a lengthened period would have expired. It is true these are matters which will come before the courts for their consideration, but possibly it would not follow that all the information desirable, from the side of the people or from others interested, would get before the court, and it seems to me that this House should be very careful to give most serious consideration to a Bill of this kind, lengthening possibly, or probably, and likely in important cases, the life of a patent long beyond the life of any patent ever granted in any country heretofore. There is a law also on the statute-book here, and very properly so, that the life of a patent in Canada cannot exceed the life or time that the said similar patent has to run in any other country in which it is taken out. A very important invention may have been taken out in Great Britain. The longest period that that could be controlled by the patentee in Great Britain would be 14 years, and while that patent is taken out in Canada for 18 years, it will only live in Canada the 14 years, notwithstanding the present law. That is provided, of course, no reference in this Bill is made to that feature of the Act, but I take it from the reading of this Bill that notwithstanding this patent would become common property in any other country in 14 years, and they might therefore import into Canada articles made under that patent without the expense of a patent, it might still be tied up by this law in Canada for a long period of years after it became open property in another country. I know nothing, of course, of the particular case of which the hon. gentleman has spoken. It doubtless is a very deserving

case. If there is such a case, it seems to me the safe thing for this House to do would be one of two things: either to give legislation directly to the case of which he speaks and not make it general, or else to make a general law extending the patent laws of Canada to the limit which it is thought reasonable to be done. Then a poor man or a rich man taking out a patent knows exactly what he can do, and the poor man who is unable to go before the court will have the same number of years to get the value of his patent that the corporation will that buys it from him for a small price, and gets the time extended. I have had considerable experience of patents. I have taken out a large number myself, and am interested, in a business way, in probably two hundred patents. There are very very grave difficulties in coming before the court with a patent, and satisfying the court. In Canada they have not had a very wide experience in such matters to decide whether you would be entitled to an extension or not. It is difficult. It will be expensive, and I hope that this House will give most careful consideration before they decide to make the change.

Hon. Mr. DRUMMOND—I am not sure about the exact legal position of the patent law in this country, but I know that one of the objections raised by the hon. member is met by the fact that it is necessary, under the patent law here, to manufacture the goods in Canada within a certain period after the granting of the patent, so that it is impossible for a foreign corporation to bottle up a patent in that way, because they require to be put in operation and offered to the public on reasonable terms, within a certain period—two years after the taking out of the patent. I have had some experience of patents. I have patented things myself, and used patents myself, and I must say that the object of the present law appears to me to provide for a special case. The word 'exploited' used in one subsection here means to give the patentee a reasonable return for the brains and time and money he has expended upon it. I take it that is the meaning of the word 'exploited,' but the English courts have repeatedly had before them cases in which a patent extension is applied for and granted only upon the clearest evidence that the remuneration which has been obtained by the patentee has not been sufficient to justify an abrupt termination of the patent. It does appear to me that some method of extension is a reasonable and advantageous thing, and should be provided for. I am not very sure whether I would give the Governor in Council the full power that is provided for under this Bill. The Governor in Council may refer it to the Exchequer Court, and after the Exchequer Court has reported upon it the Governor in Council may act upon it. I would rather, in the interests of poor inventors, that the application should be made to the Exchequer Court, which would deal with the proposed extension, and thereupon the Governor in Council might have a say in the matter. If you will notice the extension is not to exceed twelve years, but it might be three, or four, or six, or any period the court might consider desirable. I think that I would set clearly forth in the Bill that only in the event of the remuneration and return to the inventor being considered insufficient, it should be extended. That brings up one question which the last speaker touched upon, which is the clause in the present Act, that if the patent is patented elsewhere and expires there, the Canadian patent expires ipso facto. The promoters of the Bill should take care that that difficulty is overcome. I do not see how it can be overcome. You may extend it here, but unless you alter the present law, so that it will not be terminable on the expiry of the patent elsewhere, you are no better off. I favour the Bill.

Hon. Mr. MILLS—In every patent there are conflicting interests, the interests of the manufacturer and of the inventor. They do not always accord, and because of this difference many have contended that the right to secure a patent ought not to exist, that every one's inventive genius ought to be exercised gratuitously and without compensation. That is not the rule, however, where a patent law prevails. The intention of the patent law is to provide the means by which the inventor may obtain some compensation for the time, labour and ingenuity which he has expended in the production of the invention. I was spoken to with regard to this by Mr. Peterson, I think, an engineer of the Canadian Pacific Railway Company. This invention is one

upon which the patentee has spent a large sum of money, if I remember rightly $60,000, and he has never succeeded in having his invention taken up, or until very recently. The public will not suffer any. I would recommend to my hon. friend to send this Bill to a special committee to consider it, because there are many important questions involved, such as have been suggested by the hon. senator from Toronto, where it may be fully considered, and if there are any persons who have undertaken to apply the invention when it is no longer protected by patent, that they shall be protected. That has been the usual practice where you extend patents, but that the party himself shall be entitled to an extension of his patent. I think that would be, under the circumstances, only reasonable, if you give him the extension. A special committee can very well consider whether the measure ought to be made general in its character, applying to all applications for renewals of patents under certain circumstances, or whether you will confine it to the specific case with which you are undertaking to deal. A special committee may find that it would be more advantageous to keep this particular case in view, and to apply special legislation in every case where you think the party merits a renewal of his patent, without undertaking to legislate generally. However, if my hon. friend refers this to a special committee of the House, that question may be considered, and the committee may report this Bill nearly in the form in which my hon. friend has it, or may consider it safer in the public interest to undertake to confine the Bill to the particular case which, upon the representation made to me, is a case of very great hardship, or not. I would, therefore, suggest that the House allow the Bill to be read, and that my hon. friend ask for a special committee that may carefully consider the question, and they may report, besides the Bill, information upon the subject which may be useful to us in guiding us in legislating on matters relating to subjects of this kind.

Hon. Mr. JONES—With reference to the statement which has been made, that it is necessary that an article should be manufactured within a specific time to enable the patent to be kept alive, the very case we have in point shows that that is not the law in fact, because if so, it not having been manufactured, this patent would be dead.

Hon. Mr. MILLS—That is true of foreign patents.

Hon. Mr. JONES—I think the Patent Act does not refer necessarily to foreign patents. I think the law refers to Canadian and foreign patents alike in the sense in which the hon. gentleman has referred to it, and gives a certain time for manufacturing; but in order to void the patent, it must be shown that the necessity existed for the production of the article, and that users requiring it desire to have it, else the patent is not voided, and as a matter of fact, in practice in Canada I do not think that many patents have ever been voided because of the non-production within the time, and it is perfectly well known by those who are interested in patents that patented articles are frequently held for a number of years after they could be made to advantage, with a view of bringing them out at a later date, manufacturing in the meantime what would answer the purpose and be fairly successful from a monetary standpoint. The importation of articles in connection with foreign patents is limited to two years. The Governor in Council, however, has power to extend that time, I am inclined to think practically indefinitely, although it is not usually adhered to, and I believe never in Canada, if objection be taken, to a longer period than probably three, four, or possibly at longest five years. I hope that this Bill will, as suggested, go to a special committee. I have had some letters and telegrams from interested parties who would desire to appear and give their views with reference to this, and that would afford an opportunity to the committee to get information, and interested parties an opportunity of stating their case to the committee before the Bill comes back to the House.

Hon. Mr. WOOD (Hamilton)—If the Bill is referred to a special committee, I will not oppose it further here. The matter can be threshed out there much better than it could be in committee of the whole. I would say, however, in reply to my hon. friend, when he says he has no recollection of any patents being voided in Canada for not being used, I will mention one, the Orford Copper Com-

pany. They got a patent some years ago for the purpose of refining nickel and copper in Canada, and never used it. The patent lapsed, and they came to parliament last year for the purpose of getting it renewed, and, of course, it could not be renewed, in consequence of the patent having lapsed. However, as the hon. gentleman has consented to let the Bill go to a special committee, I shall say nothing further on the matter.

Hon. Sir MACKENZIE BOWELL—Is there not a provision of the law with regard to foreign patents, if the manufacture is not carried on within the time mentioned in the law, any one else can go on and manufacture it, and there can be no prosecution for it ?

Hon. Mr. JONES—Unless the time has been extended by the government.

Hon Sir MACKENZIE BOWELL—I hope my hon. friend will accept the suggestion of the Minister of Justice.

Hon Mr. DANDURAND—I intend to move for a special committee when the second reading is passed. I should like to draw the attention of the hon. gentleman from Kennebec division (Mr. Drummond) to the fact that this Bill only refers to cases where no manufacture or sale of the article has taken place, which in fact has not been put on the market. So, if the hon. gentleman thought that this Bill should go further he could move in committee an amendment to that effect. I have not gone so far as to mention the case of patents which have not brought any profits to the patentee, or have had but a short period of existence on the market of Canada. I simply wanted to cover the case where no manufacture at all of the article has taken place during the term.

Hon Mr. DANDURAND moved that the Bill be referred to a special committee consisting of Mr. Wood (Hamilton), Mr. Jones. Mr. Baker, Mr. Ferguson, Mr. Lougheed. Mr. Drummond and the mover, to examine and report upon it.

The motion was agreed to.

THE CENSUS.

Hon Mr. MILLS moved that the House do now adjourn.

Hon. Mr. WOOD.

Hon Sir MACKENZIE BOWELL—Before the House adjourns, my attention has been called to a question that I put to the minister a short time ago, when we were discussing the question of the circulars which were issued by Mr. Coté, of the Public Works Department. I then asked this question : 'Who is responsible for the issuing of government circulars. Is Mr. Coté, the assistant commissioner, who was formerly private secretary of Mr. Tarte, the Minister of Public Works, and who allowed his private and confidential letters to be stolen and published to the world, the only responsible party ?' No answer was given by either of the ministers to that question, and consequently it has gone to the world as if the question was affirmed by the non reply of the Ministers. I have been informed since that Mr. Coté was not the secretary of Mr. Tarte at the time the documents to which I have referred were purloined, and I should be very sorry indeed to have an imputation rest upon the shoulders of any gentleman who is not guilty, and I take this opportunity of making the correction. I think it is only due to Mr. Coté to make the explanation, as it is only what one ought to do if he has been led astray or was in error. I thought Mr. Coté was secretary at the time, but I am glad to know that such is not the case.

Hon. Mr. MILLS—That question was not put across the floor of the House to my colleague or myself. It was merely a statement of fact which my hon. friend made in asking the questions.

Hon. Sir MACKENZIE BOWELL—The hon. minister is partially right and partially wrong. We were discussing the question of the placing of the word 'confidential' upon the circular. The Secretary of State, in reply to some remarks which I had made, and which the hon. gentleman from St. Boniface had made, said the Minister of Agriculture condemned the use of the word 'confidential.' He said he had no idea it was on the circular. I then put the question 'who is responsible ? Is such and such a man responsible ?' and no answer was given. I take this oportunity of doing justice to Mr. Coté.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 25, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE EXPORT OF CHEESE.

INQUIRY.

Hon. Mr. DRUMMOND inquired :

Has the government any information bearing on the question of an alleged serious depreciation in the quality of cheese exported of late to Great Britain or to foreign countries?

Is there any truth in these allegations, and what steps, if any, is the government disposed in such case to take to secure and sustain the high character of this product?

He said : In case it should be supposed that I wantonly ask this question, I may say that a gentleman recently returned from England told me that in conversation with a large cheese dealer on the other side, the latter had stated that he would have to give up dealing in Canadian cheese altogether. Whether it was because of a general depreciation of quality, or imperfect standards, I cannot say, but it was of sufficient moment, I thought, to warrant me in asking if the subject had attracted the notice of the government in particular, and whether they were fully aware of the vast importance of the question.

Hon. Mr. MILLS—There can be no doubt of the importance of the question. It is of the utmost consequence in this country that the reputation of Canadian cheese should not suffer by negligence in transportation, or from any other cause. The information that I have received from the department is that agents of the Department of Agriculture in Great Britain and others have reported that some Canadian cheese had been delivered in Great Britain injured in quality by overheating in the curing rooms and during transit.

The Commissioner of Agriculture has brought the matter to the attention of the manufacturers at conventions, and through the press. A special bulletin of directions for the improvement of curing rooms has been prepared ; and arrangements are being made with several steamship lines to provide refrigerator machinery and fans for cooling the places where the cheese are carried by circulating cold air through them.

THE MICMAC INDIANS.

INQUIRY POSTPONED.

The notice of inquiry being called :

By Hon. Mr. Landry

That he will call the attention of the government to the communication of Alex. Marchel, chief of the Micmac Indians, sent to the members of the Senate and of the House of Commons;

And will inquire if the complaints made against the Indian agent of the Indian reserve of Ste. Anne de Restigouche have been investigated, and if so, what is the result of such an investigation?

If no investigation has yet been held, is it the intention of the government to hold one, and when?

If not, why?

Hon. Mr. MILLS—I informed my hon. friend yesterday that a report had been made by an officer of the department, and that the report was in course of preparation. I have not received that report as yet, so if my hon. friend will let his question stand, as soon as the report is received I will give him the information.

The inquiry was allowed to stand.

THE OLIVER EQUIPMENT.

INQUIRY.

Hon. Mr. LANDRY rose to

Call the attention of the government to the following facts :—

On the 27th of March last, Capt. C. F. Winter, Adj., the Governor General's Foot Guards, spoke to the officers of the Ottawa brigade upon some observations from recent experiences in South Africa and their application to Canadian defence. The lecturer was introduced by Major General O'Grady-Haly, commanding the militia, who presided. Among his observations are the following :—

' . . . The Oliver equipment had not found much favour among the men, and the water-bottle which goes with it was strongly condemned—the best proof of this being that the regiment procured the army water-bottle at the very first opportunity, and the individual men, whenever they could, got a " Tommy's " set of straps to replace their own. The main objection to the Oliver was the excessive pressure on the back of the neck between the shoulders, which resulted when carrying the blanket, &c., on the hips. The bandolier was the proper way to carry ammunition on the person, but it must always be covered by a flap, otherwise cartridges work loose and are lost. It was a fact that in South Africa the men of the regular regiments used to say that they could always tell where the " Canadians " had been by the amount of loose ammunition left behind. Haversacks were out very quickly on service, and those of Royal Canadians after seven or eight months' service were a sight once seen to remember for ever.

' Boots were always a question of extreme import to an infantryman, but it was not conducive to Canadian pride to find the regulars'

ammunition boots superior and more lasting to those sent with the troops from Canada. Too much attention could not be paid to this matter.'

Major General O'Grady-Haly, in summing up and moving a hearty vote of thanks to the lecturer, stated he had listened to the lecture with the keenest interest, and hoped it would not be the last time he would hear Capt. Winter. . . . He was also in accord with the lecturer about the Oliver equipment—he was in Canada when this had been tried for the Imperial service and rejected at Halifax some years ago. Too much stress could not be laid upon the necessity of giving men a good water-bottle.' (Vide the Military Gazette, April 16th, 1901.)

And will inquire :—

Is it the intention of the government to investigate into the complaints brought forward by Capt. Winter and to improve the general equipment of the Canadian militia?

In the meantime, is it the intention of the government to discontinue the distribution of the Oliver equipment to the Canadian militia and to substitute for it a more suitable one?

How do the government explain the fact that the Oliver equipment has been selected for the Canadian militia when the same equipment has been refused and rejected by the Imperial authorities after a trial made in Canada, at Halifax, some years ago?

Hon. Mr. MILLS—I have received from the Department of Militia and Defence the following reply to this inquiry :

1. Steps have been taken to obtain the independent testimony of officers, non-commissioned officers and men who had experience of the equipment in South Africa.

2. No, as no doubt any defects brought to light by the severe test of actual war can be remedied.

3. The late administration on the 4th of July, 1896, passed an order in council, authorizing the purchase of Dr. Oliver's patent for the infantry equipment, for the sum of $5,000.

Before finally accepting this equipment, special tests thereof were made at the various depots of the permanent units, in 1897.

On the 9th of December, 1897, Major General Gascoigne, Commanding the Canadian Militia, made a very elaborate report, in which he says : 'In every case there is a highly favourable report. It is comfortable to wear, well balanced, serviceable,' and he recommended that it be adopted for the use of the militia.

On the 6th of August, 1898, an order in council was passed authorizing the purchase of the equipment.

4. There is no record or evidence of this particular equipment having ever been refused or rejected by the Imperial authorities.

Hon. Mr. LANDRY.

Hon. Mr. LANDRY—That contradicts the statement made by the Major General.

Hon. Mr. DRUMMOND—The whole question of the equipment of infantry has been revolutionized by the experience gained in South Africa. The Imperial forces used the Oliver equipment, and they are now considering the whole question of re-arranging it, and the Oliver equipment has been largely condemned by experienced men. The use of the helmet—that is no part of it, of course—is being abandoned for a soft felt hat. The use of the pouch is being abandoned for the use of the bandolier, and even that is not supposed to be sufficient, because infantry and mounted infantry must carry 150 rounds of ammunition hereafter. The whole subject is being considered now by the Imperial authorities. At the same time, when the Oliver equipment was obtained for Canada, I am sure it was considered the best available, but that it will now be discarded is almost a matter of certainty.

Hon. Mr. LANDRY—I wish to call the attention of the hon. Minister of Justice to this part of the lecture, to which I refer in my inquiry :

Major General O'Grady-Haly, in summing up and moving a hearty vote of thanks to the lecturer stated he had listened to the lecture with the keenest interest, and hoped it would not be the last time he would hear Capt. Winter. . . . He was also in accord with the lecturer about the Oliver equipment—he was in Canada when this had been tried for the Imperial service and rejected at Halifax some years ago.

Referring to what my hon. friend (Mr. Drummond) has stated, that the helmet has been condemned and replaced by the felt hat, I suppose that applies only to South Africa.

Hon. Mr. DRUMMOND—No.

Hon. Mr. LANDRY—Because we received an order a short time ago, asking us the number of men and the sizes of their heads, so that they might be fitted with new helmets.

Hon. Mr. DRUMMOND—I saw the report on that quite recently. The men using the helmet said they could not shoot with it, and when they had to shoot they had to turn the front to the back, in order to see the sights of their rifles. It is sure to be condemned.

THIRD READINGS.

Bill (B) 'An Act for the relief of Lilias Middleton.'—(Hon. Mr. Watson.)

Bill (115) 'An Act to amend the General Inspection Act.'—(Hon. Mr. Mills.)

Bill (93) 'An Act respecting Inquiries and Investigations into Shipping Casualties.'—(Hon. Mr. Mills.)

MARKING AND INSPECTION OF FRUIT PACKAGES BILL.

ORDER OF THE DAY DISCHARGED.

The Order of the Day being called :

Committee of the Whole House on (Bill 32) An Act to provide for the Marking and Inspection of Packages containing Fruit for Sale.—Hon. Mr. Mills.

Hon. Mr. MILLS said : I may say to my hon. friend from Marshfield, that I have not had an opportunity of fully discussing this Bill with the Minister of Agriculture since the hon. gentleman put a number of suggested amendments in my hand. I have not had time to go over the amendments with the hon. Minister of Agriculture, but he does not quite agree with the views of my hon. friend opposite, and so I move that this Order of the Day be discharged and placed on the Orders for Monday. In the meantime I will discuss the matter more fully with my colleague and the Department of Agriculture.

The motion was agreed to.

SECOND READING.

Bill (41) 'An Act respecting the Saskatchewan and Western Railway Company.'—(Hon. Mr. Landerkin.)

VANCOUVER AND LULU ISLAND RAILWAY BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (No. 52) 'An Act respecting the Vancouver and Lulu Island Railway Company.'

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman kindly tell us how they expect to get from Vancouver to Lulu Island ? Will they bridge the Fraser ?

Hon. Mr. TEMPLEMAN—I moved the second reading of this Bill the other day. I think I have a reasonable ground of complaint, and I presume every other hon. gentleman has a reasonable ground of complaint, that the promoters of Bills do not ask any senator to take charge of them in this Chamber. I moved the second reading because I heard the names Vancouver and Lulu Island mentioned, and I thought I would advance it a stage. I do not know much about the Bill, but I know enough about the geography of the country to answer the hon. gentleman's question. Vancouver city is fourteen or fifteen miles distant from Lulu Island, which is situated at the mouth of the Fraser, which enters the ocean through several branches. The island is separated only by a narrow branch of the Fraser river that forms the northern boundary, so that it is quite an easy matter to bridge it and it will not interrupt or interfere with the navigability of the Fraser.

Hon. Sir MACKENZIE BOWELL—I am quite satisfied with the explanation.

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

SAFETY OF SHIPS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (92) 'An Act to further amend the Act respecting the Safety of Ships.'

(In the Committee.)

Hon. Mr. MILLS—We adjourned the discussion on this Bill on the last occasion for the purpose of considering the propriety of making the provision of the law more clear relating to cattle being carried as a portion of the deck-load of a ship, and with that object I propose to strike out on line 18 the following words :

Any uncovered place on the upper deck or in any covered space not included in the cubical contents for the registered tonnage of such ships.

And to insert the following words :

Any space where the deck-load of such ship is not closed in, any cargo of any description to a height not exceeding three feet above the deck or upon any uncovered space upon the upper deck, or in any covered space not included in the cubical contents forming the registered tonnage of such ship.

That forms part of the main section. Then I propose to leave subclause (a) as it is in the Bill, for those are the exemptions to that provision, and I will leave subclause (b) as it stands, but I strike out subclause (c) altogether, and subclause (b) will then be subclause (c).

Hon. Mr. WOOD—I presume line 31 of subclause (b) will go out, because it is a repetition?

Hon. Mr. MILLS—No, because it relates to a different matter. The latter part of the clause reads as follows :

Provided always that if the master of any such ship considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, he may place and keep on any space on the upper deck, covered or uncovered, not included in the cubical contents forming the ship's registered tonnage, any wood goods forming part of the cargo of such ship, and permit the same to remain there for such time as he considers expedient.

There is no change in that. My hon. friend from New Brunswick suggested that the word 'wood' should be struck out. I think the intention of the framers of the Bill is that this clause should be applied to wood goods.

Hon. Mr. McCALLUM—I think the word 'leak' should be struck out. It is necessary that every ship should carry spars where they can get at them. In case of getting dismasted they should have enough spars to erect a jury mast to carry the vessel into a safe harbour, and the ship should carry enough boats to take the crew ashore without having to make a raft. I do not see why he should anticipate that the vessel is going to spring a leak, and if it springs a leak what use are the spars going to be? Are you going to float the crew ashore on the spars? It might be necessary to re-spar the vessel, and they should see that the vessel is in good order in every respect, and be compelled to carry boats enough to save the crew in case of accidents. That is my view, and that is all I wish to say about the matter.

Hon. Mr. WOOD (Westmoreland)—Under the Act upon the statute-book, hitherto the master of the ship has power where the ship has sprung a leak or received damage, and he considered it necessary, to place any goods on the deck; it might be necessary to place live stock on the deck for the safety of the ship. I do not wish to press the matter if the department have any objection to it, but I really think the words are unnecessary.

Hon. Mr. FERGUSON—It would really seem that in such a case the captain should have a very wide discretion.

Hon. Mr. WOOD—It is not in our Act, but since the committee met before, I have read the British Merchant's Shipping Act, and it is not in that Act. The captains under that Act have full power.

Hon. Mr. MILLS—We will strike out the word 'wood' and make it read 'any goods.'

The clause as amended was adopted.

Hon. Mr. FERGUSON—I may be permitted to make an explanation before the committee rises. In one of the earliest stages of this Bill I made some remark about a previous error that had been made in dealing with this question, and I located that error in the statute of 1900. It was not in the legislation of 1900, but in the legislation of 1899 that the error was committed which removed all these restrictions with reference to vessels leaving Canadian ports, and the Bill of last year remedied the blunder which had been made in 1899.

Hon. Mr. LOUGHEED, from the committee, reported the Bill with certain amendments, which were concurred in.

BILL INTRODUCED.

Bill (50) 'An Act to Incorporate the Canadian Mutual Aid Society.'—(Hon. Mr. Casgrain, Windsor.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 26, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CHIEF JUSTICE OF THE NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY inquired :

If in pursuance of the Act of Parliament passed last session, providing for the appointment

of a chief justice for the North-west Territories, when it is the intention of the government to make the appointment?

Hon. Mr. MILLS—The Bill relating to the salary of the Chief Justice of the North-west Territories, and some of the judges that it was proposed to appoint in the province of Quebec, and also in the Yukon country, was not carried through this Chamber—it did not become law, and so no appointment of the Chief Justice could be made until such time as a salary suitable to the office is provided. A measure is now before the House of Commons for the purpose. If that measure becomes law, one of the present judges, in all probability, will be made Chief Justice of the North-west Territories.

EMPLOYMENT OF EX-SENATOR BURPEE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. At what date was Mr. Charles Burpee, ex-senator, appointed to a position on the staff of the Paris exhibition?
2. At what date did his services end?
3. What was the total sums paid to him for such services, including travelling and living expenses?
4. Is there any further sums due him? If so, how much?

Hon. Mr. MILLS—My hon. friend beside me (Hon. Mr. Scott) answered this question yesterday. Mr. Burpee was appointed the 18th of July, 1900. In answer to the second question, February 28, 1901. The answer to the third question is, $2,263.49. The answer to the fourth question is, no.

SAFETY OF NAVIGATION ON THE ST. LAWRENCE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government been informed that the steamer Ashanti, of the Elder-Dempster line, which sailed on the 7th of April from Newcastle with a cargo of coal for Quebec, has run aground during a storm in the night of the 20th and 21st instant, on rocks near Rivière Blanche, about half-way between Matane and Metis?

Was it proved at the investigation made by the exporters and underwriters on the necessary improvements to be made to the St. Lawrence route from Montreal to the Gulf, that the small buoy a little above Matane was useless and had to be replaced by an automatic gas buoy with a whistle; that, moreover, it has been suggested that fog signals should be placed at the light-houses at Fame Point, Cape Chat, Matane and Father Point?

Has the government been informed of those suggestions, and have the necessary measures been taken to ensure, in this direction at least, greater safety of navigation on the St. Lawrence?

Is it the intention of the government to inquire into the cause of the accident suffered by the Ashanti and to remove the inconveniences pointed out, in adopting the suggestions made by the exporters as above stated, or any other measure which would help to avoid the recurrence of such accidents as the one the Ashanti has met with?

Hon. Mr. MILLS—In reply to the first question, the answer is, yes.

To the second, yes, it has been suggested that fog signals should be so placed.

To the third, yes, the suggestions are being investigated, and the results will be stated when the supplementary estimates are brought down.

As to the fourth, if an inquiry is asked for by any of the parties interested or if the facts seem in the public interest to require it an investigation will be held, but up to the present time no demand has been made nor do the facts of the loss as disclosed so far seem in the public interest to require an investigation. It has not been even stated much less proved that the accident to the Ashanti was caused by any defect in existing aids to navigation.

THIRD READING.

Bill (29) 'An Act to amend the Dominion Lands Act.'—(Hon. Mr. Mills.)

SAFETY OF SHIPS ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (92) 'An Act further to amend the Act respecting the Safety of Ships,' as amended.

Hon. Mr. McCALLUM—I do not rise with the object of opposing this measure, but this Bill says what the master of a ship shall not do, and what he may do. We all know that the master of a ship must be a good seaman. He must be a navigator, and he is responsible for the ship, the cargo, the safety of all on board ; and we tell him here that if his vessel leaks, he can put some of his cargo on deck. The duty, as I understand it, of the master of a vessel when he finds his vessel is leaking, is to try his pumps, and see

if they will overcome the leak. If they do, it is all clear sailing. If they do not, I am sure taking the cargo out of the hold, and putting it on deck, is not going to help him. Fancy a vessel with its hold half full of water, and the cargo on deck. What is the result? It will tumble over. I say the master should have full liberty. You tell him here what he may do, and what he shall not do. Supposing he gets aground, you do not say what he shall do in that case. Is he to throw some of the cargo overboard to save the balance? If he understands his duty he should save what he could, because whatever he saves is for the benefit of all concerned. You anticipate a leak in the vessel, and then, in order to help that leak, you make the master put the cargo on deck, and the moment he does that, he increases his danger. It would be much better to hold him responsible. If he is responsible, what is the result? If he makes a mistake he loses his certificate, which is a very important thing to him, and if he has passengers, it is almost a crime if he mismanages in that case. See what he has to suffer. Therefore, he ought to have discretion throughout, because he is held responsible. In this Bill you tell him what he shall not do and what he may do. You instruct him, as much as to say: 'Oh, take the cargo out of the hold, and put it on deck, if your pumps do not subdue the water.' If the pumps subdue the water he does not require to shift his cargo at all, and if they do not, you advise him to take the cargo out of the hold and put it on deck. A blast of wind or a rolling sea would then tumble her over, and you lose all. We are very wise. We think to instruct mariners how they shall manage their ships. I do not presume to know anything about it, but I have seen enough and gone through enough to know the effect that this will have, and therefore I do not approve of this Bill. I leave the responsibility with those who introduced the Bill, the government of the country.

Hon. Mr. PROWSE—It appears to me that the clause with which the hon. gentleman finds fault is a very harmless one, and I was almost going to say a very silly one. If I understand the duty of a shipmaster it is that, once that vessel goes to sea, he is the absolute commander, and takes such action and such course with his crew and passengers and cargo, absolutely as he thinks is best and right, and if he does anything improper, he can be subjected to an investigation, or trial, when he gets to land; but he is monarch of all he surveys while he is at sea. There is no divided responsibility. The passing of a law, telling him what to do with the cargo, is practically nonsense, and it only indicates a want of knowledge about the incidents of navigation to place such a law on the statute-book.

Hon. Mr. MILLS—I think if I were to go into a discussion of the law, I might fasten on the hon. gentleman that want of knowledge which he describes as existing in my colleague and myself. If he will look at the revised statutes, he will see that it is part of the law, and has been part of the law of Canada for over thirty years.

Hon. Mr. PROWSE—Then why do you want this legislation?

Hon. Mr. MILLS—The hon. gentleman says the officer is monarch of all he surveys when his ship is at sea. If he is, it is because the law has made him so. We are amending the law, and the amendments, apart from this provision, might enable the party in charge of a vessel to say 'I might have saved the ship, if I were at liberty to exercise a certain discretion, but the law as it stands has been amended, and the effect of that amendment is to take away that discretion from me.' To remove all doubt in this matter—to make it perfectly clear that that discretion has not been taken away, this provision was inserted in the statutes at a very early period in the history of this country. It was re-enacted and revised when the consolidated statutes were prepared in 1886. It has been continued down to the present time, and the alterations we have made in the sections preceding this might have the effect of limiting the authority of the commander of the vessel if it were not for this provision. Now, what does the proviso say?

> Provided always, that if the master of any such ship considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, he may place and keep on any space on the upper deck, covered or uncovered, not included in the cubical contents forming the ship's registered tonnage, any wood goods, &c.

Now, that is to make it perfectly clear that he has this discretion, and may take the necessary steps that his judgment sug-

gests as a precaution against difficulty or danger, and in doing so the law is making a necessary and proper provision. My hon. friend from Monck (Hon. Mr. McCallum), who has discussed this question, knows a great deal more about the sailing of vessels than I do. I do not pretend to have any knowledge of the subject, but I do say that the re-enactment of this provision is necessary to leave no room for doubt on the mind of the commander of the vessel that he has this discretionary power to save the goods and save the ship.

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

McDONALD DIVORCE BILL.

REPORT POSTPONED.

Hon. Mr. KIRCHHOFFER moved the adoption of the Ninth Report of the Standing Committee on Divorce in re McDonald relief Bill, together with the evidence. He said: The committee took a great deal of trouble and spent a great deal of time in the investigation of this case, not that they from the very beginning, saw much reason to doubt that the party applying was entitled to divorce, but from the fact that the counsel for the respondent put in a statement that she had a good defence on the merits, and the committee were willing that she should have full opportunity to defend the case. When the application was made to the committee to order a sum of money to be paid to bring witnesses, to establish what she contended she could prove, they made that order, and she was given every facility to present the case in the fullest way. The committee was entirely unanimous on the finding, and several members, among them Mr. Baker, who is a skilled criminal lawyer, stated that it was one of the worst cases they had ever seen, and one in which no credence could be placed in the evidence that was brought in by the respondent. The evidence, which has been very voluminous, is printed, and has been submitted to every senator, and no doubt has been perused by a great many of them; and I am satisfied that they will entirely concur in the finding of the committee. I make these remarks because there has been circulated by the solicitor for the respondent a synopsis of what he calls his argument which he stated he was not allowed to present to the committee. This is not a case in which he could say he was not allowed to present his views. The committee did not consider it necessary to hear counsel on either side. They were perfectly able to sift out the evidence and adjudicate with regard to it themselves without having any counsel to state their views upon it. With regard to the circular which has, I understand, been sent to the members of this House and committee, I may say the majority of the statements in that circular are without foundation.

Hon. Mr. PROWSE—I think it is rather premature for the chairman of the committee to make such a proposition to-day. It can scarcely be expected that members of this House can form a judgment without having the evidence, and it is impossible for most senators to have read the evidence which was only circulated this morning. As I have been on committee all morning, it was impossible for me, and I dare say for many others, to have read any portion of that evidence. I suggest that the Order of the Day be discharged and that it be made an order for some day next week.

Hon. Mr. KIRCHHOFFER—I have no objection to let it stand until Monday. I have read the evidence myself, and I supposed every other member had an opportunity of reading it.

The motion was agreed to and the Order was postponed until Monday next.

SECOND READINGS.

Bill (61) 'An Act respecting W. C. Edwards & Company, Limited.'—(Hon. Mr. McCallum.)

Bill (70) 'An Act respecting the E. B. Eddy Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (79) 'An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.'—(Hon. Mr. Dobson, in the absence of Hon. Mr. McHugh.)

Bill (75) 'An Act respecting the Canadian Northern Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (84) 'An Act respecting the Alberta Railway and Coal Company.'—(Hon. Mr. Lougheed.)

Bill (85) 'An Act to incorporate the Alberta Central Railway Company.'—(Hon. Mr. Watson.)

Bill (90) 'An Act respecting the Dominion Burglary Guarantee Company, Limited.'—(Hon. Sir Alphonse Pelletier, in the absence of Hon. Mr. Dandurand.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 29, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUPREME AND EXCHEQUER COURTS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading (Bill L) An Act to amend Chapter Sixteen of the Statutes of 1887, intituled : An Act to amend the Supreme and Exchequer Court Act,' and to make better provision for the Trial of Claims against the Crown.

Hon Mr. KIRCHHOFFER—I think in the absence of the leader of the opposition, who has taken a great interest in this Bill, it would be well to postpone the second reading.

Hon. Mr. MILLS—I have no objection to postpone the order until Thursday next.

Hon. Mr. MILLER—The Bill is a very important one. It is a public Bill, and if there is any objection to it at all, it must be on the principle. For my own part, I think the principle is very unsound, and I am entirely opposed to the measure. The fate of the Bill should depend on the second reading, and, as the House is not full to-day, I think it would be better to let it be postponed until we have a fuller House. If we give the Bill a second reading, we cannot dispute the principle in the Committee of the Whole, because it is a public Bill.

Hon. Mr. LOUGHEED—Might I suggest to the hon. gentleman, as there is only one order on the paper for to-morrow, that he might place the Exchequer Court Amendment Bill on the order paper for to-morrow instead of Thursday.

Hon. Mr. MILLS—Bill 32 is put on the Order paper for to-morrow. I might say, with regard to the Exchequer Court Bill, that I am not disposed to press the measure if the sentiment of the House is against it. I think the Bill is in the right direction. If any hon. gentleman had had the experience I have had, as Minister of Justice, they would see that that is the case. I do not think the Bill, as we propose to make it, would take away any substantial rights that a subject ought to have.

Hon. Mr. MILLER—It takes away a very substantial right.

Hon. Mr. MILLS—We have this experince: we have any number of suits brought against the government by impecunious parties, making claims for all sorts of things. In some cases they have fallen on a bridge belonging to the administration.

Hon. Mr. MILLER—Is not a private citizen subject to the same thing ? He may have any number of suits brought against him by impecunious people, and there is no redress.

Hon. Mr. MILLS—Parties are not likely to bring suits against private individuals in the same way as they do against the administration. That is very certain. It seems to me we can have a discussion on the Bill when it comes up on Thursday. If the sentiment expressed by my hon. friend is that entertained by any considerable number of members in the Senate, I am not disposed to press the Bill this session, but I have no doubt in my mind that the Bill goes quite as far as we ought to go, and certainly as far as they go in England. We have one great institution—the Intercolonial Railway, that is under government management, and we have retained, by this Bill, the liability of the government in that particular case.

Hon. Mr. LOUGHEED—Only with regard to passengers travelling on it.

Hon. Mr. MILLS—And with regard to persons employed on public works, we have retained the same liability as exists in private contracts, but beyond that we do not go.

The order was discharged and fixed for Thursday next.

INSPECTION OF PACKAGES CONTAINING FRUIT FOR SALE BILL.

ORDER POSPONED.

The Order of the Day being called :

Committee of the Whole House on Bill (32) An Act to provide for the Marking and Inspection of Packages containing Fruit for Sale. —(Hon. Mr. Mills.)

Hon. Mr. MILLS—I move that this order be discharged, and that it be made an order for to-morrow. I asked for a report from the Minister of Agriculture, and it was handed me just as I was leaving the office for the House. I trust I shall have an opportunity of reading it over to-night, and be prepared to take up the Bill to-morrow.

The motion was agreed to, and the Order of the Day was postponed until to-morrow.

SECOND READINGS.

Bill (50) 'An Act to incorporate the Canadian Mutual Aid Society.'—(Hon. Mr. Casgrain, Windsor.)

Bill (107) 'An Act to confer on the Commissioner of Patents certain powers for the relief of John Abell.'—(Hon. Mr. Perley.)

BILLS INTRODUCED.

Bill (22) 'An Act respecting the Columbia and Western Railway Company.'—(Hon. Mr. Wood, Westmoreland.)

Bill (59) 'An Act to incorporate the Similkameen and Karemeos Railway Company.'—(Hon. Mr. Templeman.)

Bill (73) 'An Act to incorporate the Vancouver, Westminster and Yukon Railway Company.'—(Hon. Mr. Templeman.)

Bill (87) 'An Act to amalgamate the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Railway Company (Limited), the Portage and North-western Railway Company and the Waskada and North Eastern Railway Company under the name of the Northern Pacific and Manitoba Railway Company.'—(Hon. Mr. Kirchhoffer.)

THE LABOUR GAZETTE.

INQUIRY.

Hon. Mr. LOUGHEED—Before the House adjourns, I should like to ask the government why is it that members of parliament do not receive the Labour Gazette. I understand it is a departmental publication. Members of parliament receive all the other publications, so far as I am aware, yet they do not receive this one. It is very desirable that, if publications of this kind are for public use, the members should receive them.

Hon. Mr. MILLS—I shall make inquiry with regard to the matter, and give the hon. gentleman the information. There is a paper called the Labour Gazette, I believe, published under the auspices of the Labour Department. I do not know whether it is intended for circulation among members or not, or merely for circulation among labouring men.

Hon. Mr. LOUGHEED—I saw a circular some time ago that those wishing to have the Gazette might, on application to the department, have it. I do not see why any distinction should be made between this publication and other departmental papers and reports.

Hon. Mr. MILLS—I suppose it is published in the interest of the working classes, and with a view to maintaining a certain relation between them and parliament, but I understood that they were supposed to be subscribers for it. I do not know how that is ; I shall make inquiries.

Hon. Mr. LOUGHEED—I understood it was for gratuitous distribution.

Hon. Mr. FERGUSON—It is an official document and should be furnished to members of parliament. It matters not what the terms to the general public are, this document issued from one of the public departments of the country, should be supplied to members of parliament.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 30, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (O) 'An Act to incorporate the Institute of Chartered Accountants, Actuaries and Finance.'—(Hon. Mr. Lougheed.)

INTERPRETATION ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (P) 'An Act to amend the Interpretation Act.' He said: The amendment is a very brief one. It has been found that the expression 'county court' does not include the district court in the northern portion of Ontario. There are certain duties imposed upon the judges, and it is declared in the Interpretation Act that county court judges are competent to discharge those duties. A like declaration does not embrace the district court judges in the northern portions of Ontario, and so we provide that the expression 'county court,' in its application in the province of Ontario, includes district courts.

Hon. Sir MACKENZIE BOWELL—Are those district courts new courts being established by the Ontario government?

Hon. Mr. MILLS—All the new courts are called district courts. They have a wider jurisdiction than the ordinary county court.

CRIMINAL CODE AMENDMENT ACT.

FIRST READING.

Hon. Mr. MILLS introduced Bill (Q) 'An Act further to amend the Criminal Code.' He said: This is a very short Bill, and is rendered necessary in consequence of a decision of the court in the North-west Territories with respect to animals that are branded. The courts have interpreted the statutes so as not to regard an animal as astray that has wandered away from the herd to which it belongs, and nevertheless is within the limits of the territory. By this Bill it is intended to give the protection which the people of that country have been seeking with respect to cattle. There is also a clause added here with reference to the sentence of persons imprisoned in jails of Manitoba, some of which are not suitable for the confinement of prisoners, and so there is power given to the judge to commit the party for imprisonment to a jail that is suitable.

Another provision is to give the judges a certain amount of discretion in sentencing parties not to be sent to penitentiary, to be confined for a short period of time in a jail that the sanitary condition may be suitable.

The Bill was read the first time.

GOVERNMENT ASSAY OFFICES.

INQUIRY.

Hon. Mr. MACDONALD rose to

Call attention to the necessity for the establishment of government assay offices, one in Victoria and one in Vancouver, British Columbia; and will ask if the government intend taking steps at an early date to accomplish this object?

He said: In calling attention to the important subject of assaying the precious metals I propose to show briefly, as well as the materials available will allow, the conditions prevailing in other countries. Australia may resemble our own country in many ways more than any other, but the statistics at hand from there are very incomplete, so that I will have to allude to the United States to show what is being done on the continent a part of which is under our Dominion. The government and the country should realize by this time that the Dominion is a gold-producing country, and a producer of silver, copper, and lead as well, and that the development of this wealth should be encouraged, and fostered as much as possible, and steps should at once be taken to retain a portion—at least—of our own wealth in our own country.

Nearly the whole gold yield of the Yukon, and British Columbia finds its way to the United States, in corroboration of which I shall quote from the report of the director of the United States mint for 1899, as follows:

The assay office at Seattle was opened for the receipt of bullion in July, 1898, and up to June, 1899, bullion to the value of $6,550,659 was deposited.

The director goes on to say:

The facility with which this office can be reached from the great mining districts of Alaska, and the North-west Territories makes it apparent that it will prove to be one of the most important offices in the service of the mint.

I am not in possession of a statement of the deposits of Canadian gold at Seattle in 1900, but am credibly informed they are double those of the previous year. Victoria and Vancouver occupy a more favourable position for the reception of miners, traders, and gold than Seattle does. Steamers from the north make Victoria, or Vancouver first before reaching Seattle. We can therefore look confidently for a result in our own country similar to that at Seattle, if proper steps are taken without delay to establish

assay offices. Had this subject received attention three years ago, we can say to a certainty, that millions of dollars, and thousands of men would have been kept in the country. The value of gold and silver produced in the Dominion is as follows:

In 1898	$13,800,000
1899	15,000,000
1900	20,000,000
	$48,800,000

These figures may be taken as fairly accurate, if anything they are under the mark.

Silver in 1898..... $2,593,928

It is not possible to account for the distribution of this wealth. Miners from all parts of the civilized world do, no doubt, carry large sums with them to their homes. The value of unrefined gold from the Yukon and British Columbia deposited in United States mints and assay offices was $8,029,000 for the year 1899, and silver to the value of $70,000.

From the other provinces of Canada gold to the value of $970,644 was deposited. The total stock of gold in the Dominion for the year 1898 was:

In the Dominion treasury	$13,424,347
In the banks	9,000,000
Total	$22,424,347
The stock of silver	$22,390,768

I will now give the information in my possession with regard to Australia, which will, I am sure, be of interest:

Gold produced in 1898	$64,860,800
Silver produced	15,543,200
The gold coinage was	39,455,504

The stock of coin and bullion in banks and treasuries, in 1898, was $90,550,000.

These figures show that the gold production is very large, and the stock of coin and bullion is large compared with the population of those colonies. In fact these returns make Australia the second largest gold-producing country in the world. The Transvaal being the largest producer in the world, in 1898, the output being $78,078,000, making $14,000,000 more than the United States or Australia.

The stock of gold in Great Britain in 1898 was $462,300,000, and silver in stock $111,900,000.

The figures relating to currency in the United States as our near neighbours may be of interest to hon. gentlemen, as a high commercial mark to aim at.

The production of gold in the United States in 1898 was $64,463,000 being less than that of Australia by $400,000 and of silver $70,484,000. The deposits in mints and assay offices from all quarters for 1899 were $221,184,530. The gold coinage for 1899 was $108,170,180; the silver coinage was $27,721,586. The stock of gold in the treasury and banks was $945,800,000; the stock of silver was $565,845,719.

Hon. gentlemen will notice the enormous volume of coin and bullion in that country south of us.

The earnings of mints and assay offices in the United States for 1899 was $6,617,849, from which has to be deducted $1,500,000 for working expenses. The production of gold in the world for 1898 was $287,450,000 which is $50,000,000 greater than the previous year. Three countries, the United States, Transvaal and Australia produce $200,000,000 of that amount. It is well known that the production of gold increases each year. The smallest production in forty years was $90,750,000 in 1860, and yet the value of gold is as high to-day as it was forty years ago. I am not going to touch on the desirability or wisdom of having a mint and do not feel competent to give a very profound opinion, but I can say this that Canada cannot absorb much gold without disturbing our excellent banking system. The amount of gold necessary to be kept in Canada under present monetary arrangements is about $26,000,000 as security for the note issue. So that a surplus of coinage over that amount would have to be disposed of in the best market. If, therefore, it be necessary to dispose of surplus gold, it can be done from the product of assay offices more profitably than from the product of a mint, as the cost of coining would be avoided. Some steps should be taken to stop the drain of gold from our country, and I hope the government will be able to announce that assay offices will be established as soon as possible. I regret that my statistics are not so ample with regard to total yield of gold in Canada, but think we may fairly assume that the amount I have given, $48,800,000, is under the mark.

It is not a question to be lightly passed over by the government. It deserves earnest consideration. I have stated what our

friends to the south of us are doing and what they are doing in Seattle. In the whole of the United States there are about ten assay offices wherever it is possible that gold could come into any part of the country, the government establishes an assay office. There are assay offices in Seattle, Montana, Pennsylvania, and all those places, which is of course of vast importance to the country that wants a gold reserve.

Hon. Mr. MILLS—I supposed when my hon. friend began his speech that he was an advocate of the establishment of a mint in Canada, but I infer from the conclusion of his speech that he thinks the coining of gold in Canada might disturb our banking system, and that there would be no substantial gain to the country by the adoption of such a course. I need not enter into a discussion on this subject. It was very intelligently discussed in this House some four or five years ago, by the hon. member from Montreal, who, as a gentleman connected with important banking institutions, has given a great deal of attention to the subject and is thoroughly familiar with it. The subject of establishing assay offices in Canada, and also establishing a mint is one that is engaging the attention of the government at the present time, and I have no doubt that before parliament meets again the government will have arrived at a conclusion on the subject, and will be prepared to submit their views to parliament at another session. There are, of course, widely different opinions upon the subject. It is, of course, very important that those who are engaged in mining gold or silver should have some opportunity of ascertaining the actual value of the product in their possession. From a properly organized assay office this information could be had, and they could secure adequate value for the gold dust in their possession, but where that office should be established, whether in the Yukon country, or in British Columbia, or at some other point, is a matter deserving careful consideration. Then, in addition to the question of the assay office, there is the question of the establishment of a mint in Canada. The establishment of a mint in Canada I understand will be the establishment of a work that will cost a very considerable sum of money, but whatever that cost may be, of course would largely fall upon those who deposit their gold dust with the government and whose gold dust was converted into coin. In England that always is made to pay, and they pay the interest upon the money that is paid out until the coinage actually takes place. There the amount of coining done is very large and whether we would have here in Canada such an amount of gold to convert into money as to make the office a self-supporting institution, is a matter requiring very careful consideration. There is also the further matter that was discussed by the hon. senator from Montreal some four years ago, the question as to the effect of putting gold in circulation in the country upon the circulation of the banks of the country. I do not apprehend, with our present banking system, and with the security that that banking system affords to depositors, and to the holders of bank notes, and the confidence the public have in it, that there would be any substantial gain in the coining of gold and the putting of that gold into circulation. It would not add actually to the convenience of the country or to its wealth. What advantage we may gain from the establishment of assay offices, and from the establishment of a mint are matters requiring careful consideration. Whether we lose anything by the gold being carried out of the country is a question about which there may be a very great deal of discussion, and upon which different opinions may be entertained. Hon. gentlemen know the ordinary view of political economists is, that gold is a merchantable article, the same as any other commodity, and if you part with it for its value, and for something that is more convenient or useful to you than the precious metal itself, that the wealth of the country is not in any way diminished thereby. I need not enter into a discussion of the subject, but I may say to my hon. friend again, that the matter is at this moment under consideration, and will be, no doubt, dealt with in a way satisfactory to the country before the next session of parliament.

THE SNIDER RIFLE AND OLIVER EQUIPMENT.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

1. What regiments are actually armed with the Snider rifle ?

2. What regiments are actually provided with the Oliver equipment.

Hon. Mr. MILLS—In reply to the first question, the regiments armed are the 12th, 17th, 18th, 20th, 21st, 22nd, 28th, 30th, 31st, 32nd, 33rd, 34th, 36th, 40th, 42nd, 44th, 45th, 47th, 49th, 50th, 52nd, 55th, 56th, 58th, 59th, 61st, 64th, 67th, 68th, 69th 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 71st, 83rd, 85th, 86th, 87th, 88th, 89th, 92nd, 93rd, 94th. These regiments are provided with the Lee-Enfield rifles for target practice during camps. In reply to the second question, what regiments are provided with the Oliver equipment, the reply is: the Governor General's Foot Guards. Following regiments: 1st, 2nd, 3rd, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 15th, 19th, 24th, 25th, 26th, 27th, 35th, 37th, 38th, 39th, 43rd, 46th, 48th, 53rd, 57th, 62nd, 63rd, 65th, 71st, 82nd, 84th, 90th, 97th. Rocky Mountain Rangers, 3rd Battalion, Royal Canadian Regiment of Infantry, Permanent Infantry, Permanent Garrison Artillery. Following regiments of artillery: 1st, 2nd, 4th, 5th, 6th, Cobourg Company, Charlottetown Engineers, bearer companies, field hospital companies.

THE TEMPERANCE COMMISSION'S REPORT.

INQUIRY.

Hon. Mr. LANDRY inquired:

When will the Sessional Papers, Vol. XXVII, Nos. 12, 13, 14, 15, 16, French edition, be distributed to the French members of the Senate and of the House of Commons?

Hon. Mr. SCOTT—No provision has been made for translating those volumes into French.

Hon. Mr. LANDRY—When will the English edition be distributed to the French members? We have not got it at all.

Hon. Mr. SCOTT—I do not know whether it is extant at all now. This is the report of the commission appointed to inquire into the liquor question in 1894. A contract was made by the late government with Mr. Montpetit to translate the report. After translating the first volume, the uselessness of it was recognized by the government, and he was ordered to discontinue it. He was paid $2,344.75 in August 1894. He had a claim for a further amount, which, after the change of government, was investigated, and he was paid the balance of $589.10, or rather it was paid to his representatives. He, in the meantime, had died.

Hon. Mr. LANDRY—If the French edition cannot be secured, there can be no objection at all that we should be in possession of copies of the English edition itself.

Hon. Mr. SCOTT—If there are any in existence, I do not really know how they are, whether there is a sufficient number of them. They were not considered of very great interest at the time. I suppose they distributed all that were printed at the time. I shall make inquiries, however, whether there are any.

Hon. Mr. LANDRY—The French members of the Senate and House of Commons—I am speaking for myself and a few others—received neither French nor English copies.

INDEBTEDNESS OF THE PROVINCES.

MOTION.

Hon. Mr. PERLEY moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid on the Table of the Senate, not later than Wednesday the 8th of May next, a Return showing the indebtedness of the several provinces of Canada separately at the time they entered confederation, and how much of said debt was assumed by the federal parliament; and also, as nearly as possible, the debt of the several provinces by bonds, guarantees, notes or otherwise up to the 1st May next.

He said: This notice may be a little out of the ordinary way. I have been unfortunate in previous sessions in asking for information which I never got. I thought this was a matter which could be easily obtained by the clerks in some of the departments.

Hon. Mr. MILLS—I think there is no objection to my hon. friend getting the information which he seeks. I dare say the Finance Department will have all the information which the hon. gentleman asks for. It will be brought under their attention.

The motion was agreed to.

BILLS INTRODUCED.

Bill (99) 'An Act respecting le Crédit Foncier du Bas-Canada, and to change its name to le Crédit Hypothécaire du Bas-Canada.'—(Hon. Mr. Landry.)

Bill (109) 'An Act to incorporate the Sovereign Bank of Canada.'—(Hon. Mr. McMillan.)

Bill (124) 'An Act respecting the Western Assurance Company.'—(Hon. Mr. Lougheed.)

Bill (125) 'An Act respecting the British American Assurance Company.—(Hon. Mr. Lougheed.)

FISHING BOUNTIES IN PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I wish to ask the members of the government if they have the information I asked for some time ago, that is, the names of the persons applying for and receiving fishing bounties in Queen's county, Prince Edward Island. I inquired for it some two weeks ago. It contains only 123 names, and I am anxious to get it soon.

Hon. Mr. MILLS—It has not been received by either of us.

Hon. Mr. FERGUSON—May I ask the hon. gentleman to call the attention of the Minister of Marine and Fisheries to it ?

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—When may I expect it ?

Hon. Mr. MILLS—I shall bring it to the attention of the Department of Marine and Fisheries. We are anxious that the return should come down and be in my hon. friend's hands as soon as possible.

SECOND READING.

Bill (K) 'An Act for the relief of James Stovel.'—(Hon. Mr. Perley.)

MARKING AND INSPECTION OF FRUIT PACKAGES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (32) 'An Act to provide for the Marking and Inspection of packages containing fruit for sale.'

(In the Committee.)

On clause 3,

Hon. Mr. FERGUSON—This is not of very great importance, but I wish to call the attention of the hon. gentleman who has charge of this Bill to subsection (b), which says 'the expression shall not include wild fruit.' The Bill is made to apply to fruit in closed packages but not to wild fruit. I wish to call the attention of my hon. friend to the question of cranberries. Whether cranberries are cultivated or wild, many of them are so essentially the same, that even an expert cannot discover any difference. By the Bill as we have it before us, the dealers in wild cranberries would not be subject to the law, while the dealers in cultivated cranberries would, and the question would arise as to what are wild and what are cultivated cranberries.

Hon. Mr. MILLS—There is no objection to making it read that the expression shall not include wild fruits nor cranberries, whether wild or cultivated.

The clause was adopted.

On clause 4,

Hon. Mr. FERGUSON—I had hoped that it would be possible to add another section which would simply be the word 'Canada.' Since, however, I have been discussing it with others, I find that the people of Nova Scotia and their representatives will not agree to that.

Hon. Mr. MILLS—They strongly object to it.

Hon. Mr. FERGUSON—That being so, I do not think there is any use adding it.

Hon. Mr. MILLS—My hon. friend suggested the word 'Canada' and this is the answer I received in respect to that : In the British market, apples are known in trade under three general names, American, Canadian and Nova Scotian. The fruit exporters from the maritime provinces represent that the putting of the word 'Canada' or 'Canadian' on the barrels containing apples might interfere with the trade and prevent buyers, or intended buyers, from knowing whether the apples having the word 'Canada' printed on the barrels are what are known in the trade as 'Canadian' or 'Nova Scotia,' and as they objected, the department saw no practical advantage by adding the word and creating discontent amongst the people on a question that had no practical importance.

Hon. Mr. FERGUSON—I would just say that I am not sure whether it is much use putting optional things in the Bill, but if we were to add a subsection, that it would be optional to put either the word 'Canada' or the name of the province, or both, it

might be useful. But this is an imperative clause all through, and perhaps it would do very little good to insert an optional section.

Hon. Mr. MILLS—There has been a great deal of dissatisfaction with respect to Canadian fruit, and the provisions of this Bill were framed with special reference to the views of the various fruit-growing associations, and embodies their experience, and were practically shaped by them.

The clause was adopted.

On clause 6,

Hon. Mr. FERGUSON—What suggestion has my hon. friend to make with regard to this section? I have strong objections to clauses 6 and 7. They are not obligatory. They are simply permissive sections. It is optional with any shipper of fruit to use designations or the marking of these two sections just as he chooses. My feeling about them is that they will do the Canadian fruit business a great deal of harm, because the A 1 grade which is described in section 6 should be almost exhibition fruit with such a marking as that upon it, and still 10 per cent of the apples might contain worm-holes, bruises, scabs or other defects. That section is not obligatory. It is put there for some purpose, educational I think, it has been claimed. I am perfectly sure that our rivals in the United States and elsewhere will use these sections against Canadian fruit. They will show that what is realy an extra A 1 Canadian apple might contain 10 per cent of worm or scabby apples. In a barrel that contains ninety-six quarts it would be somewhere about ten quarts of that kind of apples, and when you come to what was No. 1, and what ought to represent the very best of commercial apples, may contain no less than nineteen quarts out of the ninety-six of scabby, or wormy, or defective apples. I think these two sections should be taken out of the Bill altogether. They are only compromising, only there for spectacular purposes, or something like that, and I submit they will do harm and cannot do any good whatever. I do not care whence the suggestion emanated, I am firmly of the opinion that these sections will not do any good but may do a great deal of harm.

Hon. Mr. MILLS—That is not the view of the department, and I have before me the correspondence upon the subject of the various parties who were engaged in the purchase of Canadian apples in the British Islands, and certainly the apples that have been heretofore offered for sale, have been very, very far below the standard fixed in the Bill. With regard to the worm-eaten apples, 10 per cent is the proportion spoken of. When those apples are shipped there may not be an apple in the barrel that indicates that it is affected with worm at all. There may be no scabs upon the apples when they are shipped, and when they reach the United Kingdom they may present a very different appearance, but if they are marked as A 1, and there is more than 10 per cent of wormy apples among them, of course they would not pass, but if there is not more than 10 per cent they would. The germ of the worm may be in these apples when they are shipped. They may be in no way perforated, and yet when they reach their destination and are opened by the party engaged in the sale of this fruit to his customers worms may be developed. That is absolutely unavoidable. I am told that is the experience of those engaged in the trade, and this provision is a provision that has been suggested by the fruit-growers association.

Hon. Sir MACKENZIE BOWELL—Is it the growers of the fruit or the shippers—those who purchase and ship? A man may be a grower of fruit and still have no experience in shipping.

Hon. Mr. MILLS—I understand this Bill is perfectly satisfactory to both.

Hon. Mr. ALLAN—Does the hon. gentleman mean to say that apples that are shipped here perfectly clean, showing no signs of scab at all, may develop scabs afterwards in the course of the voyage, and that the apples may come out of the barrels on the other side, scabby? It may be so, but it is news to me.

Hon. Mr. MILLS—I understand it is so.

Hon. Mr. FERGUSON—I do not think my hon. friend means what he says. It is not possible that this clause means that these shall be standard apples when they reach the other side, because, let me tell him, that if the apples are almost perfect when they leave here, and are shipped with bad conditions, as often happens, they may be de-

cayed and sweated on shipboard, and will be in a deteriorated condition when they reach England. It is not pretended that this shall be the standard on arriving in England. It is the standard when they are shipped.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—Yet my hon. friend is providing for what may happen on shipboard. We know extraordinary things may happen on shipboard. I have a letter here from a large shipper in Ontario. He accompanied a shipment of his own of the very best apples that could be put up in the province of Ontario. He took passage on the ship himself. He had the temperature tested after he was four days out, and found it was 110 degrees, and the apples arrived every one of them slack and wet, and they scarcely paid the freight when they were sold. We are not providing here for what may happen on shipboard. The hon. gentleman may be right as to what happens with the worm in an apple, but that occurs only at harvest season. The bulk of the apple crop is gathered after the harvest passes over.

Hon. Mr. ALLAN—I have very often examined apples, in the latter part of the summer, that have been pierced by the worm. The worm hatches in the apple. If you examine the apple about the time it is gathered, it almost always happens there is a small hole at the other end of the apple, where the worm has made his escape. I have no doubt the minister has his information from competent authority, but I never heard of worms developed in the apple long after the apple harvest.

Hon. Mr. MILLS—My hon. friend says they never do, but I think he is not accurate on that point. They may not, but a great deal depends on the temperature of the apple. In the case which my hon. friend mentions, of a high temperature in the barrels on shipboard, the apple not only matures unduly fast, but all the larvæ of insects that have stung the apple are developed during that heated condition, and find their way out of the apple. Very frequently the deposit is made at so early a period by the fly that there is no indication when the apple is put up of any perforation of it by an insect. The perforation only takes place when the insect makes its escape from the apple, and whether that is before the apples are packed or not depends a great deal upon the character of the autumn. If it is hot, and the apples mature very rapidly, my hon. friend knows well that there are many apples which in England are winter apples, that are fall apples here, and they are early fall apples here if it happens to be a very warm autumn. The character of the fruit largely depends on the temperature of the season, and that condition may be intensified by the apples being put in a warm place. What the Minister of Agriculture has been anxious to do is to make proper arrangements with the steamship companies that trade between Canada and the United Kingdom to provide proper storage on vessels, where apples will not reach a high temperature.

Hon. Mr. FERGUSON—That is the most important of all.

Hon. Mr. MILLS—It is very important, but with regard to this section we are now considering, my hon. friend will see that 10 per cent is not a large percentage of apples in which worm holes may exist. It is not what the condition may be when they arrive, but what the condition may be when they are inspected. I am told that the scab, although it may be but a mere point,—in fact not noticeable when the apples are packed, may reach considerable dimensions, especially if the fruit is kept warm on the voyage, before the apples go into the hands of people who are selling them on the other side of the Atlantic.

Hon. Mr. FERGUSON—My hon. friend is discussing something altogether apart from the object of the section. The section is not aimed at any inspection in the United Kingdom; it is the condition of the fruit at the point of shipment.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—What may happen on board the ship is altogether outside of the scope of this section. As I have remarked, the whole consignment may be destroyed owing to the bad condition on shipboard. It is infinitessimal what may happen through worm in the apple after it is harvested. It can only happen when the worm is in the fruit alive at the time of packing. About that time the worm leaves the

apple and there is no more trouble. We are dealing now with the manner in which fruit is put for export in Canada and we are putting a provision in the Bill that 10 per cent of the apples that are marked A 1, that really should be exhibition fruit may be defective and bad apples—may be wormy or scabby apples, and we are putting that in the Bill for no other purpose that I can see, except to advertise what we are calling A 1 apples. That is not obligatory, but whether it is obligatory or not, it will stand in our law as declaring what we consider really best apples, and it will be quoted all over the world against us, and injure the reputation of our fruit. I do not care where the suggestion came from—I dare say it came from Fruit Growers Associations, we have to use our own common sense about it, and I am sure that the section can be only used to the detriment of the reputation of our fruit, and that it will be so used, and since it is not obligatory, why should it be in the Bill? The following section is even worse than that. I intend to move to strike these two sections out of the Bill. There are excellent provisions in the Bill, subject to consideration of some clauses, that will answer an excellent purpose in our fruit trade, but it not being obligatory on any packer to use these two sections, and having a tendency to set a standard for our fruit that is too low, and that will be used to our detriment and disadvantage, I think we ought to remove them from the Bill altogether.

Hon. Mr. MILLS—This is as high a standard as has been adopted for the shipping of fruit from North America to the other side of the Atlantic. We are not below the standard of fruit in other countries. We are entirely up to that standard, and if my hon. friend were to see the correspondence and to see how far we have fallen below that standard heretofore, he would see we have gone a long way in advance of what we have hitherto practically done, in the adoption of this standard.

Hon. Sir MACKENZIE BOWELL—Does not the General Inspection Act provide that No. 1 apples shall be all perfect?

Hon. Mr. POWER—If the statement made by the hon. minister is accurate, it fully explains the objection which the lower provinces' apple-sellers have to using the brand 'Canadian,' or having anything on their apples to indicate they are Canadian.

Hon. Mr. MILLS—They are no better.

Hon. Mr. POWER—They know better than to put A 1 on such fruit as is described here. The minister's argument goes to make it clear that the law should be more stringent, because the minister's argument is, that if the apples have suffered to a certain degree before they are shipped from this country, they will be in a much worse condition when they reach the other side, and therefore we ought to require on this side a higher standard of excellence than if they were going to reach the other side in the same condition they were in on this side. I do not know very much about apple-growing, but I know this, when I am told that any article is A 1, I expect it to be a very superior article, and leaving aside altogether what is said with respect to the worms and scabs, I contend that the apple described here is not an A 1 apple. It is stated that the fruit shall consist of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape and stop there. That describes an average fruit. It does not describe A 1 fruit. It does not indicate it is to be of superior quality or variety. The idea of superior quality enters essentially into our notion of what an A 1 article should be. I must say, if it has been the practice in the province of Ontario to brand as 'A 1 Canadian,' apples which are inferior to those described in this section, I can only wonder that Ontario fruit found any market on the other side at all. If we let this pass and say that these are No. 1 Canadian, we will be going just as far as the minister has any right to ask us to go. To say that fruit 10 per cent of which is damaged is to be called A 1 is a most unreasonable proposition.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice, in discussing this clause, said we are establishing a higher grade of apples for exportation than any other part of North America.

Hon. Mr. MILLS—Not any other part of North America, but we are establishing a higher grade than we have had heretofore, and that is the same grade as is recognized in other sections of North America.

Hon. Sir MACKENZIE BOWELL—You are establishing a grade A 1. The very fact of putting A 1, would indicate that it is a very much better quality than No. 1, or there would be no necessity to put A before the 1. Looking at the Inspection Act, the section fixing the standard for apples reads in this way :

No. 1 inspected Canadian apples shall consist of well-grown specimens of one variety, of nearly uniform size, of good colour, sound, free from scab, worm-holes and bruises, and properly packed.

The clause in this Bill enables you to have an A 1 barrel of apples with 10 per cent of scabs and worm eaten and with other defects. It certainly is lowering the grade. compared with the standard under the Inspection Act as it is to-day. The hon. gentleman may say that people have not packed their apples in accordance with that clause.

Hon. Mr. MILLS—And not selected them either.

Hon. Sir MACKENZIE BOWELL—That is the fault of the packer. If the packer will not pack his apples in accordance with this provision of the law, and the inspector, who has taken an oath of office to perform his duty properly under the Inspection Act, will pass and send them abroad in a defective state, then he is violating the law, and also the obligation to perform his duty, that is not the fault of the law. The law as it stands establishes a higher grade than the A 1 grade in this Bill. What the House has to decide now is, without going into any extraneous argument, whether an A 1 barrel of apples may consist of 10 per cent of defective fruit, and a No. 1 of 20 per cent of defective fruit, and thereby annul the provisions of the Inspection Act which provides that they shall be of the character indicated by the Speaker on behalf of Nova Scotia, without any of these defects. With this clause in, I am not surprised that Nova Scotia, particularly the fruit-growers of the Annapolis Valley, should object to shipping under this section, with the word 'Canada' upon the barrel, as they received their reward in the way of better prices, without that word being placed upon the barrel.

Hon. Mr. DeBOUCHERVILLE—If I understand the hon. gentleman, he said certain correspondence in the possession of the government would throw light on this section.

Hon. Mr. MILLS

Hon. Mr. MILLS—Yes.

Hon. Mr. DeBOUCHERVILLE—Why should we not have that correspondence ? We all want to pass the law in its best possible shape, and if we had the correspondence it might throw some light on it.

Hon. Mr. MILLS—I have no objection to reading the correspondence, or so much of it as may be necessary. My hon. friend assumes that everything is right in Nova Scotia and that all is wrong in Ontario with regard to fruit. I do not understand that to be the condition of things. I do not understand that the fruit, which has been objected to and which has been spoken of simply as trash here by some of these dealers, all came from western Canada. In that regard they are no respectors of provinces, and they complain of our fruit generally ? The changes made in this Bill with the view of meeting the wants of the English and Scotch markets have not been to put a standard beyond that which could be reached in Canada, because I am satisfied of this, that if the fruit shipped comes up to the standards contained in this Bill, it will meet the requirements of the consumers on the other side of the Atlantic. What they complain of is, that it does not meet those requirements. They do not get such a fruit as is mentioned in the Bill—that the fruit is in many cases simply trash—that occasionally they have apples packed in which they have fair apples at each end, and in the centre culls.

Hon. Sir MACKENZIE BOWELL—Is this Bill going to mend that ?

Hon. Mr. MILLS—Yes it will, because we are providing for an inspection in a way that has not existed heretofore, and we provide also for the punishment of the parties who perpetrate the fraud.

Hon. Mr. FERGUSON—Not as far as these two sections are concerned, if they are permissive.

Hon. Mr. MILLS—But if a party marks a barrel in a way that is calculated to convey a wrong impression, his mark is a fraudulent mark—it is not a mark such as is required by law. He is not compelled to mark his barrels, but if he does he must mark honestly. Everybody will have noticed that they are buying at their own risks if a barrel is not marked, but if it is marked, buyers

are entitled to know that it is marked honestly, and the name of the packer must be put on the barrel, and the law provides for the punishment of the parties who are guilty of fraud, and we hope by these provisions to secure a better class of fruit put upon the market in the United Kingdom than has been the case heretofore. I will just read for the information of my hon. friend opposite one or two of the letters to which I have referred. In this first letter the name is given of a party who

> —shipped to us 1,200 barrels of apples. They were bought for the choicest selected fruit, and the prices paid for this class of goods. Our bankers gave a guarantee that the bills would be paid on presentation, and the only security for fulfilment of the bargain on the part of the shipper was good faith that he would act his part honestly. This, unfortunately, has not transpired. About two-thirds of the parcels were, on the whole, satisfactory, and the other one-third were simply vile rubbish. The size, about the dimensions of plums, and worst of all, covered with spots. These are quite useless for our trade, and we are to sell what remains.

Now, a large number of these dealers make similar representations. One writes:

> The last apples you sent me are simply shameful. The party (Mr. ——) was to pick nice fruit, but I do not think he could have done worse. The first barrel had a few good apples on the top and the rest were nearly all marked, picked holes, rusted-looking stuff, and the lower half were green. The other barrels were opened to-night. There were a few good ones at the top and the bottom, and the others were of the size of small plums.

Now, men who are disposed to deal honestly in fruit and to furnish the consumer an article such as he supposes he is buying, have their market ruined by those who act in this dishonest way, and it seems to me that it is the interest of the public to secure, as far as practice in dealing in fruit, a proper inspection of the fruit to see that it is fairly satisfactory for consumption, that it is of the quality and kind described, and that, this being done, those who purchase fruit will have confidence in the fact that we are giving them what they assume they are purchasing. At present we do not. At present they are cheated. At present there is no fair care taken in the packing, except a care to mislead the parties who are the consumers.

Hon. Mr. PERLEY—They put some good ones on top.

Hon. Mr. MILLS—Yes, and at the bottom of the barrels, and the centre the barrels are filled up with the veriest trash. No one can have any sympathy with a dishonest proceeding of that sort. Not only have there been complaints on the other side of the Atlantic, in the United Kingdom, where the fruit of our friends in the maritime provinces goes very largely, but there has been a complaint in the province of British Columbia, to which the fruit of Ontario goes, and the complaint there is universal, the same as it has been in Scotland and England, and the object of this Bill is, not to make culls of nearly all the fruit that may be grown in certain seasons, but to describe a fair sample of fruit and to enable those who are disposed to deal honestly with the people on the other side of the Atlantic and with our friends in Manitoba and the North-west, to do so and to punish those who undertake to act fraudulently. That is the object of the Bill, and we have not set up any ideal standard in fruit, but such a standard as we believe can be maintained, and that there will be less difficulty in ensuring than if we are to attempt to fix a standard that but a very small fraction of fruit grown in this country would reach.

Hon. Mr. POWER—The hon. minister forgets that instead of raising the standard he has actually lowered it. I think the most of the provisions in the Bill are exceedingly wise, as was indicated by the hon. gentleman from Marshfield. Clause 4 is a particularly good clause. It provides that every person who puts up fruit shall mark this fruit with the initials of his christian name and his full surname and address, and the name of the variety or varieties and with a designation of the grade of the fruit. The average man will not put his name and address on a poor article. I think that is a very important provision by itself, and is calculated to do a great deal to improve the character of our fruit. Then the fifth clause provides that the packages are not to be sold unless they are marked as required by clause 4. Then we go over to clause 8 and we find that no person shall sell, or offer, expose or have in his possession for sale any fruit packed in closed packages, upon which package is marked any designation which represents such fruit as of finest best, or extra good quality, unless such fruit consists of well-grown speci-

mens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape, and not less than 90 per cent free from scab, wormholes, bruises and other defects, and properly packed. The ninth clause contains an excellent provision :

> 9. No person shall sell, or offer, expose or have in his possession for sale any fruit packed in any package in which the faced or shown surface gives a false representation of the contents of such package; and it shall be considered a false representation when more than 15 per cent of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package.

Now, if you omit clauses 6, and 7, the other clauses are good, and all calculated to do a great deal to improve the reputation of our fruit in foreign markets, but clause 6 and 7 simply, to my mind, nulify the other provisions, because they allow a man to mark as A 1 what is merely an average fruit, and 10 per cent of which may be seriously damaged. I must say, while not professing to have any intimate knowledge of the fruit trade, I think the suggestion made by the hon. gentleman from Marshfield, that clauses 6 and 7 should be stricken out, is a very wise one. If we do that, we retain the standard as it is now in the Inspection Act, and that while not a high standard, is a better standard than this. Unless these two clauses are considerably modified, I think the Bill would be much better without them.

Hon. Mr. FERGUSON—I may say that when first looking into this matter, I was not altogether of that opinion. I thought the Bill would be as well without clause 8, but on fuller consideration, I think, with slight alterations, clause 8 is a good one, and clause 9 also, but I do not think we should pass clauses 6 and 7.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the hon. gentleman from Marshfield that these clauses should be struck out of the Bill. I would suggest that these clauses be left in the Bill, but that the words 'not less than 90 per cent' should be struck out of clause 6. Then, I think it would ensure the purchaser having the highest grade of apples that he could expect to get. I know if I were purchasing a few barrels of apples down in the lower provinces, apart from this inspection altogether, I would be perfectly satisfied to get the very best quality of apples if they had the name of the grower and the packer, and that he was a person known to me, or well known to the trade, as one who always put up good, sound apples of the finest grade. I would trust much more to the name and reputation of the packer than to any clause or law regulating the manner in which apples are to be packed, as provided in the present Bill. I should suggest that these few words relating to the percentage be left out, and that the clause remain as it is, otherwise.

Hon. Mr. ALLAN—Might I ask the hon. Minister of Justice whether the description contained in clause 6 as to what A1 apples should be, is to be verified by the inspector here, or in England, where the apples are sent? If the inspection is to be made here, then I do not see so much difficulty about it, but if it is to be made when the apples arrive at the place where they are exported to, and all this marvellous change takes place on shipboard, it is another affair altogether.

Hon. Mr. MILLS—Of course, the inspection must be at the point of shipment, but my hon. friend will see, supposing you were to say 'entirely free from wormholes,' if the inspector were to find half a dozen apples in the barrel with wormholes, it would condemn the whole barrel, and those might be made by the insect in the barrel between the period of shipment and inspection. I am told by the department, that we are fixing a standard as high as the standard in any fruit-growing section of this continent, and our great difficulty has been that the fruit from this country offered for sale in England and Scotland, has been altogether below the standard. It has been dishonestly packed, and has, in great measure, discredited our fruit in the British market. What the department is trying to do by this Bill is not to fix an ideal standard in Canada far above that of any other country, but to fix the standard which is generally recognized by all the fruit-growing districts of this continent, and to see that that standard is enforced, and punish those who undertake to act dishonestly and fraudulently, and if that is done, I think

the object the fruit-growers have in view will be accomplished.

Hon. Mr. SULLIVAN—Is the hon. gentleman from Marshfield opposed to grading at all, or is this grading in the Bill displeasing? If that is not satisfactory, can he not amend it in some way so that it will please him? I think if our apples are to be graded at all, this provision is right, but the hon. gentleman from Marshfield has had more experience in these matters than I have had, and should be able to make valuable suggestions. If we are to have grading, is not this grading a proper one?

Hon. Mr. FERGUSON—We are drifting away from what the clauses contain. These clauses are not obligatory. They are simply put in there, and may be adopted by any person who chooses to adopt them. A man may put the brand on if he pleases, and if he does, he is liable for the consequences. My hon. friend from Queen's seemed to be under the impression that if we knocked these clauses out of the Bill we had no inspection. We have the clauses in the General Inspection Act, which provides for the branding of No. 1 and No. 2 Canadian apples, and my view is that we should incorporate the sections from the General Inspection Act in the Bill, just as they are in the Inspection Act, and that would be our ideal of what our apples ought to be. Then the other sections which provide positive penalties, if fraud has been practiced, or if apples are marked really the finest and perhaps do not come up to a certain standard, these would be operating clauses to bring our fruit up to the standard which we provide in this Bill. But I object to adopting a standard which is an advertisement that our fruit is bad, and that we are packing badly. I fully agree with the words of the Speaker, and I would say, as an exporter of apples, I have always put the word 'Canada' on my barrels, but if these clauses are passed, and the marking 'A1 Canadian' is to be used, and the 10 per cent remains in the Bill, I would not have the word 'Canada' on any of my barrels, because I believe our apples will be badly advertised by passing that clause. I will move that clause No. 6 be stricken out of the Bill.

Hon. Mr. MILLS—If we were to carry that motion and we were to have a proper inspection, if the inspector found an apple that had a wormhole in it in a barrel, he would be obliged to condemn the whole barrel. Here is a maximum quantity of defective apples mentioned, 10 per cent. If the hon. gentleman thinks that 10 per cent is too large, we could say 5 per cent, but you would want to adopt some regulation that would not place the shipper of apples from Western Ontario to Montreal or from Annapolis Valley to Halifax, in a position that the inspector could open the barrels, and condemn them because he found an apple with a wormhole in it.

Hon. Mr. POWER—I do not know the exact words of the present law but I do not think that it says that the apples shall be entirely free from scab.

Hon. Sir MACKENZIE BOWELL—No, it does not.

Hon. Mr. POWER—And if the law simply says that these apples shall be free from wormholes and scabs, if two or three apples have wormholes in them, no inspector would be so absurd as to condemn the whole barrel on that ground.

Hon. Mr. SCOTT—He could do so.

Hon. Mr. POWER—We must suppose the inspectors have a little common sense.

Hon. Sir MACKENZIE BOWELL—The section of the Inspection Act reads as follows:

No. 1 inspected Canadian apples shall consist of well-grown specimens, of one variety, of nearly uniform size, of good colour, sound, free from scab, wormholes and bruises, and properly packed. No. 2 inspected Canadian apples shall consist of specimens of one variety reasonably free from the defects mentioned in class No. 1, but which, on account of inequality of size, lack of colour or other defects, could not be included in that class.

Hon. Mr. MILLS—There is inequality of size spoken of. Equality of size is one of the characteristics of good apples. If my hon. friend thinks 90 per cent is too large, if he were to allow 5 per cent in the first and 10 in the second, I would accept it.

Hon. Mr. FERGUSON—I do not think that suggestion would be a good one. We are putting in two sections here, not com-

pulsory upon any person, but which may be used if they so desire it, and which will be held up all over the world as our ideal standard of No. A 1 and No. 1 apples. My view is that we should insert, in place of those clauses, the sections of the present law, and then we would have the following sections as well where the percentage would come in. Section 8 reads as follows :

> No person shall sell, or offer, expose or have in his possession for sale any fruit packed in a closed package, upon which package is marked any designation which represents such fruit as of finest, best or extra good quality unless such fruit consist of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape and not less than 90 per cent free from scab, wormholes, bruises and other defects, and properly packed.

I have no objections to that, because if you prosecute a man, there must be some reasonable limit for the judge to decide on the apples, and I think that section is all we want. It affords the basis for the prosecution of a man who is selling apples as No. 1 and giving an inferior quality. That is a compulsory section, and applies to every barrel of apples packed in Canada, and it is a section that will be operative and can be operated. But these two sections that we are proposing to put in for spectacular purposes fix a standard for our fruit, and we are making it so low that it will be used to the detriment of our fruit industry. I say we should put in the two sections of the Inspection Act in the same way as they are at present, and then the other clauses 8 and 9 would come in, with the penalties behind them, which would accomplish everything my hon. friend is so anxious to effect in the way of punishing those who are doing wrong in connection with packing and selling fruit. Take out clauses 6 and 7 and substitute sections 1 and 2 of the Inspection Act, and we would have an ideal standard. Nobody would think because there were two or three scabby apples that a person could be convicted under that clause. Ten per cent would be enough. I have no fault to find with section 8, but I have fault to find when these provisions, 6 and 7 are inserted, because I hold they will do our apple trade a great deal of harm. I move that this clause be struck out.

Hon. Mr. FERGUSON.

Hon. Mr. MILLS—I have proposed 95 per cent for one clause, and 90 per cent for the other, instead of 90 and 80. We will then have a higher standard than the Inspection Act, and it is up to the highest standards of the fruit-growing associations of the country. The standard is decidedly above that of any other section on the continent of North America.

Hon. Mr. LOUGHEED—The motion is that clause 6 be adopted.

Hon. Mr. MILLS—Make it 95 instead of 90.

Hon. Sir MACKENZIE BOWELL—If the committee adopt the clause, then the hon. gentleman from Marshfield, can make his motion to amend afterwards.

The clause was lost on a division.

Hon. Mr. MILLS—I may say to the hon. gentleman that this Bill has been fully considered by members of the Fruit Growing Associations in the maritime provinces as well as Ontario. It is not an Ontario suggestion, and the responsibility of striking out this clause is with this House.

On clause 7,

Hon. Mr. FERGUSON—I move that clause 7 be struck out.

The motion was agreed to on a division.

Hon. Mr. FERGUSON—I am not quite sure that these permissive sections that belong to the Inspection Act should come in in this part of the Bill. If they should, I would move them now, but I think the better way is for the hon. gentleman in charge of the Bill to consider whether he will introduce these sections.

Hon. Mr. MILLS—I do not propose to introduce any sections after what the committee has done. The Bill has been framed, after discussion with the fruit-growers of every part of Canada, and I am not disposed to assume any responsibility. My hon. friend undertakes to take the Bill out of the hands of the government. Well and good.

Hon. Mr. FERGUSON—The fruit-growers are not superior to the parliament of Canada and cannot dictate to us. My obser-

vations have led to the conclusion that we should embody in the Bill the sections that appear already in the Inspection Act. It is not necessary to transfer them into this part of the Bill. They are the law at present, and it is not proposed to repeal them, but I think they should be repealed in the Inspection Act and placed in this Bill in order that any person could find all the law on the question in the one enactment. I therefore move that these sections be added. I may say that, with slight variations, they are what is now in the Inspection Act.

Hon. Sir MACKENZIE BOWELL—We have now stricken out clauses 6 and 7, and clause 8 is the one under consideration.

Hon. Mr. FERGUSON—It is suggested that we should insert these clauses in place of the ones we have struck out. I would suggest that we should leave that and return to it afterwards and insert it in the Bill where it would be thought symmetrical.

Hon. Mr. POWER—The hon. gentleman does not propose to substitute anything for clauses 6 and 7, and we should pass on.

On clause 8.

Hon. Mr. FERGUSON—Originally, I thought that this was a severe section, but I do not know that it is any more severe than the circumstances call for. But there is one word in it which occurs in another section as well. That is the word 'sound.' I am not sure that it ought to be used. It raises a difficulty nevertheless, because a man in Ontario may pack his apples well, honestly, and fairly and there may not be an apple with the slightest unsoundness in it, but by the time it reaches Winnipeg or some other distant point, owing to the stress of weather, it may not be sound, and the man who buys good apples may, after a time, find he has bad apples in his barrel, and is liable to be prosecuted. Section 13 provides for that. It reads as follows :—

> The person on whose behalf any fruit is packed, sold, offered or had in possession for sale, contrary to the provisions of the foregoing sections of this Act, shall be prima facie liable for the violation of this Act.

He will only be prima facie liable, and it would be open to him to make a good defence. It would be a good defence to say he bought these apples in good faith, and that they were sound when he bought them.

Hon. Mr. POWER—The Inspection Act contains the word 'sound.'

Hon. Mr. SCOTT—If the fruit passes the inspection and deteriorates afterwards, there is no liability.

Hon. Mr. FERGUSON—This is not that case at all.

Hon. Mr. SCOTT—It assumes the fruit has been inspected.

Hon. Mr. FERGUSON—But at the point of shipping they may be perfectly sound. They may have been put up properly, and may have rotted on the voyage. I think the word 'sound' should be left in there, and although I had objection to it at first, I do not know that it should be removed.

The clause was adopted.

On clause 10,

Hon. Mr. FERGUSON—I have given this Bill a very great deal of consideration, and I have a great deal of correspondence in reference to it, which it would take up too much time to read, but it occurs to me that the penalties are too severe under this Bill, and would render it unworkable. I cannot see why hard labour and imprisonment should be associated with a Bill of this kind.

Hon. Mr. MILLS—Very serious frauds have been committed in the sale of fruit, and the apples of this country have been seriously injured in the United Kingdom, and when we make provision for securing an honest package of fruit it is only right that the penalties should be such as will be likely to effect the observance of the law.

Hon. Sir MACKENZIE BOWELL—There is a good deal of force in what the hon. Minister of Justice says. There have been dishonest dealings among the packers and shippers, and if they are well punished once or twice, it will stop the practice, but otherwise it will be a failure.

Hon. Mr. FERGUSON—A man who fraudulently packs a barrel of herring is liable to a penalty and proceedings of civil law, but in the case of apples, he is liable to imprisonment and hard labour.

Hon. Mr. SULLIVAN—I think it is a terrible thing to send a man to jail for a few apples. He may not have been guilty. He

may have had another man packing them, and the fault occurs that way.

Hon. Mr. MILLS—He must be more particular about his choice of packers.

Hon. Mr. SULLIVAN—Why not simply confiscate the goods ? Do not put a man in jail for a few apples.

Hon. Sir MACKENZIE BOWELL—It is only a matter of detail.

The clause was adopted.

On clause 11,

Hon. Mr. FERGUSON—There is a great deal of objection to clause 11 and also to clause 14. I have correspondence on my desk from a large shipper in Ontario, who says that if these two sections are passed he would withdraw his operations to the other side of the border.

Hon. Mr. MILLS—Well, let it be so.

Hon. Mr. FERGUSON—I think that putting the law in the hands of the inspector —the question of inspection will come up later—that he has a right to examine a package. When we come to clause 14 we will have more to say about that. When the inspector finds the package wrongly marked, as he thinks, he can mark 'fraudulent' on the package and leave it. My view is, that he should be compelled to go on with a suit against the man, and not mark 'fraudulent' on the head of the barrel merely and go away and leave it there. He should be compelled to enter a suit and let the judge decide whether it was fraudulent or not.

Hon. Mr. SCOTT—Utterly impracticable.

The CHAIRMAN—The apples might be sold in the meantime.

Hon. Mr. FERGUSON—They ought to be either confiscated or retained to be produced as evidence, or something of that kind. Of course it is not so serious an investigation, but in connection with clause 14, it is a very serious matter. I will not press an objection to it until I see what we will do with clause 14.

The clause was adopted.

On clause 14,

Hon. Mr. FERGUSON—Has the hon. gentleman no amendment to suggest to clause 14 ?

Hon. Mr. MILLS—No, I think it is right as it is.

Hon. Mr. FERGUSON—Then I do not agree with the hon. gentleman. Clause 14 provides :

> Any person charged with the enforcement of this Act may enter upon any premises to make any examination of any packages of fruit suspected of being falsely marked in violation of any of the provisions of this Act, whether such packages are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company; and any person who obstructs or refuses to permit the making of any such examination shall, upon summary conviction, be liable to a penalty not exceeding $500 and not less than $25, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless the said penalty and costs of enforcing it are sooner paid.

My objection to that is this, that even if the inspector be a qualified person—we will have to meet that question as to who these inspectors will be—you give him power to board a train at any point or go into a railway station, or on board a ship, behind the back of the owner of the apples, and without giving him any notice whatever, open those packages and declare them falsely marked. There is no obligation to close them properly or to give notice to the parties. He marks a barrel 'falsely marked,' and it goes to the United Kingdom with this mark on the head of the barrel. The barrel of apples itself has gone away and could not be examined, and the owner of the apples does not know anything about this, until he hears that his apples have gone on the British market marked 'fraudulent.' Perhaps he may be unable to learn who did that. This inspection should not be undertaken without notifying the owner of the apples. The inspection should take place at the point of original shipment or at the point of sale for consumption or exportation. Most shippers will have agents at Montreal, Halifax or other places, from which the apples are shipped, and it should be necessary for the inspector to notify the owner, if he is not there or if the examination is made at the place of original shipment giving notice in order that he may see what is being done and be in a position to defend himself if the inspector is not treating him right. Supposing I want to send a shipment of apples by way of Georgetown or Pictou ; an inspector might board the

train at any point and make his examination behind my back, and I would know nothing about it until I would hear from London or Liverpool that some fruit had come marked 'fraudulent.' I say the owner should be in a position to look after his own interests. I think the amendment which I have would meet the case. I will read it. I thought this was a point that had only to be named in order to have something done to meet the wrong that this section might inflict upon the shipper. I propose to add these words as subsection 2:

The examination of the fruit authorized by this section shall not be made except at the place of production or original shipment, or at the place of delivery, either for consumption in Canada, or for exportation, and the inspector shall, before taking such examination, give due notice in writing of his intention to do so to the owner of the fruit, or his agent at the place of original shipment or delivery, for home consumption or exportation, as the case may be.

Hon. Mr. SULLIVAN—How many days' notice ?

Hon. Mr. FERGUSON—That is a matter for consideration. It would be a matter for the justice trying the case to see whether the notice was due or not.

Hon. Mr. SCOTT—The hon. gentleman will, on reflection, see that his proposition is not a practicable one. Fruit is shipped over a large area in this country, and it is impossible to have an inspector at every point.

Hon. Mr. FERGUSON. It does not call for that.

Hon. Mr. SCOTT—I understand there are to be only five permanent inspectors. It is to be presumed they will be men who will recognize the responsibility of the position they occupy, and would not be so captious as my hon. friend indicates. Unless some such clause is placed in the Bill, it is utterly futile to attempt to put reliable Canadian apples on the British market. Year after year the report has come that the apples sent from Canada have been a fraud, and it has done serious injury to the trade of the country. There is no way to meet it except by stringent provisions of this kind. My hon. friend will see that the inspection may take place 500 miles from where the grower resides. You cannot have the inspection at the place where the apples are packed. They are sent from as far west as Lake Superior, and from the extreme east. The inspection will be mainly at the shipping point. The inspectors cannot communicate with the growers. It is utterly impossible. The hon. gentleman must believe that the inspectors will be reasonable men who will not condemn fruit that should not be condemned. If it should be condemned justly, no penalty that we provide is too severe for the man who commits such a fraud.

Hon. Sir MACKENZIE BOWELL—The great objection I have to this clause is, it allows the minister to appoint any person he thinks proper. It would not be half so objectionable if that duty devolved upon the inspector appointed under the General Inspection Act who has to take an oath to do his duty after having been examined as to his qualification to inspect apples. The presumption, I have no doubt, is that a proper person will be appointed, but we do know this, that where a power of this kind is given to another person, it is very often used in a manner not in the interest of the trade, or in the interest of the commerce of the country.

Hon. Mr. MILLS—My hon. friend will see that in this case a party who is appointed inspector would, in the first place, be responsible to the minister, who is anxious to improve the market value of the fruit, and in the next place, his conduct is liable to be called in question in parliament, and to be discussed and condemned here if it is found that he has been guilty of arbitrary conduct.

Hon. Sir MACKENZIE BOWELL—That is after the mischief is done.

Hon. Mr. MILLS—That is true. We have in this Bill provided, as the hon. gentleman will see by the last section, that regulations are to be made and those regulations will be for the purpose of carrying this Act out in a reasonable and efficient manner, and there will also be matters which will be discussed and criticized here, and I have no doubt will, at no distant day, be superseded by an amendment to the law itself. With regard to the inspection, my hon. friend has spoken about people going on board trains and stopping a train and doing a number of imaginable but highly improbable things.

What is likely to happen is, that the inspection will be made either at the place where the apples are grown and packed before shipment, or they will be inspected at some one central place, where a large amount of fruit is gathered before shipment to the nearest port from which the shipment is to take place, or from the port of Montreal where the final shipment will take place. Now, with regard to this inspection, it is intended to be in the interest of the fruit-growers, for the purpose of giving confidence to the consumers that they are getting what they suppose they are purchasing, and it is to provide an inspection in order that persons who undertake to pack fraudulently and are putting up apples that are not marketable amongst those that are, and concealing the fraud that they are practising. I say nobody has any desire to enable those persons to succeed in what they are doing. We do not want to make this inspection difficult. We do not want to make it impossible to detect any fraud that is attempted to be practised on the consumer, to the detriment of this country, and to the injury of the good name that it ought to have in the market where this fruit is consumed. We might, perhaps, as a subsection add this :

The inspector shall give notice by letter or telegram to the packer, whose name is marked on the package, before marking the words 'falsely marked' on such package.

Hon. Mr. BAKER—That would cover the whole objection.

Hon. Mr. POWER—That would be a subsection to section 11 ?

Hon. Mr. MILLS—Yes. My hon. friend will see that this country and parliament ought to have no object in protecting a man who, by his methods of packing apples, is acting dishonestly and practising a fraud. The less parliament does by way of undertaking to protect the man who is acting dishonestly, the better it will be for the country and for parliament. Our people have—as will be seen from this correspondence—seriously wronged those who have been purchasers of apples for consumption on the other side of the Atlantic, and this country must stamp out that sort of proceeding, or we are going to have no market for fruit in the United Kingdom, and we will have no market for fruit in Manitoba if the people of that province continue to be as dissatisfied as they have been heretofore, and so we are undertaking by this Bill to deal fairly by the fruit-growers, not to expect impossibilities, from them, but to mark the fruit as high as it is marked in other countries from which fruit is sent, and to secure to the consumers the kind of fruit that they expect they are purchasing in dealing with fruit of Canadian growth.

Hon. Mr. SULLIVAN—Supposing that the fruit was marked all right and inspected here, and supposing on arriving in England it was found bad, is the shipper liable to punishment ?

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—I do not know but my hon. friend's suggestion may cover the case, if he would say 'due notice by letter or telegram.'

Hon. Sir MACKENZIE BOWELL—It says 'shall give notice.'

The CHAIRMAN—It would not be a notice unless it were a reasonable notice.

Hon. Mr. POWER—I was at first disposed to sympathize a good deal with the hon. gentleman from Marshfield. When I sat on the other side of the House I remember being shocked by the tyrannical doctrines laid down in bills from the Department of Customs, when that department was presided over by the hon. gentleman who now leads the Opposition. I thought the most serious consequences must follow those enactments ; but, I do not know whether it was because the department was administered in a merciful spirit, the serious consequences did not follow. This is a matter of administration, and the government are trying to put an end to fraudulent packing and marking of fruit, and I think we had better give them a fairly free hand, and not have them coming here a year or two hence, and saying if it had not been for the Senate this law would have worked all right.

Hon. Mr. SNOWBALL—I agree with the changes so far made in the Bill, but when it comes to section 14, I think it is one of the best sections in the measure, and I differ from all that has been said in opposition to it. A shipper from Western Ontario

sends his apples, say to Halifax for shipment in the winter season. The steamer is there. The cars arrive just in time to put the apples on board. How is the inspector going to give notice that will be of any use to the shipper? The provisions of the Bill so far are lenient enough. The object is to crush out any attempt at fraud. Let us, by this Bill, crush it out. I think by striking out clauses 6 and 7, as we have done, we take all the severe clauses from the Bill, but I certainly approve of clause 14, and wish to see it adopted as it is in the Bill.

Clause 11 was reconsidered and amended by adding the clause read by the Minister of Justice, and as so amended was adopted.

On clause 16,

Hon. Mr. FERGUSON—Any inspection done under this Bill should be done under the General Inspection Act. Any hon. gentleman who will turn up the Revised Statutes and read the general provisions respecting the inspection of apples, and of other staples, will find that there is a framework of provisions there for the securing of qualified inspection. The boards of trade have a right in regard to the matter of appointing examiners. Then these examiners receive applications for the position; if they are found on examination to be qualified persons, they receive certificates. Then they may be appointed by the government to carry out the provisions of the law with regard to any particular staple. Then they are required to give security. The examiners themselves are sworn to discharge their duties faithfully. There are provisions in the law for penalties in the case of these inspectors not doing their duty properly. That applies to the inspection of all staples, apples included. This is a radical point in connection with this Bill, and that is that any inspection done under it, to be worth anything, must be done by qualified men—not merely men that may be recommended to the minister for political or any other reasons—not men that may have a claim upon him, and may be pressing for an appointment, but men who have received certificates from a competent board, and should be appointed, because they are qualified. I would, therefore, move an amendment, and if my hon. friend has not considered it sufficiently already, the committee might rise, and we could sit again, and by that time my hon. friend might consider the question as to whether we should or should not transfer the sections from the General Inspection Act with regard to the classification of fruit and allow them to stand as part of this Bill. That question might also remain to be settled after full consideration to be given to the little changes we have made to-day. I would move, and this could be incorporated as clause 15:

That the provisions of the General Inspection Act, from sections 1 to 26 inclusive, and all amendments thereto, shall apply mutatis mutandis to anything which may be done under this Act.

That would bring in all the provisions by which we could get a qualified class of inspectors.

Hon. Mr. MILLS—I think it would be very inconvenient and very unfortunate if this amendment were adopted, because the inspection of apples extends over a very short period of the year, but it requires persons familiar with the different varieties of fruit, and so I could not accept the amendment proposed by the hon. gentleman. He can let it stand for discussion when we go into committee again.

Hon. Mr. LOUGHEED, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

THE LABOUR GAZETTE.

Hon. Mr. MILLS—The Department of Labour states that the April number of the Labour Gazette will be sent to members of the Senate in future. Copies will be mailed to each Senator. This in in reply to an inquiry made yesterday by some hon. gentleman.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 1, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (110) 'An Act to incorporate the Debentures and Securities Corporation of Canada.'—(Hon. Sir Mackenzie Bowell.)

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, will the government state when I may expect those returns called for some time ago, one with reference to the survey from Rice Lake to Port Hope, in connection with the Trent Valley canal, and also a copy of the contract for carrying the mail from Coe Hill to Apsley ?

Hon. Mr. SCOTT—I shall have it looked up.

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. OWENS moved the third reading of Bill (27) 'An Act respecting the Atlantic and Lake Superior Railway Company.'

Hon. Mr. LANDRY—Before this motion is carried, I would ask permission to say a few words. This Bill was founded upon a petition asking for an extension of time. The petition reads as follows :

> That your petitioners are desirous of having an Act passed to amend section 6 of the Act 57-58 Vic., cap. 63, so as to extend the time for the completion of the construction of the railway by the trustees for the bondholders, wherefore your petitioners, &c.

According to this petition, the Bill was presented in the House of Commons really asking for an extension of time, and nothing more. That Bill was sent to the Committee on Railways, and there a complete change was made, the result of which is the Bill that is presented here to-day. This Bill before us does not merely ask for that extension of time, but it alters the charter of the company. According to that charter, the Atlantic and Lake Superior Railway Company entered into an agreement with the Baie des Chaleurs Railway, acquired the road, with all the obligations attached to the Baie des Chaleurs Railway, and which are to be found in the Act passed in 1894, cap. 63. We see by the Act passed in 1893, cap. 39, section 3, that the Atlantic and Lake Superior Railway Company may 'acquire, lay out, construct and operate a railway of the gauge of 4 feet 8½ inches, at a point at or near Gaspé Bay, P.Q., to a point at or near the St. Mary's river, in the district of Algoma, in the province of Ontario ; and the company may enter into an agreement with any of the following companies,' —among them is the Baie des Chaleurs Railway, constructed or authorized to be constructed between Gaspé Bay, in the province of Quebec, &c. According to these enactments, the Baie des Chaleurs Railway was supposed to be built from Metapedia, where the western end of the road was, to a point east at or near Gaspé Basin. By the Bill now before us, parliament curtails the charter of the Baie des Chaleurs Railway, and brings it to a point eighty miles from the eastern point contemplated by previous legislation, that is to say, to Paspébiac. I do not think those considerable changes were contemplated by the petition brought before parliament, and which were made by the committee of the House of Commons. For these reasons, when the Bill came before the committee of this House, I proposed certain amendments, which were not passed, but I reserved my right to bring them before the Senate. The amendments are these. I just ask that wherever in the Bill the word 'Paspébiac' is mentioned, that word be erased, and 'Percé' be substituted therefor, so as to insure to the inhabitants of that country the building of the road. They have a right, as well as the other interested parties, that the law be carried out, and that the privileges granted them in former years be continued ; but, by the Bill as it stands to-day, all these privileges are curtailed, and the charter is manipulated in a way that the company now is not obliged to build further than Paspébiac. With these few explanations, I move :

> That the said Bill be not now read a third time, but that it be referred back to the Standing Committee on Railways, Telegraphs and Harbours, with instructions to amend the same by leaving out the word 'Paspébiac' wherever it occurs, and substituting therefor the word 'Percé.'

2. By leaving out all the words after 'near' at the end of the 19th line, and replacing them by the following :—

'Percé, in the county of Gaspé, the road to follow the seaside at a distance from it never exceeding three miles; and may operate the railway between Metapedia and its eastern terminus at a point near Percé; such powers of construction to be exercised before the 31st of December, 1902, for the first ten miles of the road extending from New Carlisle eastward to Percé, before the 31st December, 1903, for the following twenty miles extending in the same direction, and before the 31st December, 1904, for the balance of the road finishing at its eastern terminus at Percé; such powers of construction to cease as to such portions of the railway as are not then as aforesaid completed.'

The Bill will then read : That the trustees may construct and operate a road from one point up to Percé in the county of Gaspé, the road to follow the seaside. The dates given in the amendment are the same as those in the original Bill. They wanted parliament to give them power to complete the line up to the 31st December. I take the same date, and the new Bill, which is now presented to this House, gives the company authority to build that small section of the road from Metapedia to Paspébiac up to 31st December, 1901, which is provided also by the amendment to the second section.

Hon. Mr. OWENS—The Bill before the House is the result of a compromise that was effected in the Private Bills Committee in the House of Commons. It was accepted by all the parties interested, and also by the promoters of the Bill, who accepted the restriction that the hon. gentleman refers to. The Bill was also fully discussed before the Senate Committee on Railways, Telegraph and Harbours, and after the discussion before that committee, this amendment was moved by the hon. gentleman and, unfortunately for him, he had not even a seconder to his motion. Therefore, I think it is unnecessary that we should go into it at further length. It has been accepted by all the parties interested.

Hon. Mr. LANDRY—I think the hon. gentleman is mistaken when he says it was the result of a compromise. I was not a party to the compromise, and I did not hear it. There cannot be any compromise in that way, and they cannot consent to sacrifice the public interest for individual interests. I do not think any compromise took place.

Hon. Mr. OWENS—There was a compromise by all the parties interested.

Hon. Mr. LANDRY—It was not a compromise by all the parties interested, and I do not think they could be affected by it. We should consider the public generally as well as the bondholders and trustees, and I protest against a compromise being referred to, because I do not think there has been any compromise at all.

Hon. Mr. OWENS—The people sent petitions to the members from the county of Bonaventure and the county of Gaspé.

Hon. Mr. LANDRY—I claim that those petitions asked for the amendment I am now proposing.

Hon. Mr. OWENS—I may tell the hon. gentleman that——

Several hon. MEMBERS. Order, order.

The motion was lost on division.

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

THIRD READINGS.

Bill (54) 'An Act to incorporate the Fort Qu'Appelle Railway Company.'—(Hon. Mr. Perley.)

Bill (13) 'An Act to incorporate the Canada National Railway and Transport Company.'—(Hon. Sir Mackenzie Bowell.)

Bill (M) 'An Act respecting the St. Lawrence and Adirondack Railway Company.'—(Hon. Sir Mackenzie Bowell.)

Bill (44) 'An Act respecting the Ottawa and Gatineau Railway Company, and to change its name to "The Ottawa, Northern and Western Railway Company."'—(Hon. Mr. Perley.)

Bill (56) 'An Act respecting the Columbia and Kootenay Railway and Navigation Company.'—(Hon. Mr. Kirchhoffer.)

Bill (58) 'An Act to incorporate the Kootenay and Arrowhead Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (41) 'An Act respecting the Saskatchewan and Western Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (52) 'An Act respecting the Vancouver and Lulu Island Railway Company.'—(Hon. Mr. Templeman.)

Bill (84) 'An Act respecting the Alberta Railway and Coal Company.'—(Hon. Mr. Kirchhoffer, in the absence of Hon. Mr. Lougheed.)

Bill (75) 'An Act respecting the Canadian Northern Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (79) 'An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.'—(Hon. Mr. Dobson.)

Bill (55) 'An Act to incorporate the Arnprior and Pontiac Railway Company.'—(Hon. Mr. Baker.)

Bill (C) 'An Act for the relief of James Ward McDonald.'—(Hon. Mr. Perley.)

SECOND READINGS.

Bill (22) 'An Act respecting the Columbia and Western Railway Company.'—(Hon. Mr. Wood, Westmoreland.)

Bill (73) 'An Act concerning the Vancouver, Westminster and Yukon Railway Company.'—(Hon. Mr. Templeman.)

Bill (83) 'An Act to incorporate the Kootenay Central Railway Company.'—(Hon. Mr. Templeman.)

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE REPORT.

REPORT ADOPTED.

The Order of the Day being called:

Consideration of the third report of the Committee on Internal Economy and Contingent Accounts.

Hon. Mr. KIRCHHOFFER—As there is likely to be some discussion on this report, I beg to move that the House resolve itself into a Committee of the Whole in order that we may discuss the matter.

The motion was agreed to.

(In the Committee.)

Hon. Mr. SCOTT—Is it not rather an unusual course to consider a report of this kind in committee? I have no recollection of that being done on any previous occasion. We have discussed such reports freely with the Speaker in the Chair.

Hon. Mr. MILLER—I think it should be discussed with the Speaker in the Chair. The proper place to consider these reports is in the House and not in the committee.

Hon. Mr. McKAY (Truro)—I understood the motion was that the report should stand over, and the next Order of the Day be taken up.

Hon. Mr. KIRCHHOFFER—No, I thought we might go into Committee of the Whole on this Bill.

Hon. Mr. MILLER—It is not a Bill; it is a report on the internal affairs and economy of the House.

Hon. Mr. KIRCHHOFFER—Yes, but I thought we might consider it in Committee of the Whole.

Hon. Mr. MILLER—I cannot understand why it should be done. I never knew of it being done before. The proper course would be to proceed with the consideration of the report, and if any portion of the report does not meet with the approval of the House, it cannot be amended by the House, but must be sent back to the committee. I think it is unusual to refer a report of standing committee on contingencies to Committee of the Whole. I am not prepared to say that anything cannot be referred to Committee of the Whole, but I know of no precedent for it. If the House condemns any portion of the report, it can be sent back to committee.

Hon. Mr. KIRCHHOFFER—I am content to withdraw the motion.

Hon. Mr. MILLER—The report of the sub-committee on stationary, &c., comes up, and I think it would not be fair to consider the matter until the chairman of the sub-committee (Hon. Sir Alphonse Pelletier) is in his place.

Hon. Mr. KIRCHHOFFER—I move that the Speaker do resume the Chair.

Hon. Mr. VIDAL—I think the only way is for the Chairman to rise, report progress, and ask leave to sit again.

Hon. Mr. MILLER—If any precedent can be shown where the report of the Internal Economy Committee has been referred to a Committee of the Whole House, I have nothing further to say.

Hon. Mr. KIRCHHOFFER—I want to get out of committee. I have moved the House

into committee, and now the trouble is to get out of committee.

Hon. Mr. MILLER—The hon. gentleman can move that the committee rise.

Hon. Sir MACKENZIE BOWELL—If the committee rise without reporting something, the report is dead.

Hon. Mr. SCOTT—It stands.

Hon. Sir MACKENZIE BOWELL—No, it does not stand. It has to be placed on the Orders of the Day by a special motion. The only motion that can properly be made is that the chairman of the committee rise, and the chairman be ordered to report. He can report progress if he likes.

Hon. Mr. MILLS—My hon. friend is right enough if we were regularly in committee, with some business to be transacted by the committee before us, but I do not think that the rising of the committee would destroy or in any way affect the report, because the committee has no power or authority to deal with the report. Going into Committee of the Whole on this occasion is a nugatory act, and if my hon. friend asks that the committee rise, and the Speaker resume the Chair, then he may proceed with the report precisely the same as if this motion had not been made at all.

Hon. Mr. McDONALD (C.B.)—There is another point in connection with this matter to which I wish to call attention. When the hon. gentleman from Brandon made his motion and the hon. Secretary of State rose to reply, before he finished speaking, the hon. gentleman from Richmond also rose to reply, but in the meantime, the Speaker decided the question, and asked the hon. gentleman from Westmoreland to take the Chair. It is irregular in my opinion.

Hon. Mr. POWER—The hon. gentleman from Cape Breton is in error. The hon. gentleman from Brandon moved the motion, and I put the motion to the House and declared it carried, and after the motion had been declared carried, the hon. the Secretary of State rose in his place ; but I could not recall what had been done, and after the hon. Secretary of State sat down, I left the Chair, and it was after the chairman had taken the Chair that the hon. gentleman from Richmond spoke. I am quite aware that this is an unusual proceeding, but I do not think that the ground taken by the hon. Minister of Justice is tenable. Any matter which requires much consideration and deliberation, and about which there are likely to be many motions, may be referred to the Committee of the Whole, as it is supposed that such a matter can be dealt with more conveniently in Committee of the Whole. As to which is the better course, I have nothing to say, but either course can be adopted.

Hon. Mr. MILLER—I would not have complained of the conduct of the Speaker. I barely caught the motion wnen I rose to oppose it, but the Speaker did shut me off rather summarily, and put the motion, and it passed in that way. There are circumtances connected with the Speaker's conduct on this occasion which, I think, it just as well to state. I have been given to understand that the Speaker is very much opposed to features in this report, and I presume the motion was made in this way, and we were hurried into Committee of the Whole, where the Speaker may be able to act a prominent part. It is not usual for the Speaker to take such a part in relation to the report of a standing committee of this House. This House has appointed an Internal Economy Committee, and that committee has always been allowed to judge of the internal affairs and contingencies of the House, and no Speaker has ever interfered in the matter until the present incumbent of the Chair thought proper to do so, and, taken in the light that I believe the hon. gentleman is desirous of taking a strong part against the report, the way in which we were shut off is not at all what it ought to be, or the treatment that we are entitled to from the gentleman occupying the position of Speaker of the House.

Hon. Sir MACKENZIE BOWELL—I should have very great respect for any opinion given by the Minister of Justice if it were a question of law covered by the statutes, either constitutional or common law, but we are just in this position, whether rightly or wrongly, whether in accordance with system or not, the hon. gentleman from Brandon moved that the House resolve itself into committee, and consider this report clause by clause. That may have been irregular and improper. We will

not discuss that question at all. The Speaker put the motion and declared it carried, and asked the hon. gentleman from Westmoreland to take the Chair. He is in the Chair. What for? To consider a certain report. Objection is taken to that mode of procedure. All the House has to do is to act on the suggestion of the hon. gentleman from Richmond, and get out of committee in a legal way, so that the records can be kept correct, and the only way is to move that the Chairman leave the Chair and report. That would place the report of the Contingent Accounts Committee fairly before the Senate, and then we can go on and consider it in the usual way, as suggested. I do not think there is any rule about it.

Hon. Mr. MILLER—After the committee rises, it is competent for the hon. gentleman to make a motion, with the consent of the House, that the report be placed in the same position on the minutes as before.

Hon. Sir MACKENZIE BOWELL—Let us get out of committee. We can do that.

Hon. Mr. MILLS—I would call attention to the provision in Bourinot, at page 518, which reads as follows:

It is the practice to move concurrence in the reports of committees in certain cases. For instance, the reports on printing are invariably agreed to, as they contain recommendations for the printing and distribution of documents, which must be duly authorized by the House. Also reports containing certain opinions or resolutions are frequently concurred in on motion. But when the report does not contain any resolution or other propositions for the consideration of the House, it does not appear that any further proceedings with reference to it, as a report, are necessary. It remains in the possession and on the journals of the House as a basis or ground for such further proceedings as may be proper or necessary. Every session select committees make reports of this description, containing a statement of the facts, or of the evidence on the subject of inquiry; but as they do not contain any proposition which can be agreed to by the House, they are simply printed for the information of members. Many motions for concurrence in reports of select committees are brought up without notice, and allowed to pass by unanimous consent. But in all cases objection may be taken, and it is the regular course to give notice. This is consequently always done when there is an objection taken, by one or more members to the adoption of a report, and a debate is likely to arise on its subject-matter. The reports of the committee relative to private Bills are not concurred in, as they are regulated by special standing orders. Sometimes, however, when one of these committees has made a special recommendation, requiring the authority of the House to give it effect, the concurrence of the House will be formally asked and given. It is allowable to move an amendment, to add words, as a condition to a motion for concurrence in a report. A report has been sometimes adopted only in part.

All that is quite proper, but there is no suggestion that the House go into committee for the purpose of considering a report. It may do that for the purpose of considering a Bill, but I do not think my hon. friend will find an instance where the House has gone into committee to consider reports.

Hon. Mr. MILLER—Several cases have occurred this session where reports have been laid on the Table without any resolution or motion. In my opinion, it is unnecessary to consider the report.

Hon. Sir MACKENZIE BOWELL—The opinion of Bourinot read by the Minister of Justice has nothing to do with the question as to how we shall get out of committee. It sustains, to a certain extent, the position taken by the hon. gentleman from Richmond as to going into committee, but we are in committee now; let us get out of it. I move that the committee rise and the Chairman report the facts.

Hon. Mr. VIDAL—I think it would be well to mention the facts. It would be well for the Chairman to rise and report that the matter would be better discussed in the House, and that would bring back the whole matter to the House.

Hon. Mr. WOOD (Westmoreland), from the committee, reported that they had considered the report, and that they thought the report could be better dealt with in the House than in the committee.

Hon. Mr. KIRCHHOFFER—I now beg to move that this report be adopted.

Hon. Mr. MILLER—Is there any urgency in this matter? I would ask the hon. gentleman to let it stand over until there is a full House.

Hon. Mr. KIRCHHOFFER—Until when?

Hon. Mr. MILLER—Until Thursday. We are likely to have a full House on Thursday, because there are important committees meeting on that day.

Hon. Mr. KIRCHHOFFER—I have no objection.

Hon. Mr. PROWSE—I understand that there is still important work before that

committee, and I would suggest that the report be allowed to stand until the final report of the committee comes in, which will be in a few days.

The Order of the Day was discharged, and ordered to be placed on the paper for Thursday next.

INSPECTION OF PACKAGES OF FRUIT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (32) 'An Act to provide for the marking and inspection of packages containing fruit for sale.'

(In the Committee.)

Hon. Mr. FERGUSON moved the adoption of the following amendment, as section (a) to the Bill :

The provisions of the General Inspection Act, from section 1 to 26, inclusive, and all amendments thereto, shall apply, mutatis mutandis, to any inspection which may be done under this Act.

Hon. Mr. MILLS—We cannot agree to that amendment. This Bill was prepared after very full consideration and discussion of the subject with the Fruit Growers' Associations in the different provinces, and a Bill was prepared by the Fruit Growers' Association for the province of Ontario, of which this Bill is almost an exact transcript. In fact, the two clauses that the committee struck out of the Bill yesterday are both included in the Bill prepared by the Fruit Growers' Association and submitted to the department as a Bill that would satisfy, in their opinion, the requirements of the trade, and give proper protection to those who purchased Canadian apples for consumption. Now, with regard to the suggestion contained in the clause submitted by the hon. senator from Marshfield (Mr. Ferguson), this Bill is complete in itself. I cannot say how far the provisions of the Inspection Act could apply, and therefore, I am not prepared to take a leap in the dark, as suggested by the amendment of the hon. gentleman. I know that the Bill can be satisfactorily worked out, as an independent part of the law applicable to fruits, but I do not know precisely what the effect would be of adopting the amendment proposed by the hon. senator. My hon. friend will see by the 18th clause of the Bill, as it was printed, that the Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act. Now, we propose to make regulations under that clause of the statute, and so we do not propose to adopt the provisions of the General Inspection Act, to which the hon. gentleman refers.

Hon. Sir MACKENZIE BOWELL—You do not propose any change in clause 18 ?

Hon. Mr. MILLS—No. The hon. gentleman will see under that there is power to make regulations as to inspectors. The parties who will be appointed to inspect fruit are persons who will be called upon to discharge those duties for but a very short period of the year. A month, in all probability, will cover the season within which apples are packed and got ready for the market, and it is within that period that the inspection would be required under this Act, to see that no fraud was attempted on the buyer or the consumer. My hon. friend speaks about an examination. The proper requirement is a man who is thoroughly familiar with the different kinds of fruit, the season in which they ripen, and the characteristics of each variety. That is the qualification which he will require, so far as his knowledge is concerned, and he ought to be a thoroughly conscientious and honest man, who will undertake to give effect to the Act in accordance with the spirit of its provisions. That we propose shall be accomplished, and therefore, it is not desirable to mix the provisions of this Bill up with those of the statute to which my hon. friend from Marshfield refers. It may be that after this Act is brought into operation, and after its operation has been thoroughly established, the law upon this subject may be consolidated, and the provisions of both statutes combined in one, but the information which is necessary in order to accomplish that satisfactorily we do not possess at the present time. The regulations which the government take power to make, by order in council, are regulations of a tentative character which every government, in the present complex condition of society, finds it necessary to take in order properly

to carry on the work of administration. The business of administration is a business for which the government itself is responsible. We wish to secure a proper administration of the law in this particular. We wish to prevent frauds being practiced upon consumers, that may have the effect of seriously injuring the fruit product of Canada, and the reports made certainly show that some injury has been sustained already in consequence of what has been done. So that in this respect what is proposed by the Department of Agriculture is a more efficient administration than it was possible to secure under the law as it stood. That efficient administration the department has considered. It has brought to its assistance prominent men in the different Fruit Growers' Associations of the Dominion. The information which they could give and the suggestions which they felt it their duty to make were before the minister of the Department of Agriculture. This Bill has been prepared to carry into effect the various suggestions which have been made by these parties to secure a better administration of the trade of the country, so far as fruit is concerned, and I trust that this House will co-operate with the minister who has undertaken this work, and who has the duties relating to the oversight of this trade imposed upon him by the law, and by this amendment to the law he trusts it will be made more effective. If experience shows, in the course of a year or two, that other amendments may be adopted for the purpose of securing a more efficient administration, I am sure that there will be no objection to that being done, but my anxious desire is, and I think it is the desire of those who are engaged in the production of fruit in this country, that the information placed at the disposal of this department that has been systematized and put in the form of the Bill which is now before the House, may be made law and the minister afforded a fair opportunity of giving effect to regulations in the public interest, based upon the information which he has acquired, and the views and opinions of the officers of the department who have been specially concerned in the acquisition of this information from various parties who are interested. That being the case, I trust that the hon. senator from Marshfield will not press his amendment, but will permit the Bill, as it has been prepared, to receive a fair trial, with a view to its amendment if experience shows that amendment is necessary.

Hon. Mr. MILLS.

Hon. Mr. FERGUSON—My hon. friend is not altogether right in saying that the House passed the clause empowering the government to make regulations. We were just reaching it when I moved this amendment.

Hon. Mr. MILLS—My hon. friend is mistaken. Everything that was in the Bill is carried. The Bill simply stood over to consider the amendment of the hon. gentleman.

Hon. Mr. FERGUSON—That is not material, anyway. I rose to move that this amendment be added after 14. I cannot agree with the hon. gentleman in the views he has put before us. I can see nothing whatever in the reasons he has given why we should depart from the safeguards which parliament, in its wisdom, holds should surround the inspection of staples of any kind. That is a matter on which the parliament of Canada long ago legislated, upon which we have frequently legislated, bringing the law up to the very latest views. From sections 1 to 26 of the Inspection Act there is provision for machinery with which to do this inspection. The very foundation of that is that there shall be qualified inspectors—that the boards of trade shall appoint examiners, that candidates for the office of inspector shall appear before those boards of trade, and that if they are found to be qualified, certificates shall be granted to them, and out of persons so qualified the government can appoint inspectors. They are not limited in their choice to one or two. There will no doubt be many candidates who have passed their examinations and become qualified. My hon. friend laid stress on the fact that this Bill gives the Governor in Council power to make regulations, and he holds that under those regulations everything necessary to be done can be done as well as under the Inspection Act. That is a point I cannot agree with, for I find the power the hon. gentleman is taking to the government is not as great as it is under the Inspection Act. There is no power to impose penalties. Section 14 of the General Inspection Act says that the Governor in

Council may require securities from the inspectors, and they may from time to time make regulations for the guidance and government of the inspectors under the Act, or any of them, and of persons employing them, and may by such regulations impose penalties on any person offending against them. Now, my hon. friend does not pretend to say that under the clause of this Bill he can impose a penalty on an inspector simply by the power to make regulations. That is something the Governor in Council cannot do. They can make regulations, but not a regulation to impose a money penalty for violating the regulations. They may dismiss the inspector, but nothing more. If my hon. friend will go over those clauses of the Inspection Act he will find every care is taken to have thoroughly qualified inspectors. Supposing that these men act fraudulently under this Bill, there is no money penalty that we can impose upon them for doing so.

Hon. Sir MACKENZIE BOWELL—Or any other penalty?

Hon. Mr. FERGUSON—Yes, they could be dismissed, but it is possible for greater wrong to be done by unqualified and dishonest inspectors than the faults that are alleged against the packers of the fruit. They may accept bribes—may use the stamps improperly, and brand as good those that are bad and vice versa, and yet they are not open to any penalty. The Inspection Act provides that these inspectors shall be qualified men, shall give security, that they shall take an oath of office and be liable to penalties if they do wrong. The penalties should not be all one-sided. Let me tell my hon. friend, the value of the legislation depends entirely on the qualifications of the inspectors. If they are not good men and are not held responsible, and unless all the obligations are laid over them to make them discharge their duty properly, this measure cannot be carried out right. I am surprised that the government would not at once fall in with the idea that we should have inspectors appointed under the careful provisions set forth in the Inspection Act. The words of my amendment are there, that they shall apply as far as they are found to be practicable and satisfactory. I have looked over the sections of the Act from 1 to 26, and I find that while some of them specially refer to the grain trade of Manitoba, the rest of them are general, and that they contain nothing inconsistent with the direction and conduct of the proper inspection of fruit. On the contrary, I find that the whole tenor of these sections from 1 to 26 of the Inspection Act is in the right direction, and will save the government a vast amount of trouble in making regulations and keeping everything right. The only objection that my hon. friend offers against adopting this safe course, that I have heard, that meets the case at all, is that there is only a short season for the fruit trade, and, therefore, it is not worth while taking measures for securing qualified inspectors at least I understood that was the conclusion —because the season was so short. As far as my observation goes, the season is not shorter than the season in other staples. Take herrings, I think the season for fruit is quite as long as for the herring trade. Take mackerel, pot and pearl ashes—any of the articles enumerated, unless it is hides and leather and flour—the season is quite as long for fruit as it is for these. In fact I do not know, but, taking one kind of fruit and another, they cover almost the whole year. I do not want to press my view unduly on this point, but I think if the Bill is going to be workable and do good, we ought to have all the safeguards that the law imposes with regard to having qualified men to carry it out. It is all very well for my hon. friend to say that the government are responsible. That is true, but we had a government responsible when the Inspection Act was passed, and when it has been amended from time to time. We have had governments in power that, with due respect to my hon. friend and his colleagues, were just as qualified to carry on the affairs of the country as they are, and they did not appear to think it was any reflection on them to have their hands tied up by these provisions, that they should only appoint qualified inspectors. I cannot for the life of me, see any reason why we should not adopt the amendment, and then if the provisions of the Bill are good, as I know some of them are, we will have an undoubtedly qualified class of inspectors, for they will be subject to regulations, laws and penalties to keep them

in the right line, and there will be every guarantee that we will have a good law.

Hon. Mr. SCOTT—Looking over the General Inspection Act, I find the clauses are not really germane to the subject now under consideration—that the boards which report on the inspectors are not boards that are as a rule conversant with the fruit question. It is a special matter. Fruits are not grown in cities and towns. The boards of trade referred to in the Act are at the cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Winnipeg, and similar centres. The subjects to which the Inspection Act refers are germane to the boards of trade. The men who are familiar with the subjects reside in towns and cities. Take the flour and meal trade, the wheat and grain, the beef and pork trade, potash and pearl ash, leather and raw hides—these are all subjects which members of the boards of trade may be conversant with, but, I submit the boards of trade of cities are not the best persons to appoint those who are to inspect fruit. They are persons who are generally the leaders of the various fruit associations, who take a very deep interest in the subject. They are satisfactory men. They are known more particularly to the Agriculture Department, because they make reports there. My hon. friend imagines that the minister is wanting some political job or other. Nothing can be further from the intention than that. If anybody takes a pride in the success of the department, Mr. Fisher does.

Hon. Sir MACKENZIE BOWELL—Mr. Fisher may not always be there.

Hon. Mr. SCOTT—Mr. Fisher is guided by officers in whom my hon. friend had confidence. Mr. Robertson is the principal one. Surely you had confidence in him. The selections are made from the best men amongst the growers, who thoroughly understand the business of fruit-growing.

Hon. Sir MACKENZIE BOWELL—If you impose that duty on Mr. Robertson, we will withdraw any objection to the Bill.

Hon. Mr. SCOTT—I am sure Mr. Robertson's opinion will prevail largely. He has been the principal officer preparing this Bill in connection with the different fruit-growers' associations. You are conjuring up difficulties in this matter that really have no foundation. If, in a year hence, it is found that inspectors have been named who are not efficient, I think it would be quite proper to call attention to it, and demand a change in the law. Mr. Fisher will be most anxious, from the advice of those who are his usual guides, to obtain the best inspectors, because he is really anxious to have the apple trade put on a basis that will be profitable to Canada and an honour to the country. A great many frauds have been practiced heretofore, and an inspection is demanded. Moreover, the inspectors named in the clause to which my hon. friend has referred are inspectors for permanent work, whereas under the practice that will probably prevail, comparatively a small number of inspectors will be permanent at the cities of Montreal, Halifax and St. John, the ports of export. There will be inspectors for a few weeks, or months or so, in these portions of the country where the fruit is grown, in order to facilitate the inspection, so I think my hon. friend is pressing his views on the House unduly and without any justification.

Hon. Mr. FERGUSON—There is a board of trade for King's county, N.S., right in the heart of the apple-growing valley, and that board of trade would be the best to deal with this question, and all the government would have to do would be to communicate with them, and they would make examinations. It is non-political, and you would have good inspection.

Hon. Mr. SCOTT—They are not the boards of trade mentioned in the Inspection Act. Those boards of trade are in the cities.

Hon. Mr. FERGUSON—That clause has been amended again and again, with regard to naming the boards of trade, and there is a provision further on that where there is no board of trade, the Governor in Council may appoint examiners. All that has been provided. I might say, further, that if the government will guarantee that the Commissioner of Agriculture will direct this matter, we have had experience in our own province of his administration, and there is the utmost confidence in him, that he would not allow any political consideration whatever to come in, and that he would put his hand on the right men to carry out the pro-

visions of the Bill. I would feel safer in his hands than even in a board of examiners, if he were allowed a free hand.

Hon. Mr. SCOTT—He will insist on a free hand in this matter.

Hon. Mr. FERGUSON—I have had a little experience which makes me anxious about this. We have had it discussed over and over again in this House, where a matter was run entirely on political lines—where a man was appointed for political reasons only. He put himself in the hands of men who had the political patronage, and they directed him. Having had that experience, we are apprehensive of what may happen again, but if my hon. friend will give any assurance that the matter will be run on such lines as I know the Commissioner of Agriculture would run it if he were left a free hand——

Hon. Mr. MILLS—If my hon. friend wants me to give a pledge that the government will abdicate its functions—that the matter shall be withdrawn from the minister legally in charge and handed over to an officer, no such assurance will be given. The minister will consult those about him—those he considers competent parties to decide. My hon. friend suggests that we should incorporate in this Bill the provisions of the Inspection Act, but in reading them it will be seen they relate mainly to another matter. I pointed out before that the packing and sale of fruit grown in Canada occupies but a very small portion of the season. My hon. friend speaks about boards of trade. Any man who takes an interest in the cultivation of fruit on his farm in the country is better qualified to say who is fit to inspect them, than a member of the Board of Trade in Montreal or any other city, no matter how extensive its commerce may be. It is out of their line. They are not as familiar with the subject as the man who is accustomed to growing fruit and knows something of the selection and packing of the fruit, and the best means of preserving it from disease. He possesses more information on the subject than any other party possibly can, and it is from such persons that that practical knowledge that is required for proper inspection that proper inspectors can be taken, and they will be taken. My hon. friend speaks of the provisions of the Inspection Act, where boards of trade make the examination of the parties. That relates to certain matters, where scientific knowledge is required, where an examination is necessary, the licensing of skilled persons for the inspection of drugs or some other things where chemical knowledge is required. That has no applicability in a matter of this sort, and besides that, the condition of the inspectors being appointed by the person who is constitutionally responsible to parliament, and not by some outside body, who have no such responsibility, is that the officers are more directly under the control, and subject to the minister, who is responsible to parliament. I am perfectly sure that the provision of the law, as proposed by the minister, is reasonable, and I trust that this House will not pronounce in favour of the amendment proposed by the hon. gentleman, because the effect of that would be very serious, so far as the Bill is concerned.

Hon. Mr. POWER—I hope the hon. gentleman from Marshfield will not persist in pushing this amendment to a division. The hon. gentleman admits, and I think we all recognize that with the amendments which were made in the substantive portion of the Bill yesterday, the Bill is good now. The question of administration, or procedure, I think we had better leave with the government. I was disposed to think, and am somewhat disposed to think still, that perhaps a wiser plan might have been to have introduced the measure as an amendment to the General Inspection Act, but I am not quite as strong in that opinion as I was two or three days ago. The government adopted a different policy. They have introduced this Bill as an independent measure, and I can see certain reasons for doing that. The administration of the General Inspection Act, as I understand it, is chiefly in the hands of the Minister of Inland Revenue. The administration of this Act would be in the hands of the Department of Agriculture; and I think there is something in favour of having the work carried on independently of the General Inspection Act, and as this substantive law is good, we had better now having got a good Bill, not interfere with the administration, but allow the government and their officers to administer in the way which

they think best. The Minister of Agriculture will be charged with the administration of this Bill if it becomes law, and I think it is not too much to say that he might be allowed to have the administrative portions of the law as he wishes, and if, after a year or so, it is found that it does not work, it can be altered.

Hon. Sir MACKENZIE BOWELL—I was just about making the suggestion, or very nearly the same suggestion to my hon. friend, as has been made by the Speaker; before doing so I desire to ask the hon. Minister of Justice what objection would there be to taking a little more power. There is a fear in the minds of fruit-growers and shippers of fruit of the effect of the inspection they will have under the law. Why not take the power in the 18th clause of the Bill to impose the same penalties that the Governor in Council may impose by the 14th section of the General Inspection Act, which has been already read by my hon. friend. I have copied the exact words. I think it will give more confidence to the fruit-growers and the shippers, those concerned in the commercial aspect of it, than if there is no power given to the Governor in Council to impose a penalty. No government has power to impose a penalty unless the power is received directly from parliament. That is a well-known fact. Why should not your clause read this way:

The Governor in Council may make regulations as he considers necessary in order to secure the efficient fulfilment and operation of this Act, and may by such regulations——

These are the words that appear in the 14th clause of the General Inspection Act to which I refer.

And may by such regulations impose penalties not exceeding $50 on any person offending against them.

That is the regulation which you make. That is giving more power to the Governor in Council. It is giving them power to make regulations to impose a penalty upon the person appointed to make these inspections, would the addition of these words not be an improvement?

Hon. Mr. MILLS—I see no objection at all.

Hon. Sir MACKENZIE BOWELL—In order to show my hon. friend what fear exists in the minds of large producers of fruit in Ontario, and also shippers, I will read a letter sent to my hon. friend from Marshfield, which he has placed in my hands. I do not know that it is necessary to give the name, but I will hand the letter to the hon. Minister of Justice, and to the hon. Secretary of State, and they will see that it is from a gentleman well versed in fruit culture and in the shipping of fruit from Ontario, and they can judge of the force of the remarks he has made. The letter reads as follows:

April 25th, 1901.

The Hon. D. Ferguson,
Ottawa, Ont.

Dear Sir,—Your favour of the 19th instant to hand. I could not answer you sooner. I agree with you that clauses 11 and 14 in Bill 32, 1901, are monstrous. There may be competent inspectors appointed, but it is not at all likely. There is no justice or reason in compelling me or any other shipper of apples to submit our interests to be played with by men who are incompetent and where there is no chance of redress where wrong has been done, for instance, supposing I have made a shipment of apples to Liverpool, an inspector comes along at Montreal, opens up a package of fruit, condemns it, and brands the shipment falsely packed; these apples go on board, the fruit happens, as it often does, to land in an unsound condition; there is no possibility of my proving that the fruit is honestly packed, and I am branded a rogue without a chance of clearing myself. If this Bill becomes law and the penalties and conditions named in it are enforced, it will simply kill the export trade of Canada. I, for one, would want to change my place of operations to some point in the United States, simply because I will not place my interests in the hands of men who may or may not know one apple from another, and whose interest it is to secure conviction whenever they can, whether fraud has been perpetrated or not. Apple exporters, as a rule, are anxious to have their fruit put up honestly and well. They pay for good fruit, and if they get fraudulently packed stock, it is because dishonest employees have accepted bribes. Shippers' fruit that may be fraudulently packed is generally sold on its merits so far as they are concerned; there are some buyers who buy this kind of fruit on its merits, but who, because of the greater profit, sell on its face value. I am inclosing two contract forms upon which (or similar forms) the bulk of the apples are purchased.

I approve of the branding of the packers' name on each and every package; this will do much to put a stop to dishonest apple-packing, and will, I believe, prevent the same among peach packers where the greatest amount of fraud has been practiced in the past. Much more might be said, but your patience and my time will not permit of it.

It comes from a gentleman in western Ontario. The hon. minister having accepted the amendment, which I have suggested, I think my hon. friend from Marshfield will have to be content and hold the government responsible for any dereliction of duty.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—My motion has been before the committee, and in deference to the views of hon. gentlemen, and having heard the assurance of the ministers of their intentions with regard to the administrations of the Act, I will not press the amendment, but will be satisfied with the one which the hon. leader of the opposition has suggested, and which the hon. leader of the government has accepted.

Hon. Mr. MILLS—I may say that I have prepared a draft subclause to carry out his suggestion by amending the 18th clause of the Bill, introducing the penalty as provided in section 14 of the Inspection Act. Before the Bill is read the third time, I will move the amendment, if the hon. gentleman will accept that.

Hon. Sir MACKENZIE BOWELL—Yes. The hon. gentleman may make it applicable to the inspectors alone if he pleases. This makes it general.

Hon. Mr. FERGUSON—That will be better. All that is wanted is that the government have power to make a penalty against dishonest inspectors.

The amendment was withdrawn.

Hon. Mr. FERGUSON. I wish to call my hon. friend's attention to a small point in clauses 8 and 9. They are as follows :

8. No person shall sell, or offer, expose or have in his possession for sale any fruit packed in a closed package, upon which package is marked any designation which represents such fruit as of finest, best or extra good quality, unless such fruit consist of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape and not less than 90 per cent free from scab, wormholes, bruises and other defects, and properly packed.

9. No person shall sell, or offer, expose or have in his possession for sale, any fruit packed in any package in which the faced or shown surface gives a false representation of the contents of such package; and it shall be considerd a false representation when more than 15 per cent of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package.

Now, I think a small amendment there will make the clause very much better and fairer. I would suggest after the word 'inferior in grade' that you insert the words 'or variety,' and then strike out the words 'or different in variety from,' and the effect of that amendment would be this——

Hon. Mr. MILLS—That would permit several varieties to be put in the same barrel.

Hon. Mr. FERGUSON—The effect of that amendment would be this: I know in the province of Ontario I have often heard the difficulty described by those interested in the fruit trade there, and I know in our own province of Prince Edward Island the difficulty is, we have so many different varieties in the same orchards. In Nova Scotia they are far ahead of us in that respect, because they have settled on a few varieties that they cultivate and deal in, but in places where there are many varieties, a man may find he has filled a barrel with Ben Davis to within a few inches of the top. The question is then, shall he fill up with inferior apples of that variety, or with equally good apples of some other variety. As long as the apples are not inferior in quality, it should be no offence to fill up the barrel with another variety. My hon. friend shakes his head, but if he will turn back to clause 4 he will find that the Bill has been framed with the very view I am taking. It provides, amongst other things, that the package shall be marked 'With the name of the variety or varieties,' and that it was in contemplation that such a thing would happen as two varieties being put in the same barrel. The idea is, it shall not be a fraud as long as the apples that are put in to fill up the barrel are not inferior in quality or variety to the apples named on the head of the barrel. It is contemplated in clause 4 of the Bill that there might be two varieties in the one barrel, and that being the case, the two names might be put on the head of the barrel if necessary, but it would relieve a packer from being charged with fraud, while his only offence had been to put in apples worth more than the variety stated on the head of the barrel.

Hon. Mr. SCOTT—My hon. friend knows very well that all varieties of apples do not ripen at the same time. For instance, take the Northern Spy; it does not mature until March or April. Kings ripen some months earlier. If you always put in varieties which could be used at the same time, it would be different, but my hon. friend knows very well that an apple which comes in season in October would be a decayed

apple in January, and it might be in the barrel with fruit which would not mature until March or April, such as the Northern Spy.

Hon. Mr. FERGUSON—That would cure itself, because if such a thing was done, they would be all rotten before that time of the year. My view is, the quality of the apples, its inferiority or superiority, depends on its keeping qualities. Every one knows the Northern Spy is a much better apple than the Ben Davis apple. My suggestion is that it should not be a fraud if the packer, who had been filling his barrels with No. 1 Ben Davis, and ran out, should put in a gallon or two of an apple that was as good in quality.

Hon. Mr. MILLS—There might be a great many disputes as to whether they were inferior in quality or not, and I am told by an authority that the suggestion made by the hon. senator, if acted upon, would seriously injure apples in the export trade, while it might perhaps be right enough if the varieties were intended for the local market. It would be injurious, however, in the case of the European markets.

Hon. Mr. FERGUSON—I would like to know who the authority is that would say that is not a proper provision, so we would know who is responsible for such an opinion.

Hon. Mr. WATSON—I hope the House will not agree to the suggestion made by the hon. gentleman, because it would certainly affect the purchaser of apples in Manitoba and the North-west Territories. As has been just said by the Minister of Justice, an apple that would not keep part the month of January might be put in with Northern Spies, which would keep until March or April. The consequence would be, you would find the whole lot rotten. In Manitoba a person buys his stock of apples in the fall, and places them in his cellar, and he expects a barrel of Northern Spy apples will keep until March or April. If a few of those apples, which would not keep past the month of January, were put in the barrel, the result would be the whole barrel would be destroyed by the time it was opened in March, and consequently that would not be fair. I have no objection to the Bill as it now stands, and probably the amendment the hon. gentleman has suggested, of putting a penalty on the inspector is all right, but to mix the apples, and allow different varieties to be placed in the same barrel, would be certainly unfair. I am not referring to the export trade, but to the import trade of Manitoba, where we are affected, and wish to have apples kept, and where probably as much or more fraud has been perpetrated by shippers from the east to Manitoba than by shipments to the old country. For that reason, I should decidedly object to have two or three varieties of apples in one barrel, and not hold the packer responsible for the mixture.

Hon. Mr. McCALLUM—Is the hon. gentleman aware how they pack apples in the province of Ontario ?

Hon. Mr. WATSON—Yes.

Hon. Mr. McCALLUM—As far as my experience goes, and it is considerable, they put but one variety in a barrel. If it is Northern Spy they put in that kind; if it is Kings, they put in Kings; if it is Rhode Island, they put in that variety. There all kinds of apples are packed separately, so there cannot be two kinds in a barrel; but if a farmer wants to go to the market and takes a barrel of mixed apples and wants to sell it, he tells the buyer what he has. He is not deceiving the buyer. When a man gets up and says you can ship mixed apples to England or Manitoba, he is mistaken, and when he speaks of putting apples in the cellar and taking care of them, they must be taken great care of there. They want to be kept almost at the freezing point. There is very little difference in that respect in the quality of apples; they all require to be kept near the freezing point. In the province of Ontario, to my knowledge, as far as it extends, we only put one kind of apples in a barrel, not two or three kinds.

Hon. Mr. WATSON—I have had some experience of purchasing apples packed in Ontario. No later than last fall I bought what I considered half a dozen barrels of No. 1 Northern Spy apples. I found them mixed.

Hon. Mr. McCALLUM—Mixed with what ?

Hon. Mr. WATSON—Mixed with apples that would not keep like Northern Spies—Ben Davis and Greenings.

Hon. Mr. McCALLUM—You must have bought them very cheap, as culls.

Hon. Mr. WATSON—I bought at $3.50 per barrel—the highest price. I hope this Bill will pass, and the people will be punished who pack apples in that way. According to the hon. gentleman's statement there is no reason for making this amendment, because apples are not packed as represented; but I suffered from that sort of packing last fall. In fact it is a constant complaint that the barrels are faced with a better quality of apples than are found in the centre of the barrel. The big ones are placed on the top, and small and worthless apples in the middle. The object of framing this Bill to-day, is to prevent that kind of packing.

Hon. Sir MACKENZIE BOWELL—Were the apples which you purchased branded as of any quality ?

Hon. Mr. WATSON—No, there was no necessity to brand them.

Hon. Sir MACKENZIE BOWELL—Why ?

Hon. Mr. WATSON—There was no Act to compel them to brand the barrels.

Hon. Sir MACKENZIE BOWELL—Supposing they do not brand them now, the branding is not compulsory, and you will be in the same position.

Hon. Mr. WATSON—I think not. I will require them branded.

Hon. Sir MACKENZIE BOWELL—Why did you not do so before ? The law provided what A No. 1 apple should be, and if you were buying apples you should insist on having them No. 1. If you bought without the brand, you took the apples at your own risk, just as you will under this Bill if the packer does not brand the barrels.

Hon. Mr. McCALLUM—If the hon. gentleman bought apples in that way, he must have bought a cheap lot. The seller must have told him what they were. When a farmer in Ontario sells his apples, the buyer takes them and puts only one class of apples in the barrel. The hon. gentleman speaks of facing with big apples. I do not know whether they do that, but I suppose like all men selling goods, when the barrel is opened, they want it to look as well as possible. The farmer has nothing to do with that; it is the packer. If he gives you an inferior quality to what you bought, he can be punished. The hon. gentleman's statement would give a bad character to the growers and packers of apples in Ontario, and in that he is not correct. At least I will not be a party to giving them such a reputation. They are as honest people as you will find in this country, or any other country, and they are ready to give you value for what you buy, but if you pay a poor quality price, you must expect a poor quality apple. If you buy a first-class article you must pay the price.

Hon. Mr. WATSON—I am not aware that I have ever seen apples sold in Manitoba that were branded under the Inspection Act. I am under the impression that when this Bill is passed, dealing specially with apples, shippers of apples to Manitoba will try and have them marked in future. I believe it will have that effect, and if it has, then the penalty can be attached when fraud is committed. Apples are marked, with an ordinary card put on the barrel 'first-class apples for sale.' Under section 8 of this Bill we are now passing, they will come under the penalty clause, because it provides that :

> No person shall sell, or offer, or expose for sale, or have in his possession for sale, any fruit packed in a closed package, upon which package is marked the grade 'A No. 1, Canada,' unless such fruit consist of well-grown specimens of one variety, of normal shape, and not less than 90 per cent free from scab, worm-holes, bruises and other defects, and properly packed.

Now, it appears to me that sellers of apples will be very careful not to impose any fraud on their customers by handling apples that they are not satisfied will comply with the requirements of the Inspection Act. For that reason, I believe the fruits shipped to Manitoba next year will be branded, and if a person wants to buy first-class fruit, he will be able to get it.

Hon. Mr. FERGUSON—I cannot congratulate my hon. friend in charge of this Bill on his disposition to accept reasonable amendments. I thought I had only to make the suggestion with regard to this to have it admitted to be self-evident. Let us see

what we are proposing to do. We provide that :

No person shall sell, or offer, expose or have in his possession for sale any fruit packed in any package in which the faced or shown surface gives a false representation of the contents of such package; and it shall be considered a false representation when more than 15 per cent of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the faced or shown surface of such package.

Now, under that clause, if a man puts a quart, or something like that, of apples of a different variety that are better than the named variety in the tail of the barrel, that man is liable to fine and imprisonment and hard labour. Does the hon. gentleman think he could operate such a law as that, that he could have that man attached to a cart, breaking stones on the road, because he did that ? Yet, it is what the hon. gentleman proposes to do. I can afford to let the clause go if the hon. gentleman thinks that is sensible legislation.

Hon. Mr. WATSON—It says 'inferior grade.' If there were a better quality he would not be liable.

Hon. Mr. FERGUSON—The inferior in grade refers to the quality, and it adds 'or different in variety.' The Bill contemplates in clause 4, that there may be two varieties in one barrel.

Hon. Mr. MILLS—This section admits that to the extent of 15 per cent.

Hon. Mr. FERGUSON—Let it go.

Hon. Mr. KIRCHHOFFER, from the committee, reported the Bill with amendments, which were concurred in.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 2, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ST. LAWRENCE LLOYD'S CORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Railways, Telegraphs and Harbours, reported Bill (43) 'An Act to incorporate the St. Lawrence Lloyds,' with amendment.

Hon. Mr. DANDURAND moved concurrence in the amendments.

Hon. Mr. VIDAL—I think there has been a departure from our usual practice which should not be indulged in, and that is accepting an amendment which we know nothing about. It may be an important amendment which requires consideration.

Hon. Mr. DANDURAND—There are but two amendments, and one of them is of a clerical nature, affecting the last clause, which the Law Clerk of the Senate has represented as being a vicious clause, although a general one, concerning the non-user. The Law Clerk thought the laws putting an end to the operations of a company, or a charter ,through failure to proceed during the two years, were so radical that people who had contracted with the companies for the preliminary organization could not even claim from the shareholders that the company had ever any legal existence. The Law Clerk suggested that it would be better to amend that clause for the future and that was concurred in by the committee. It is a simple alteration in the clause, in order to make it perfectly clear that the charter will be henceforth inoperative, without taking all recourse from the creditors of the company. The other clause which is affected is clause 7. This is a marine insurance company, which asks to be authorized to do inland transportation insurance, as well as fire insurance, by conforming to the Insurance Act. It was thought by the committee that in that case the paid-up capital should be increased, and it was agreed that the company should not go into the fire insurance business without doubling its paid-up capital. That is the extent of the amendment.

Hon. Mr. McCALLUM—Would the hon. gentleman allow the amendments to stand until tomorrow ? There is no danger of the Bill being thrown over. Hon. gentlemen would then be able to compare the amendments with the Bill. It is not an unreasonable request to ask that the amendments stand for a day.

Hon. Mr. DANDURAND—No one has made that demand so far, and I have no ob-

jection. I move that the amendments be taken into consideration to-morrow.

The motion was agreed to.

The SPEAKER—I may be allowed to suggest that the usual and more satisfactory practice is, that when the chairman of a committee reports a Bill with amendments, the chairman should himself state to the House what the effect of the amendments is, and then the House is in a position to decide whether the amendments should be adopted at once, or whether their consideration should be postponed. I think it a pity to depart from that practice.

ALGOMA IRON AND NICKEL STEEL COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (51) 'An Act to incorporate the Algoma Iron and Nickel Steel Company of Canada,' with amendments. He said: The first amendment changes the word 'thirty' into 'forty,' giving the company power to increase the capital from thirty millions to forty millions ultimately, not at present. Then, there is a long subsection which permits the company practically to acquire other companies connected with it in similar objects, under certain conditions. It is too technical, I think, to go further with the explanation than that.

Hon. Mr. DANDURAND moved that the amendments be now concurred in.

The motion was agreed to.

DOUKHOBOR PERMITS.

MOTION.

Hon. Mr. PERLEY moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate, not later than the 15th instant, a return showing how many Doukhobors have made homestead entries of 160 acres of land each, and in what particular district of the North-west Territories they have made such entries, and who own or have entries for the land the villages are built on. Also, how many permits have been granted to the Doukhobors for cutting hay, and the quantity permitted to each Doukhobor, and the particular section of the North-west Territories such permits have been granted. And, further, how many wood permits have been granted to the Doukhobors and the number of cords or quantities given each person as may be designated.

The motion was agreed to.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—I desire to ask the Secretary of State whether he made inquiry as to when those returns I asked for will be brought down.

Hon. Mr. SCOTT—I gave instructions to ascertain the cause of the delay. I may say that returns have been brought down promptly this year. There are only two or three behind. I gave instructions to hurry them up.

Hon. Sir MACKENZIE BOWELL—As long as I can get them before the House adjourns I will be satisfied.

Hon. Mr. SCOTT—Oh well, the hon. gentleman will have them before that time.

THIRD READINGS.

Bill (14) 'An Act to incorporate the Century Life Insurance Company.'—(Hon. Mr. Sullivan.)

Bill (60) 'An Act to incorporate the United Empire Life Insurance Company.'—(Hon. Mr. Wood, Westmoreland.)

Bill (12) 'An Act respecting the London Mutual Fire Insurance Company.'—Hon. Mr. Jones.)

Bill (19) 'An Act respecting the Eastern Canada Savings and Loan Company (Limited).'—(Hon. Mr. Wood, Westmoreland.)

Bill (53) 'An Act respecting the Manitoba and North-west Loan Company (Limited).'—(Hon. Mr. Aikins.)

Bill (90) 'An Act respecting the Dominion Burglary Guarantee Company, Limited.'—(Hon. Mr. Dandurand.)

Bill (70) 'An Act respecting the E. B. Eddy Company.'—(Hon. Mr. Macdonald, B.C.)

Bill (61) 'An Act respecting W. C. Edwards & Company, Limited.'—(Hon. Mr. McMillan, in absence of Hon. Mr. Lougheed.)

Bill (37) 'An Act to incorporate the Bishop of Keewatin.'—(Hon. Mr. Kirchhoffer, in absence of Hon. Mr. Bernier.)

Bill (25) 'An Act to incorporate the Ottawa and Hull Power and Manufacturing Company (Limited).'—(Hon. Mr. Perley.)

Bill (82) 'An Act respecting the Rathbun Company.'—(Hon. Mr. Watson.)

Bill (68) 'An Act respecting the McClary Manufacturing Company.'—(Hon. Mr. Watson.)

INTERNAL ECONOMY & CONTINGENT ACCOUNTS COMMITTEE REPORT.

REPORT ADOPTED.

Hon. Mr. KIRCHHOFFER moved concurrence in the third report of the Committee on Internal Economy and Contingents Accounts.

Hon. Mr. SCOTT—On looking over this report, it becomes perfectly apparent that in the last year or two the expenses of the Senate have been greatly increased. I notice that the expenses now very nearly equal the sessional indemnities of senators. The normal indemnity of senators, apart from the usual allowance voted when a senator dies, would be $81,000. I find the contingent expenses and salaries for clerks and messengers amounts to $72,000 and $73,000.

Hon. Mr. MILLER—Not clerks and messengers. That is all the contingencies.

Hon. Mr. SCOTT—Yes. I find on looking back a few years that there has been a great increase. It was $73,000 last year. In 1894 it only amounted to $57,095, and in 1895 it was only $56,417. I think hon. gentlemen will realize that there has been no justification for so large an increase in that time. There has been no increase in the number of senators, and it was quite understood. a few years ago, that our expenses were to be kept down. It naturally creates a public criticism and this House is not the body that votes the money and the feeling abroad is that the expenses of the Senate ought to be regulated by some sound principle, and that there should not be this continual increase year by year in the expenses. For many years they were kept about the figure that I have given. Hon. gentlemen who have been in the Senate for the last ten years will remember that about 1890—I will not call it a scandal—but attention was called to a very abnormal increase in the items that went under the name of stationery, and then a general consensus was arrived at that thereafter the stationery account should not exceed between five and six thousand dollars, that that was to be the limit to be expended in the purchase of stationery for senators. I understand that in the last year that amount has been considerably increased, and I think it is a regrettable incident that we should permit that, or that we should allow articles that are not strictly stationery to be purchased under that name, thereby increasing the amount. So long as the sum is kept within twenty-five dollars for each senator, I presume no objection could be made to it. An hon. member could be allowed to select what he pleased himself within the range of that limit, but where it goes beyond that I think hon. gentlemen will fully appreciate that it exposes the Senate to very severe and unpleasant criticism, and I merely now call attention to it in the hope that some check should be placed upon the action of the Contingent Committee. Last year when a demand was made for an increase of three thousand dollars, I had a very great deal of difficulty in recommending to my colleagues the recognition of the amount, because it did not seem defensible or justifiable. I do not propose to go into it now, because it is not a very pleasant subject to discuss, but hon. gentlemen who have examined the figures will see that the increase last year was wholly indefensible. I had spoken to leading members of that committee with the hope that further expenditure in that direction would have been stopped. I regret to see that it has not been stopped, but has been continued and increased during the present year. It is not a pleasant subject to refer to, nor to name the individual instances which give rise to the criticism which I have been making, but if hon. gentlemen will look at the details, they will find my language is fully justified by the facts. What I should express now is the hope that in the formation of the Contingencies Committee hereafter, the number would be less. It ought to be small, because it would give individual responsibility. In a large committee there is a good deal of log-rolling, and no individual can be held responsible for extravagance. It would be better if that committee were composed of a much more limited number of members with a view to controlling and limiting expenditure on this subject.

Hon. Sir ALPHONSE PELLETIER—I want to make an explanation to the House of a little error that the Secretary of State has made about the stationery. The hon. gentleman says the stationery account is always increasing. As chairman of the subcommittee on stationery, I may say that this

year there is a decrease of $500. Last year the amount was $6,000, and this year the amount proposed by the committee is only $5,500, so we have made a decrease in that direction.

Hon. Mr. SCOTT—Perhaps I am wrongly advised, but I am advised that the amount was exceeded last year by about $1,500.

Hon. Mr. PELLETIER—I am speaking of stationery, and this year it is reduced from $6,000 to $5,500.

Hon. Mr. KIRCHHOFFER—I think the difficulty would not have arisen if the Secretary of State had attended the meeting of the committee. Had he attended he would have seen whether he had a proper basis for his objection. We have not, as a rule, many meetings of the Committee on Internal Economy, and when we do hold them, all the members should attend. If they are not able to do so, it is unfair to those members who do attend to say that log-rolling and that sort of thing goes on in the committee. It is a very injudicious remark to be made by any member, especially a member of the government, with regard to his fellow-members, and I can assure the hon. gentleman that it is a most unjust remark, because nothing of the kind has come under my notice. With regard to the increased expenditure that has been quoted, the years the hon. gentleman has alluded to were 1894 and 1895. If my recollection serves me right, at that time there were vacant seats in the Senate to the number of ten or twelve, which would account for almost the entire amount of the increase that the hon. gentleman has pointed out. Now, the seats are all filled, and every member is present, and draws his sessional indemnity and mileage. At one time there were fifteen vacancies in the Senate, and that accounts for $15,000, to say nothing of mileage these gentlemen might have drawn, and the stationery and other items.

Hon. Mr. SCOTT—In 1894 and 1895 there was nothing abnormal in the number. I took the Auditor General's report, and what governed me was, salaries for 1894-5, and I find it increased by the figure I have named.

Hon. Mr. KIRCHHOFFER—The hon. gentleman should have brought that up in committee. If hon. members of the committee will not attend its meetings, and then rise in the House and censure the committee, I do not think it is fair.

Hon. Mr. SCOTT—I had a reason for not attending the meeting of the committee. My voice did not prevail when I was there.

Hon. Mr. PRIMROSE—I do not express an opinion as to whether the expenditure is justifiable or not, but it is a refreshing sight, and one which, as a Scotchman would say, 'is guid for sair een,' to see a member of the government of this country practising the role of economy. I think that if the government were to extend that new disposition, as expressed by the Secretary of State just now, to a larger sphere it would be more satisfactory to the country at large, and the members of this House as well.

Hon. Mr. MACDONALD (P.E.I.)—I think it would be a wise precaution on the part of members of this House to exercise control in the future over the stationery department. We find that there is a very large amount of money expended under the heading of stationery by the Senate as well as the House of Commons. The whole of that stationery is not distributed solely amongst the members of the Senate and House of Commons, but goes to those who are officers of the House, and who receive, I believe, the same amount of stationery as the members of either branch receive. Now, that in the country is looked upon as stationery provided for the members exclusively. They do not take into account that there is a vast number of employees who receive a portion of that stationery, and the account is thereby increased. The electors of the country are disposed to find fault with this item, and I think it would be a wise precaution on the part of the Senate to limit the expenditure in the future to a fixed amount, and that members should just receive the amount of stationery that is necessary for their political correspondence, or for their official correspondence during the time they are in parliament. This stationery costs a very large amount of money to the country, and is of very little benefit to the members who receive it. Many of us have no use for the kind of stationery we receive from the committee and it would be much better if it could be fixed at a reasonable amount for the use of members during the session, and that it should not be so much extended as it has been during

some years past. We know that a good many years ago the amount of stationery was much more limited that it is at present. I believe it would be much better to do away with it altogether and allow the members a certain amount of money to supply themselves with stationery, than to supply it in the way it is now distributed.

Hon. Mr. MILLER—There is a good deal of force in what the hon. member says, but, after all, it is difficult to limit the members to a certain amount, and I do not think anything in the way of economy would be achieved by it. As it is now, some members do not take much stationery because they do not need it; others have a great deal more correspondence, and require more stationery than some of their colleagues. If the thing were levelled up, the average quantity of stationery furnished to each senator would be found to be very low. In some few cases it would be high, but in the great majority of cases, I think it would be found to be low. There is a good deal of truth in what the Secretary of State has said, perhaps, with regard to the increase in the expenses of this House, but I am not inclined to think that the comparison made is a fair one. If my hon. friend will take the trouble to go back to the expenses of the House of Commons in the year he named, and compare the expenses then of that House with the expense of last year, he will find that there is just as great a discrepancy in the increase in one House as in the other. It must be remembered last session was a very long session, and there are many expenses incidental to a long session which are not incidental to a short session, and some extraordinary expenses sometimes occur with regard to sessions. For instance, this year we have the Cook investigation, which will entail a very considerable sum upon the contingencies of the House, and, therefore, it is not easy to form a correct judgment upon isolated cases, or by isolated comparisons, between one House and the other. I think, however, the government are open to some comment in not taking a greater interest in that committee than they do. At the last meeting of the committee it was a general observation that there was no member of the government present. There should be a member of the government always present at a meeting of that committee, because it is a committee which has control of a very large amount of money over which the government should exercise authority. With regard to the increase of salaries last year, I was not here at the last meeting of the Contingent Committee, but, I quite agree with the Secretary of State that increases were made last year, I believe, by a system of log-rolling which was not at all creditable to the House. We had the salaries of some officers increased to a considerable extent, who are paid really double as much as their services would entitle them to, if they were estimated upon any correct principle as to the labour or services performed in return. On the whole, however, I think there is a disposition in the committee to retrench, and be as economical as possible. This year I am not aware that there is any increase in the salary of any messenger or officer of the Houe, except in one instance, and that is in the case of the newsroom keeper, who had an increase of fifty dollars to his salary. I do not think it is probable there will be any further increases this year. Therefore, I do not think the committee is open to any hostile criticism in regard to the question of economy in the present. In reference to one particular phase of the report, that relating to the arrangement made with regard to the service of messengers in the newsrooms and in the stationery department, when I arrived here in the early part of the session, I was told it was necessary to have two messengers in the newsroom. My own opinion was to the contrary, and I told Mr. Young, with whom I discussed the matter, that I did not think the Contingencies Committee would be prepared to place two messengers in that room. After, however, hearing the pros and cons of the case, I inclined to a different conclusion. That room has to be open from eight o'clock in the morning to ten or twelve o'clock at night. If a senator chooses to stay there until twelve, a messenger must be there in attendance. It is utterly out of the question to keep a messenger on duty from eight o'clock in the morning to twelve at night. Besides, he must go to his meals, and I am told that valuable papers have been taken out of the room in his absence. I was told also that in the House of Commons newsroom there are four messengers, a chief messenger, an assistant, permanent, and two others during the session. I think it would

be almost out of reason to expect one messenger to attend to our newsroom. But, what decided me in reference to the matter was that the whole subject was referred to the committee on stationery and the newsroom, of which my hon. friend, Sir Alphonse Pelletier, is chairman, and they suggested the recommendations which were made in the report, and having full confidence in their judgment, and knowing they made full inquiry as to what service was required, I, as one of the committee, readily adopted their report. The first half hour of our last meeting was occupied in discussing the position of two charwomen and two messengers. These are small matters to bring before the House for discussion, and matters which the committee has always been regarded as being able to take charge of without troubling the House.

Hon. Mr. WATSON—I quite agree with the hon. gentleman from Richmond in his remarks in favour of economy. I might say, as a member of that committee, that I was not well informed in regard to the newsroom. I have learned since that committee met that previously one of the ordinary messengers used to occupy the position of assistant in the newsroom to relieve the present man in charge when it was necessary. So far as the work is concerned, there can be no possible excuse for two men in the reading room. I think hon. gentlemen will all agree with that, because the work there is very light. There can be no comparison between the work in our newsroom, and the work in the House of Commons newsroom. There they have a large number of members, and every newspaper is read by some of the members of the House of Commons, whereas fifty per cent, or seventy-five per cent, of the papers hung up in our room are not touched by senators, and consequently there cannot be the same necessity for having men in the newsroom to keep the papers in place, and it appears to me we are incurring additional expense by placing a second man in the newsroom. We have increased the salary of the newsman fifty dollars a year and given him an assistant. That is certainly a very excessive addition to the expense in connection with the newsroom for the present session. The hon. gentleman says we have not increased the staff. We have increased it. We have appointed an assistant.

Hon. Mr. KIRCHHOFFER—It is simply a member of the staff of the House transferred from one place to another. There has been no addition at all.

Hon. Mr. WATSON—Then there must be a messenger transferred to the place he formerly held.

Hon. Mr. KIRCHHOFFER—There has been no addition to the staff whatever. My hon. friend is entirely incorrect. It was represented that there was too much work to do, and we acted upon the report that was made. There has been no increase in the staff or in the amount, except the fifty dollars added to the salary of the newsroom keeper.

Hon. Mr. WATSON—There must be a vacancy in the messengers staff, because one of these men is transferred to the stationery office. The gentleman who occupied that position before is now assistant to the man in the newsroom. There are one or two other matters, to which I wish to refer, and it appears to me that it might be well to refer this whole matter back to the committee for re-consideration, because I am informed that the Library Committee have given orders for copies of L. D. Desjardins, Speaker's Decisions for the members. I am informed such is the case, and of course if that is so, we do not want to double the order.

Hon. Mr. McDONALD, (C.B.)—We can strike that out here.

Hon. Mr. WATSON—The report states 'during recess your committee caused the bathroom in the basement to be remodelled.' That is not done. It has been recommended to be done. The report says: 'We appointed Napoleon Audette as a messenger to receive pay for looking after the barber shop.' I do not think any messenger can send a substitute here, and I am satisfied Mr. Audette is not going to come up here and act as a messenger and run a barber shop himself. Consequently I think these changes should be made.

Hon. Mr. MILLER—I did not observe the last recommendations in this report—the appointment of a sessional messenger to look after the bathroom. I must say that that went through without my observing it in the committee. I do not know that I would have supported it had it come under my notice.

Hon. Sir MACKENZIE BOWELL—As a member of that committee, I concur in the remark made by the chairman, that it would be much better if a member of the government had been present to enforce his views. The hon. gentleman says that when he did come his voice had no effect.

Hon. Mr. SCOTT—It did not prevail.

Hon. Sir MACKENZIE BOWELL—Sometimes it did and sometimes it did not, but the hon. gentleman representing the government, who has been put on that committee specially to represent the government, knowing there was a large expenditure, should have been there. It was his duty to be there, and if he had suggested the economies to which he has referred now, and his voice did not prevail, then he would be relieved of that responsibility which falls upon his shoulders by not attending. I think that is very clear, and I hope we will not have that excuse given again. It is one of the complaints of this House by many members—and I am not at all surprised that they do complain—that a good deal that is said in this House is not heard by the members generally. Sitting as I do here, right opposite the Secretary of State—and I might include my hon. friend from Richmond, it was with the greatest difficulty that I could hear and follow the remarks made by them on that subject, and how others sitting at the lower part of the House can understand what is going on, I am at a loss to know. The hon. gentleman was also in error when he referred to the number of senators in 1894, 1895 and 1896. If the hon. gentleman will cast his memory back for a short period, he will remember that during about a year and a half while I was at the head of the government, I recommended and introduced into this House about ten senators. I am speaking of the position of affairs then and at the present time. Some ten or twelve senators were introduced in that short period. Those senators had to be supplied with the same stationery and the same expenditure incurred as was in the case of the older members. Hence there would be that additional expense to the stationery account. All hon. gentlemen will remember the state in which the Senate was at that period, and the rapidity, if I may use that expression, with which the seats were filled during the period to which I have referred. The hon. gentleman from Charlottetown suggested the payment of a small amount of money instead of the stationery. We all get the same stationery. Some hon. gentlemen in this House have half a dozen times more correspondence than others, from the positions that they occupy and the business which they are carrying on. There is to my mind one way of avoiding what I would consider an unnecessary expenditure, and I proposed it in the one year, since I have been in the Senate, that I was a member of the Stationery Committee. The majority of the subcommittee recommended to the committee the abolition of the small trunks, and that each senator be furnished with all the stationery he required to do his correspondence in the committee rooms and in the Senate. That was not approved either by the general committee or in the Senate. In that way we would place every member upon a fair basis, and on an equal footing. The man who would do double the correspondence of his neighbour could ask for his stationery. He would receive it, and the man who wanted little would receive little. That is the only remedy I see. If you say you would give him twenty or twenty-five dollars, that might work out all right. I believe in the United States Senate, they give a member a certain allowance for stationery, and he buys what he pleases. I know that that proposal was made in the House of Commons by Mr. Charlton, but it was voted down. That is the only way that I can see to avoid that portion of the expenditure. I suppose I may be excused if I refer to proceedings of the committees. It is contrary to parliamentary practice, but it has been done to-day, and it will be remembered it was pointed out distinctly that in giving the additional assistance in the reading room, that no additional messenger was to be placed upon the staff, and consequently no additional expense would be incurred. My own view was that that was unnecessary. I still hold that opinion—that one man is quite sufficient in that reading room department to do all the work that there is to do, and that the system should prevail that existed in the past, that while the reading room clerk is away at his meals, one of the messengers should be put in

the reading room, and remain there until the regular keeper of the room returns. The duties are not so laborious as to prevent a man remaining there till nine or ten o'clock at night, during the session. That is my opinion upon the matter. If the system which I have suggested, which prevailed formerly, was continued, there would be no necessity for putting a man in that position, but if a man from the staff can be spared to be in the reading room all session, there is no necessity for that man being on the staff, because if you can dispense with the service he is supposed to render on the staff, if he is not required in the reading room he would not be required anywhere else. When the question was put, is it the intention to add an extra messenger for the outside work by placing this man in the room, it was distinctly and positively stated that it was not, and it was for that reason the recommendation was acquiesced in and the views of the hon. gentleman from Richmond prevailed; otherwise I am quite sure it would not have been done. I am fully in accord with the hon. Secretary of State when he urges that the most rigid economy must prevail, but there are certain circumstances, as was very properly pointed out by the hon. senator from Richmond, at different sessions of parliament, that the contingent accounts must vary to a certain extent. A session or two ago we had a special committee in connection with the Drummond County Railway, which incurred one or two thousand dollars expenditure, and this year there will be an expenditure in connection with the Cook investigation, which I hope it will never be necessary to repeat. If the hon. Secretary of State will permit me, I would advise him to come to the meetings of the committee, and any reasonable suggestion he makes will, I am sure, be accepted and carried out, and that he shall not have an opportunity in the future of coming and saying that his views do not prevail. On some occasions they do prevail, and on other occasions I am glad to say that they do not.

Hon. Mr. SCOTT—My hon. friend did not hear me. My criticisms were not directed against the stationery department, but against the general expense account, and the increase of salaries. I have the stationery accounts before me for the different years. In 1895, the account was $5,283, and in 1894 it was $5,868. In both these years they were within the limit. I took simply the general result. I compared the gross figures in 1895, $56,000 odd, and in 1894, $57,000 odd, as compared with $72,000 and $73,000, and it must be apparent to every one that the additional expense is due to the increase in the staff and to the increase in the salaries. There is no doubt about that.

Hon. Mr. SULLIVAN. I was about to remark that the gentleman who has charge of the reading room told me that the work had nearly doubled, and that he could not get on without the aid of an assistant.

Hon. Mr. SCOTT. There is no complaint about that.

Hon. Mr. KIRCHHOFFER. I can quite understand a member of the committee who does not attend the meetinig of the committee would not be as well informed as those who were present, but I cannot understand how the hon. gentleman from Portage la Prairie (Hon. Mr. Watson) can show such extraordinary ignorance of what actually occurs after having taken part in the debate himself. How it is possible to think that because we transfer the messenger from where he had no fixed employment in the House to where he has some stated employment in another part of the House, is going to add a large expense to the contingent accounts, passes the bounds of comprehension. Those who know the personnel of our staff and the duties they have to discharge, and the way in which they try to avoid—as a great many of them do—doing any more work than is actually allotted to them, shows that we have staff enough if we only get them to do their proper work, to fill these particular employments. When a messenger is taken from one part of the House and put in another department, and set to work there instead of being at the general work, it only means that there is a little more for the general staff to do, and I can assure hon. gentlemen that none of the messengers are overworked for the pay they receive. The remark made by the hon. gentleman from Portage la Prairie about the last paragraph shows that he did not keep track of what was going on in the committee, or the condition of the House. He says we have

only recommended now, and not incurred the expense with regard to the bathroom.

Hon. Mr. WATSON. Yes.

Hon. Mr. KIRCHHOFFER—If the hon. gentleman had taken the trouble to investigate this thing before he spoke on it, he would have found out that these bathrooms have not been in good condition, up to the present time, and that the shaving parlor has not been in condition for use at all. At the beginning of the session reports were made by a number of hon. senators that we had a place there which could be used as a bathroom and shaving parlor if we could only get some person to come here and do our work. I am responsible for this. I engaged the man Audette to come and open a shaving parlor, and I leave it to the gentlemen who have availed themselves of that to say whether it was a wise move on my part. At the same time, the bathroom was opened up and the baths renovated and put to use as recommended by the report of the clerk, but they are still not in a condition they should be for the use of members of this House any more than the plumbing of this House generally, on which we propose to make a report to the Minister of Public Works. I therefore, got the bathroom opened and cleaned up, so that they can at all events be used, and in order to induce a barber to come there—we did not know how far it was going to be a popular move, or whether there would be enough business to pay him—I recommended the committee to put him on as sessional messenger, adopting the same course as in the House of Commons where the barber is put on the rolls as a sessional messenger. The gentleman who is now speaking against it did not say a word against it in committee, and I am sure the explanation I have given will be satisfactory to the House.

Hon. Mr. WATSON—The report is not in accordance with the decision of the committee as I understood it, and that is one reason why I find fault with it. The matter of what had been done to the bathroom was not discussed in the committee at all. The matter of what should be done to the bathroom was discussed, and it was understood we should make a recommendation to the Minister of Public Works to fix up the bathroom, as in the House of Commons. I see nothing about that in the report. I would ask an explanation of that omission. We have had only two meetings of the committee this session, and the matter of what had been done with regard to repairs of the bath was never discussed. The condition of the baths was referred to. They are not in a sanitary condition, and the committee decided to recommend to the Minister of Public Works that a certain expenditure should be made during the coming recess in repairing the baths. So far as the barber is concerned, the recommendation was that a barber should be a sessional messenger to care for the baths. I am satisfied Napoleon Audette will not come here and act, and he should not be allowed to employ another to take his place. Two different barbers have been here shaving, but I have never seen Audette himself.

Hon. Mr. SULLIVAN—There is only one barber.

Hon. Mr. WATSON—I saw two myself.

Hon. Mr. SULLIVAN—The hon. gentleman may have seen a second one when the other was at dinner.

Hon. Mr. WATSON—Audette is the man named here to be employed as a sessional messenger, and he should be the man in attendance. The Chairman of the committee says there is no additional expense. Then there should be a saving. I say it is foolish to add to the expense when it is not necessary, and I take it for granted from the explanations made by Sir Mackenzie Bowell, who has a knowledge of what is required for filing newspapers and looking after the reading room, that the House should not concur in that portion of the report.

Hon. Mr. KIRCHHOFFER—It is quite evident from this discussion that the schoolmaster should be abroad amongst the members of our committee, some of whom do not seem to be able to assimilate what takes place in the committee. In reference to the charge the hon. gentleman makes against the report, because it does not contain a certain paragraph which he thinks ought to have been included—if he reads the resolution passed at the meeting of the committee he will find it says that a report

shall be subsequently made to the Minister of Public Works with reference to that matter. That report is now being drawn up. I have promised the members of the committee that another meeting of the committee will be held and the report submitted to them before being sent to the Minister of Public Works. If the hon. gentleman would look up the resolution passed by the committee, he could satisfy his mind without requiring instructions. This matter of the barber shop is about as pickayune as the matter of buying apples. To say that Audette, who has a barber shop in town, should be here himself to shave members, is unreasonable. We are quite satisfied if we get a good shave no matter who does it.

Hon. Mr. JONES—I understood the chairman of the committee to say that this report would not increase the expenditure in the department, but I understand the last clause is additional to what we have had heretofore, and therefore, to this extent the expense would be increased. Am I correct in that? The extent that we are going to pay a messenger as a barber—to that extent there will be an increase. I understand we have not heretofore had a messenger to act as a tonsorial artist. If the necessity for a barber shop exists, I do not know but that it is a reflection on the Senate that we have to pay a man $2.50 a day to look after the senators, and then pay him for doing the work afterwards.

Hon. Mr. MACDONALD, C.B.—They do it in the House of Commons.

Hon. Mr. JONES—They may do things there that are not correct. If we furnish a good room and every convenience, it seems to me a good man would take the position for what it is worth, and not be put on the list as a messenger in addition to that, particularly so if he does not come to the House at all, but sends some person here to do the work, while he is always in the city himself.

Hon. Mr. LANDRY—The services of a messenger are dispensed with. It is a question of substitution.

Hon. Mr. PRIMROSE—Is it arranged with Audette that he, or his representative, here, has any charge or care of the baths to keep them in order?

Hon. Mr. KIRCHHOFFER—Certainly, that is part of his duties.

Hon. Mr. PRIMROSE—That does away with the argument of the hon. gentleman (Mr. Jones) against putting him on the list of messengers.

Hon. Mr. KIRCHHOFFER—I stated to the committee with regard to this very paragraph, what had been done. Every other member of the committee, with the exception of the hon. gentleman from Marquette, I am satisfied, heard my explanation and understood it. If he could not assimilate it, I could not help it.

Hon. Mr. WATSON—I do not wish to be lectured by the chairman of the committee, either in the committee or in this House. I state here, and I think I am in my right in stating, that I decidedly object to the payment of a dollar to anybody who does not give services for it in the building. If Mr. Audette is appointed messenger and discharges the duties of a messenger, he is entitled to his pay, but he cannot send a substitute. Let him be put on the list as a sessional messenger, and get his pay, but I do not think the principle should be allowed that any person should be appointed in the city of Ottawa to furnish employees of his own for service in the Senate.

Hon. Sir MACKENZIE BOWELL—I can tell the hon. gentleman that it is the practice that has prevailed ever since there has been a parliament. The barber who is appointed for the House of Commons is not supposed to be there, neither is he there. If he is not there personally, he has one of his employees there to represent him, and that answers every purpose, and so long as there is no complaint as to the service rendered, I cannot conceive why an objection should arise because the man himself is not there. We know that all manufacturers carry on business in that way. A man may have a reputation of being a builder of a certain article, we know he does not put five minutes work on that article, and may not know anything about it, yet he has the credit of manufacturing it. I do not desire to be disrespectful, but it seems to me the object is of a most puerile character. We had before us an admirable report from the Clerk of this House,

not only as to the state of the bathrooms, but of every other part of the House, pointing out what was required for the preservation of the building in order to prevent leaks and other damages taking place, and he also pointed out that the bathrooms were not fit for gentlemen to use, and that they should not only be removed altogether and new ones put in that a gentleman would like to take a bath in; but that, in the meantime, until we could get the Minister of Public Works to act upon the report which the committee proposed to make, they should be made as clean and fit for use as possible. If the hon. gentleman had paid a little attention—I am not going to lecture him—to the discussion which took place in the committee, he would have known these facts as well as I do, because he was there at the time and took an active part in the discussions arising on this very question. The hon. gentleman will see, as the hon. member from Stadacona (Mr. Landry) has pointed out, that we have recommended the dismissal of one of the messengers, and it was distinctly understood that his place might not be filled, as an additional messenger might not be required, and then we moved another messenger from the work he was supposed to do and put him in the reading room, so there is really no additional expense. We have followed up the practice which has prevailed in the past, particularly in the House of Commons, of having some one to look after the bathroom and accommodate the senators who desire to go there to be shaved. That is the only additional expense, and if you put that expense against the dismissal of one of the messenegers, you have the whole account about balanced. These are the facts.

The motion was agreed to.

SUPREME AND EXCHEQUER COURT ACTS AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day having been called,

Second Reading (Bill L) An Act to amend Chapter Sixteen of the Statutes of 1887, intituled: 'An Act to amend "The Supreme and Exchequer Courts Act."' and to make better provision for the trial of claims against the Crown.—(Hon. Mr. Mills).

Hon. Mr. MILLS moved that the Order of the Day be discharged and that it be made an order for Thursday next.

Hon. Sir MACKENZIE BOWELL—Could not the hon. Minister of Justice inform the House what his intentions are in reference to this Bill? I was absent on Monday, but I read in the report what the hon. gentleman stated, for the information of the House, in reply to an objection made by the hon. gentleman from Richmond, that if there was a general feeling against the principle of the Bill he would not press it. Would it not be just as well to have that expression now, in order that those who desire to go home before the close of the session may know whether he intends to press it or not? I do not hesitate to say that, unless there are good and substantial reasons given—I suppose the hon. gentleman could give the reasons which satisfy his own mind—that the feeling of the House would be against this Bill because it is a retrograde movement. It is taking from the subject rights which he has against individuals, and the tendency of the age and of the legislation of this country has been to protect a workman, and a servant, and to hold the master and manufacturer responsible, to an extent that never existed in the past. The Bill seems to me to carry out the idea of the divine right of kings, that the king can do no possible wrong, and we are asked to crystallize into an Act of parliament that very idea, that no matter what may take place, apart from the exceptions which are provided for in this Act, the government shall not be held responsible for that which a private individual, either a manufacturer, or a common carrier, or any one else, would be held in the courts of law to be responsible for, and punished to the extent of the injury done. There may be reasons which I do not at present know of why this proposition is made, but when we consider what has been done in the way of legislation for the protection of the workingman and the holding of employers responsible, and the extent to which it has been carried—to my mind very wide in its provisions as every manufacturer and employer of labour knows to be the case—why the government should be placed in a better position in this respect than an individual, I should like to know. I express the hope, particularly at this stage of the session, that the hon. gentleman will not press this measure. In the meantime (I am perfectly sincere in what I am saying) if the

hon. gentleman can give to the House and to the country a good reason for the adoption of this class of legislation, then it is a question we should consider either this session or at some future session of parliament.

Hon. Mr. MILLS—I do not care to delay the business on the order paper by undertaking to bring forward a measure which will lead to a very long discussion without producing any important results, and so I have let this measure stand over from time to time because, from the declarations of opinion made by an hon. member from the North-west Territories (Mr. Lougheed) and by my hon friend from Richmond (Mr. Miller) I felt that if that was the general feeling of the House, there could be no object in going on with the Bill. I think that the law as it stands in England, and as it has always stood there, is the law as we should have it on our statute books, and a mistake was made when we went as far in giving the subject a remedy against the Crown as we have gone, according to the interpretation that has been put on the Exchequer Courts Act. I have been informed by those who have had an opportunity of knowing, that there was no intention to go so far as the courts have held the Act does go ; that there was no intention of making the Crown responsible for ordinary torts, but only in those cases where the Crown undertook to discharge the duties of a common carrier, as they do in respect to the Intercolonial Railway, did parliament intend to give to the subject a remedy against the Crown. The subject has always had, by the common law, a remedy against the Crown when his own rights of property were affected by any act of the Crown, because the Crown was then supposed to be misinformed, and also where the subject has a contract with the Crown. In both those cases the same redress has been given against the Crown as has been given between individuals.

Hon. Mr. MILLER—You have the protection of the fiat.

Hon. Mr. MILLS—My hon. friend says we have the protection of the fiat, but that is no protection at all, and it ought to be no protection against proceedings in petition of right.

Hon. Mr. MILLER—Do you consider it no protection at all ?

Hon. Mr. MILLS—None at all, and never was intended to be, for in every case where a subject has a claim to property, or under contract against the Crown it is the duty of the Crown to see that that right is tried by a proper judicial tribunal.

Hon. Mr. MILLER—I am very glad to hear the Minister of Justice giving expression to such an opinion, but I do not think it has been the opinion entertained by his predecessors in office.

Hon. Mr. MILLS—I do not go upon the opinion of my predecessors, but that has been the opinion expressed by Sir Fitzroy Kelly, when he was Attorney General, and also by Lord Selborne, when he was Attorney General, and both those distinguished legal luminaries have held that to be the right doctrine.

Hon. Mr. MILLER—Why was Burland refused the fiat ?

Hon. Mr. MILLS—I can tell the hon. gentleman: I mentioned that matter in the House before. What is the object of a suit under a petition of right ? It is for the purpose of ascertaining whether the Crown is indebted to the party as he claims that the Crown is in debt. Now, in the case of Mr. Burland, the Postmaster General admitted that Mr. Burland had a valid claim against the Crown for the sum which he claimed, and so there was nothing for the court to ascertain. There was nothing, therefore, to prevent the Postmaster General from paying the amount, and there was, further than that, nothing that the court could do to put Mr. Burland in a better position than he was put in by the admission which the Postmaster General made. So, as you cannot issue an execution against the Crown in case of judgment, and where the party admitted his indebtedness, it was impossible to put Mr. Burland in a better position than he then stood in by the admission of the Postmaster General. The Postmaster General said that there were claims against Mr. Burland and until he was ready to meet those claims that payment would not be made. There was a larger amount owed by Mr. Burland to the Crown than the amount of Mr. Burland's account against the Crown.

Hon. Mr. MILLER—But he was refused the fiat.

Hon. Mr. MILLS—He was refused the fiat because there was nothing on which a fiat could operate.

Hon. Mr. MILLER—That is a difference of opinion.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman expressed the opinion in this House that he would have granted the fiat but the Postmaster General objected.

Hon. Mr. MILLS—I would have granted the fiat if the Postmaster General had made a different statement. Hon. gentlemen will find nothing against the statement which I now make; what I said on that occasion I am saying now, that is, that the doctrine of our English constitutional system is that the Crown is always ready to meet its obligations and to pay its debts. Now, the object of a suit under petition of right is to ascertain whether there is indebtedness or not. It is not for the purpose of enforcing a claim as you would against a private party, because you cannot issue an execution against the Crown, and if the Crown refuses to pay, the party is absolutely helpless, unless parliament comes to his rescue. That is the position of things. But all this is apart from the subject that we were considering.

Hon. Mr. MILLER—And all that is an argument against your Bill.

Hon. Mr. MILLS—I entirely differ from my hon. friend in that regard.

Hon. Mr. MILLER—A fiat and no execution.

Hon. Mr. MILLS—That is the law, and always has been the law.

Hon. Mr. MILLER—A double protection for the Crown.

Hon. Mr. MILLS—It is an axiom that the Crown can do no wrong—that it is always ready to pay its indebtedness and meet its obligations in so far as parliament will enable it to do so. In this matter, when we gave parties a remedy against the Crown for torts we went further than the law goes in England, and further than it was the intention of the parties who put the present law on the statute-book to go. The interpretation given by the Exchequer Court to the Act carried the provisions of the law very much further than it was the intention of the parties that the law should be carried. What I propose by this Bill is to bring the law back, not exactly in the position in which it stood before, because we propose to give the party a remedy in all those cases where the Crown has undertaken the work of a common carrier, as in the Intercolonial Railway, and so in that respect we were prepared to allow redress where under the law as it previously stood, before we had any legislation, no redress could be had. My hon. friend opposite will remember the case that was tried in the Supreme Court from Prince Edward Island where a party was damaged by the spreading of the rails, I think it was. A train ran off the track. He was very seriously injured. Judge Henry mentions, in his judgment, that a piece of his jaw was found sticking in the lining of the car, but he had no redress, because the Crown was not responsible for the negligence and carelessness of its servants. It was for the purpose of furnishing redress in a case of that sort that an amendment was made to the law, and that amendment carried the provisions of the law further than it was intended the law should go. In my opinion the interpretation of the law given in England by Lord Selborne and by Sir Fitzroy Kelly is the proper interpretation. It is the one which has always been acted upon, and where the claim of the parties is of such a character that it may be put in the form of a statement of facts that would show a claim made against the Crown, whether that claim is a valid claim or not—whether it would fall under contract or under tort, is a question which the Attorney General will not consider for the purpose of determining whether a fiat shall issue or not. But if it will not constitute a claim against the Crown, but is a claim against some servant of the Crown, then the fiat may be refused, as it was refused by Sir Roundell Palmer in the celebrated case in Ireland referred to in Todd, on Parliamentary Government, and very fully discussed in the English 'Hansard.' My hon. friend will see that it would be a very serious matter if the Minister of Justice, acting as Attorney General,

should refuse a fiat where a party makes a claim and that claim is in proper form, because it would absolutely place every party who made claim against the Crown at the mercy of the minister, or of himself and his colleagues. That is not the intention; in fact, the public policy in matters of that sort has long ago been well settled in the United Kingdom, and so you find that the vast majority of cases in which the petition of right is claimed, even in the United Kingdom, are determined against the party, not because it was not well known or believed that, according to well-settled rules of law, it was doubtful whether he could succeed or not, but because it was desirable that the party who made a claim against the Crown should have an opportunity of having that claim disposed of by a proper judicial tribunal. Now, that has been the rule which I have recognized since I have been Minister of Justice, and one which my predecessors in office, I believe, followed exactly. I know when Mr. Blake was Minister of Justice he did so, because we had often discussed the matter as to whether there was any discretion left with the Minister of Justice to say whether a fiat should be granted to the party or not, and it was his opinion, and in that opinion I entirely concur, that the Minister of Justice ought not to undertake to determine the case himself, and to refuse a fiat where he thought the parties could not succeed. The only case in England where the Attorney General refuses a fiat is a case where the amount is so trifling that the costs would altogether be in excess of any amount that the party could secure. If I remember rightly, where the amount is less than five pounds, the Attorney General, if he thinks the party is not entitled to anything, may refuse to grant a fiat, but in every other case he does grant a fiat. In one remarkable case, where a party was convicted of perjury and where he thought he was entitled to redress, and where he felt that one of the ministers had done him a wrong in not appearing in the case in court he endeavoured to bring an action upon the petition of right, but that was refused, because Sir Roundell Palmer, then being Attorney General, pointed out that, conceding everything he said, and that his statements were true, if he had a case at all it was against the Secretary of State for the Home Department and not against the Crown. And so a petition of right could not be granted, because, when the facts which he himself stated were put in the form of a petition, they did not point to any liability or claim against the Crown, but pointed to a claim against a public officer for what he thought was a failure of duty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows well that the Crown has the power to refuse a fiat to anybody, under any circumstances. In England it is not refused where there is any probability of a right existing. It is where you know that there is no just claim, that he has that right now, and no proposition has been made to take it away from him.

Hon. Mr. MILLS—The doctrine laid down by Sir Fitzroy Kelly is that in every case, whether the Attorney General believes that the party can or cannot succeed, he is entitled to the fiat, unless there is some fraud in the matter, because if you once admit the right of the law officer to exercise his discretion you admit a right which would enable a government to hold a party at bay, to refuse to grant a fiat where some negligence or wrong on their part might come out on a trial, and so, in order to conceal their own faults, they might do the party a very great injustice by refusing the fiat. That is not the intention of the law. It is not the rule that I have acted upon. I have looked into the matter with a great deal of care, and I find that the rule is as I have stated, that where the claim of the party can be put in proper form, and it points to a liability of the Crown, whether he succeeds or fails, or whether I think he can succeed or fail, my duty is the same, to grant him a fiat as a matter of course.

Hon. Mr. FERGUSON—The only limitation would be where the amount was too trivial.

Hon. Mr. MILLS—Yes, that is the limitation. There have been a great many cases entered for tort. A person complains that a bridge is out of repair, that he slipped on the bridge and sprained his ankle, and he applies for a petition of right. Or he may have injured himself in some other way. He has been walking by a lumber pile, and slipped into the canal, and taken a severe

cold, and he brings an action against the Crown on a petition of right. Except where the government is discharging the duties of common carriers, you wipe out the liability of the Crown in the cases of tort, we will get rid of a great deal of expense, a great deal of unnecessary trouble, and we will do no substantial wrong to any particular party. We have, at the present time, a suit pending under a petition of right for the loss of the 'Arabia' in the St. Lawrence, because they say the channel was not as deep as it was represented to be, and a suit has been entered against the Crown for the purpose of redress for the loss of the Arabia, and its cargo. That suit is undecided, and I express no opinion with regard to it.

Hon. Sir MACKENZIE BOWELL—Would the present Bill prevent the owners of that vessel from asking for a petition of right?

Hon. Mr. MILLS—Yes, because that is tort. There is no contract between us and them on the subject, and so, if a party undertaking to come into a harbour where an accident happened to the lighthouse, and failing to enter it, was injured, a suit might be brought at the present time. No suit could be brought if the law was in the same position as it is in England. I have made these explanations in consequence of what the hon. gentleman says, and not because I desire to go on with the Bill at the present time.

Hon. Sir MACKENZIE BOWELL—We will not discuss the matter further, but my hon. friend's explanation only strengthens my own opinion.

The order of the day was allowed to stand until Tuesday next.

LE CREDIT FONCIER DU BAS CANADA BILL.

SECOND READING POSTPONED.

Hon. Mr. LANDRY moved the second reading of Bill (99), an Act respecting Le Crédit Foncier du Bas-Canada, and to change its name to Le Crédit Hypothécaire du Canada. He said: I took charge of this Bill in the absence of the hon. gentleman (Hon. Mr. Delanaudière), and as he is still absent, I move the second reading.

Hon. Mr. MILLS—I think this Bill is in derogation of our legislation of last session, and undertakes in another way to renew the lottery business that was carried on in Montreal, and in respect of which very serious complaints were made before, and I know that the sense of the House was decidedly opposed to it.

Hon. Mr. LANDRY—Then I ask to let it stand.

Hon. Sir MACKENZIE BOWELL—I think that this Bill is an insidious attempt to revive the lottery system which the parliament of Canada has decided was to the detriment of the general public, and if any one will look at the original Act which this Bill proposes to amend, and also at clauses 6 and 7 which provide for the distribution of money by lot, that the interpretation put upon it by the Minister of Justice is the correct one, and when it comes up for consideration it will be for the House to say whether they are prepared to give their assent to the system of lotteries which this Bill provides, against which nearly all of us have expressed strong opinions.

Hon. Mr. LANDRY—I do not controvert what the hon. Minister of Justice and the hon. leader of the Opposition have stated. I do not know anything about the Bill, but I should like if the House would allow it to stand.

Hon. Mr. DANDURAND—By the action of this parliament lotteries were put a stop to on the 1st of January last. For two or three months we were without ticket sellers at the corners of streets, but these gentlemen who were making money out of it wanted to see if they could not drive a four-in-hand through the law. They attempted divers means. A couple of months ago they took hold of a charter granted by the provincial parliament, authorizing the issue of obligations, or bonds, which could be subdivided, and the hon. gentleman may be surprised to learn that they attempted to sell them. They put on the market bonds for 25 cents which they started selling on the street corners, and in little shops throughout the city of Montreal. But they counted without the supremacy of the criminal law, and I can now understand why this attempt is made to revive an old charter which has not been in operation for ten or fifteen years. The Credit Foncier du Bas Canada, by section 205 of the Criminal Code, is exempt from the operation of the

law, and so they think now that they have found a loophole by which they will continue to sell tickets throughout the province of Quebec and the Dominion. I am glad attention has been drawn to this clause by the hon. gentlemen who have spoken. These lottery men were taken before the police magistrate when the tickets were issued, and it was found that, although they had a provincial charter, the criminal law could still reach them ; but on looking at the criminal law they found there was this charter which was lying dormant, and if this little clause could be passed subdividing their bonds, then the 25-cent tickets could still be sold in Montreal.

The order of the day was discharged till Tuesday next.

SECOND READINGS.

Bill (109), An Act to incorporate the Sovereign Bank of Canada.—(Hon. Mr. McMillan.)

Bill (124), An Act respecting the Western Assurance Company.—(Hon. Mr. Lougheed.)

Bill (125), An Act respecting the British America Assurance Company.—(Hon. Mr. Lougheed.)

Bill (110), An Act to incorporate the Debenture and Securities Corporation of Canada.—(Hon. Sir Mackenzie Bowell.)

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE

REPORT.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to call attention to the fact that in our discussion of the report of the Contingencies Committee, we authorized the purchase of one hundred copies of a book on 'Speakers' Decisions' for the use of senators. My attention has been called to the report of the Library Committee in which they recommend to the government the purchase of copies of the 'Speakers' Decisions,' by L. G. Desjardins, with a view to the purchase of copies for the use of members. Perhaps it would be as well for the Clerk to understand that the intention is that, if the government make this purchase from the author for each member, he will not purchase the book.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If not, then the order stands. We do not want to duplicate the order.

Hon. Mr. SCOTT—No.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 3, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MARKING AND INSPECTION OF FRUIT PACKAGES BILL.

THIRD READING.

The Order of the Day being called

Third reading (Bill 32) an Act to provide for the Marking and Inspection of Packages containing Fruit for Sale, as amended.—(Hon. Mr. Mills.)

Hon. Mr. MILLS moved that the House resolve itself into a Committee of the Whole in order to make certain amendments to the last clause of the Bill.

The motion was agreed to.

(In the Committee.)

Hon. Mr. MILLS—I propose to amend clause 16 in the Bill as it now stands, which is clause 18 in the Bill as originally printed. The first part reads

The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act.

I propose to add after that :

And may, by such regulations, impose penalties not exceeding $50 on any person offending against them.

These words are taken from the Inspection Act : .

And the regulations so made shall be in force from the date of their publication in the Canada Gazette, or from such date as is specified in the proclamation in that behalf.

And then I propose to add :

And the violation of any such regulation shall be deemed an offence against this Act and punishable as such.

The motion was agreed to and the clause as amended was adopted.

Hon. Mr. WOOD (Westmoreland), from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

THIRD READINGS.

Bill (97) 'An Act to incorporate the Manufacturers and Temperance and General Life Assurance Company.'—(Hon. Mr. McMillan.)

Bill (51) 'An Act to incorporate the Algoma Iron and Nickel-Steel Company.'—(Hon. Mr. Dandurand.)

Bill (50) 'An Act to incorporate the Canadian Mutual Aid Society.'—(Hon. Mr. Primrose.)

DAWSON CITY ELECTRIC COMPANY'S BILL.

The Order of the Day being called :

Consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred (Bill H) an Act respecting the Dawson City Electric Company (Limited).—(Hon. Mr. Macdonald, B.C.)

Hon. Mr. MACDONALD (B.C.) said : It may be in the knowledge of the House that a few days ago the Committee on Railways, Telegraphs and Harbours reported adversely on this Bill. This company did not ask for a new charter, but for an extension of time for the commencement and completion of their works. I have no fault to find with the action of the committee in that case, but all will admit that sometimes measures which come before them, should receive a little more consideration than they get, and that is all I ask at the hands of the House and of the committee, that this Bill receive reconsideration, on the ground that if the works are carried out, they will give the people of Dawson a great deal more comfort, and conduce to cheaper mining by supplying cheaper fuel. It will also be an act of justice and fairness to the people who have put their money into this scheme. They have spent in developing coal mines $150,000. It is a small matter, an extension of time. In a new country like that, they were uncertain about expending further money, because they did not know if the gold mining was of a permanent character. Now, they feel warranted in going on with their work, and I ask the House to consent to refer the Bill back to the committee for reconsideration. I therefore move :

That the report be not now concurred in, but that the report and the said Bill be referred back to the Committee on Railways, Telegraphs and Harbours, with the instruction to consider the advantage to residents in the Yukon to have access to a coal supply, and to consider the position of the shareholders in the aforesaid company who have expended $150,000 in works of development, with the view that the Bill may be favourably reported.

Hon. Mr. KIRCHHOFFER—Before this motion is put, I should like to say a few words against it. This report was on a matter which was considered for a long time, and very thoroughly thrashed out in the Railway Committee a short time ago. Parties representing both the companies interested appeared by counsel and by others interested in the companies, and the matter was given very careful consideration. It was not done, as my hon. friend seems to say, in a hurried way; the Bill was given long and careful consideration, and at the end of that time defeated by a substantial majority. The company, or some parties, had originally got a charter for this Dawson Electric Railway. They were represented both by the gentlemen who were counsel in the case, and by others who knew them to be people of very large means who were prepared to put in any amount of capital, but the extraordinary thing about it was, that these wealthy people did not think enough of the charter to keep it alive. They did not put any money into it, or expend any money on it, and at the end of the term they were given for construction, this charter actually lapsed as far as construction is concerned. Of course the charter does not go out of existence. They have a charter, but the time which was given them for construction had come to an end, and therefore that part of it had lapsed. When they applied here, instead of applying as they should have done, for a revival of that charter and for an extension of the time for construction, and then put in a term for the extension, they simply ask now for an extension of the time for construction upon a charter which does not actually exist as far as construction is concerned. When they say that this is done for the purpose of advantaging the district by furnishing it with coal, which is of such importance to the people of the Yukon district, nobody disputes the fact that

they have a coal mine where they have expended, as somebody says in an off-hand way, the round sum of $150,000. We know nothing of that except some statement made by some gentleman to the committee. There was no evidence whatever of any description to show that, but that they have a coal mine is admitted, and that the people of Dawson want a coal mine is also admitted. The people want the coal, and they do not care who it is that brings the coal out so long as they get it. Another company has a charter over the very same route. They have had surveys. They have built a roadway on which the public have been travelling in getting access to that country, and they are now prepared to construct it and would have constructed it before, but they could not get the right of way. They have now the right of way and are prepared to go on with their construction, and do not want to be interfered with, by having another charter revived when the only raison d'etre that they can give for applying for it, is to bring out the coal. The other company says, 'we will bring the coal out; that is part of our business. The first thing we will do we will run up to this coal mine.' Therefore these people cannot urge as an objection that they are not going to be allowed to distribute their coal, because the company can bring out the coal. This matter was thoroughly discussed in the committee, and the Bill was voted down. These wealthy capitalists had not seen fit to go on with their charter. They had sold it to some United States capitalists out in California who were interested in the coal mine. They took up this old charter and thought they would get in and crowd out the people who have the charter by reviving the old charter. It would not be fair to the people who have gone on and expended their money in good faith thinking they had the charter to refer this Bill back to the committee with instruction to reconsider it favourably. I do not object in any way to having reports referred back to committees, but there has been no reason adduced here whatever for having this matter referred back to committee.

Hon. Mr. PRIMROSE—I, as one member of this House, have very strong objections to this method of procedure—that is, referring back to our committees for further consideration matters to which they have already given their best attention and consideration. when the committee were in a far better position than members of this House to adjudicate upon the merits of the case, inasmuch as they have before them those who are supporting the measure and those who are adverse to the measure. I have still greater objection that a remission to the committee should be made couched in such language as this one—that it should be referred to the committee with instructions to do so and so. If it is referred to the committee at all, I think it should be referred without any restriction whatever. The committee at any rate would exercise their own discretion in the matter, but I think it is not right to refer these matters to the committee with instructions to adopt a certain course. I feel quite certain that the members of the various committees of this House give the very best attention to the subjects submitted to them, and in my estimation are in a better position to arrive at a clear and right conclusion than the House itself. I can imagine a case in which it might be proper to remit to the committees again for consideration any subject that had been already before them where some things have transpired in the interim that might alter their finding, but not otherwise.

Hon. Sir MACKENZIE BOWELL—I think there is another strong objection to referring it back, because it is a revival of an old charter which is, to all intents and purposes, a blanket charter. It commences and runs round in a circle. If they had applied for a charter to reach their coal mines, exclusively through that section of the country, there would not be so much objection to it, but when it reaches the river the two roads run parallel and close together. It is the only way they can reach Dawson City. The question is whether, in a sparsely settled country, it is to the advantage of the country or for the benefit of the settlers, that there should be roads built in that way, or whether a charter should continue to exist which runs all round the country, and may be kept there for years and years to come without utilizing any portion of it, preventing others from constructing roads. That is one great objection I had,

and have now, to the revival of this charter. There is another point. There is an assertion in that motion of my hon. friend for which we have no evidence other than the statement by the attorney who was acting for the parties seeking this revival, and when we remember that when he was asked a great number of questions as to what had been done and what was intended to be done, or whether they had done anything, he knew nothing about it, but he had been informed that they had spent $75,000 in building a tramway—not a tramway, but a trail, as they call it in the west—to their mine. That is the statement made, and it is a complaint that the committees in the past have frequently made, and on which I think they should insist, that when applications of this kind are made, there should be some evidence given of their bona fides. The House and the committees are in the habit too much of reviving charters which stand upon the statute-book, preventing the development of that country by people who would build a roadway. Then, there was another question raised as to the policy of the government in reference to these roads. When the question was under discussion here before, and I called the attention of the minister to the former policy of the government upon the question, I understood him to say that the policy was not changed. Neither of the ministers who were on that Railway Committee were present in order to express their opinion as to whether their policy was changed or not. Whether the committee would be guided altogether by policies of that kind is another matter, but the majority of the committee, no matter what their views may be upon the question, have no desire to throw any difficulties in the way of the final settlement of the boundary question, which the hon. Minister of Justice referred to the other day. If the Bill goes back to the committee, I think it will receive the same treatment it has already received. These are the objections I would have. Otherwise, I would vote for the construction of any road, providing it is not exactly parallel with one, a portion of which already exists, and will run, when they reach the river, the Lewes or the Yukon, alongside of each other.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MACDONALD (B. C.)—Both the legal gentlemen who appeared before the committee on this Bill told us that their companies expended a certain amount of money, and there is just as much evidence on the one side as the other. The legal gentlemen of this House and the others who have spoken against the Bill, have not a particle more evidence of their contention than I have of mine. Those gentlemen both said that certain amounts of money had been spent, and we have to take their word that they would not come before the committee and state that which was false. Hon. gentlemen can easily understand that one company wished to have a monopoly if it could get it. Very naturally that is so. My hon. friend can support a monopoly if he likes, but both companies have an equal right to go to work in the country. This has nothing to do with the boundary question. It is entirely within the boundary, and they have not laid out their lines. It has not been approved by the government, and there are no lines yet defined. There are certain powers given by the Bill. The lines have to be approved by the Governor in Council. The committee may do the same thing with this Bill again if they like, but the reference back to them on certain points is not much to ask for, and I hope the House will grant it.

Hon. Mr. TEMPLEMAN—What does the hon. gentleman mean by a reference to the policy of the government ?

Hon. Sir MACKENZIE BOWELL—I will let them explain that.

Hon. Mr. TEMPLEMAN—I did not know that this had anything to do with it.

Hon. Sir MACKENZIE BOWELL—I am rather surprised that the hon. gentleman does not know that this has anything to do with the boundary line. The charter commences at Pyramid Harbour. Where is Pyramid Harbour ? It goes by the Dalton route, and that commences at Pyramid Harbour.

Hon. Mr. McKAY (Truro))No, this has nothing to do with it.

Hon. Mr. SCOTT—This is a local matter.

Hon. Mr. TEMPLEMAN—This is a tramway from Dawson City out to the Klondike mines.

Hon. Sir MACKENZIE BOWELL—Then it is not the same Bill at all.

Hon. Mr. MACDONALD (B.C.)—This is the Dawson City Electric Railway Bill. It has nothing to do with Pyramid Harbour.

Hon. Sir MACKENZIE BOWELL—I withdraw that portion of my remarks, as I was under the impression the motion had reference to another Bill which was before the committee. There is this to be said, however : that there is just as much reliance to be placed in one as in the other. The company that is opposing this have already spent a large amount of money.

Hon. Mr. BAKER—As chairman of the Railway Committee, it would be, perhaps, better for me to maintain a strictly neutral attitude in this discussion, and I shall not transgress that rule of propriety further than to say that this matter came before the committee, as matters of the kind have come before the committee scores of times since I have had the honour of being chairman. It was presented by my hon. friend, Mr. Macdonald, who, as a senator, as a member of this House, stated to the committee that a sum of $150,000 had been expended in promoting the enterprise. It never for one instant occurred to me to challenge the correctness of the statement made by that hon. gentleman. It never occurs to me to challenge a statement made by a member of this House upon his honour as such member. I accepted it, and I confess that I was disappointed at the action of the committee. I am not going to enter into any discussion, or offer any censure to the committee of which I was chairman, but the request of the promoters of the Bill is one that is made every day, an ordinary request for an extension of time. It was represented to the committee by the hon. gentleman who had charge of the Bill, that there had been a large expenditure of money on this enterprise, and that the parties who are interested were ready to invest a still greater sum. In the face of that, the Bill was reported against, not by a decisive majority, as my hon. friend (Mr. Kirchhoffer) intimates, but by a very small majority, and the proposition is now made to this House that the Bill shall be referred back to the committee, not with cast iron instructions, but for the purpose of giving further consideration to the matter. For my part, although I am jealous, and I believe justly jealous, of the rights of committees of this House, I do not feel that it would be casting any reflection upon the action of the committee.

Hon. Sir MACKENZIE BOWELL—I did not say that it would.

Hon. Mr. BAKER—My hon. friend has withdrawn the allusion that he made to the importance of this question as likely to regulate the boundary line between Canada and the United States, so that I need not further discuss it. As chairman of the Railway Committee, I submit that the proposition of my hon. friend is a reasonable one, as so far as I am concerned, as chairman of the committee, I shall vote for it.

Hon. Mr. PRIMROSE—This then——

Hon. Mr. MACDONALD (B.C.)—Order, order. Spoke.

Hon. Mr. PRIMROSE—I was merely wanting to explain.

Hon. Mr. VIDAL—As a member of the committee, I venture to express the opinion that the proposal to return the report to the committee is not a motion which, as stated by the chairman, is merely for reconsideration ; it is a motion with a direction to the committee to act in a manner contrary to what their consciences led them to do when they decided upon the report which they made.

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. BAKER—There is no positive direction to the committee.

Hon. Mr. VIDAL—The instruction is :

To consider the advantage to residents in the Yukon to have access to a coal supply, and to consider the position of the shareholders in the aforesaid company, who have expended $150,000 in works of development, with the view that the Bill may be favourably reported.

I suppose the concluding words are not a positive instruction, but, it is an instruction to go over again the arguments advanced with reference to what has been paid. I think the decision, the committee arrived at was a just and wise decision, and certainly, as far as my present information goes, I shall be

disposed to vote as I did then, in support of the report presented by the committee to the House—that the preamble of the Bill was not satisfactorily proved before the committee.

Hon. Mr. PRIMROSE—I wish to know whether I am not perfectly within my rights, according to our rules, to offer a few words in explanation ?

Hon. Mr. MACDONALD (B.C.)—No, not according to our rules.

Hon. Mr. PROWSE—I move that the House do now adjourn.

Hon. Mr. PRIMROSE—I can now do so.

Hon. Mr. MACDONALD (B.C.)—I object.

The SPEAKER—The hon. gentleman can speak on the motion to adjourn.

Hon. Mr. PRIMROSE—The remarks of the chairman of the committee are an illustration of what I said. There are circumstances in which it is permissible and commendable to refer a report back for reconsideration, and under the explanations which he gave, I withdraw any personal opposition I might have to the motion.

Hon. Mr. KIRCHHOFFER—I wish to make a few remarks myself in explanation——

Hon. Mr. PRIMROSE—Order.

Hon. Mr. KIRCHHOFFER—I am speaking on the motion to adjourn. I do not wish any one to imagine that I did not believe the statement that $150,000 had been spent, and this is——

Hon. Mr. MACDONALD (B.C.)—Order, order. That is not an explanation.

Hon. Mr. KIRCHHOFFER—The hon gentleman cannot choke us all off. The only statement that was made was that this coal company had spent $150,000. It was stated distinctly that that had not been expended on the Dawson Electric Railway; it was stated distinctly that these people, who are large capitalists, had spent no money on it. This was stated over and over again by people before the committee. Now, the sympathy of this House is asked because they have spent $150,000 on it. That is not so. There has not been a dollar spent on this Dawson City Electric Railway. They have, as they said, spent $150,000 on coal mine development, and they are asking why they should not be allowed to build a tramway for the purpose of bringing out the coal. Nobody wants to lock that up, but another company which has a charter has the right to build that tramway.

Hon. Sir MACKENZIE BOWELL—I am not going to discuss this question. When I referred to Pyramid Harbour, I was under the impression that it was another Bill altogether. However, the reasons that I gave for voting as I intend to vote—I cannot vote, however, for I am paired.

Hon. Mr. WOOD (Hamilton)—No Bill of this nature before a committee, here or in the other House, has received greater consideration or been more closely investigated than this same Bill, and I am somewhat surprised to see in the motion here the statement that $150,000 was expended on this enterprise. When the hon. gentleman made that statement I did not happen to be in the committee, but I remember distinctly asking the promoter of the Bill how much had been expended, and he could not tell. They had cut out a trail to the mine, but that was all he knew anything about.

Hon. Mr. MILLER—He could not tell us anything at all about it.

Hon. Mr. WOOD (Hamilton)—On the other hand, the gentleman who is promoting the other Bill gave us a full and satisfactory explanation to almost every question that was asked. This charter having died out, those interested in it want it to be revived. They have no interest in the country except what they can exploit in the coal mines. When a committee passes on a Bill as carefully and closely as this Bill has been attended to, it is not right that it should be sent back for the purpose of creating another contest in that committee.

The SPEAKER—I may be allowed to draw the attention of the hon. gentleman from Victoria to the fact that this resolution practically instructs——

Hon. Mr. MILLER—I do not think the House requires any instructions from the Speaker with regard to the contents of the resolution. We understand it well enough to do our duty.

The SPEAKER—The Speaker understands his duty as well as the hon. gentleman from

Richmond. With this instruction, the hands of the committee will be tied. I thought, from the remarks of the hon. gentleman, he wished the report to go back for reconsideration, leaving the committee a free hand to deal with it as they please.

Hon. Mr. MACDONALD (B.C.)—If the House wishes those words eliminated, I have no objection to that at all. I simply want the Bill to be sent back for reconsideration.

Hon. Mr. SCOTT—Omit.

Hon. Mr. MILLER—No, it must stand as it is. I object to any alteration.

The SPEAKER—Does the hon. gentleman from Murray Harbour withdraw his motion to adjourn.

Hon. Mr. PROWSE—I withdraw.

Hon. Mr. DeBOUCHERVILLE—This motion says, 'To consider the position of the shareholders in the aforesaid company.' Is not that telling the committee that they have not considered the shareholders ?

Hon. Mr. MACDONALD (B.C.)—It is a matter of reconsideration.

Hon. Mr. DeBOUCHERVILLE—Either the gentlemen of the committee have considered the matter and done their duty, or they have not. If we say that they have not, I think we are finding fault with the committee, and I am sure my hon. friend does not wish to find fault with what they have done. It is in reality blaming the committee when the committee does not deserve blame.

Hon. Mr. MILLER—I consider the resolution without the concluding portion would be inconsequential. The committee would have no instructions whatever but simply to reconsider. What object is there in simply reconsidering ? If we sent back the Bill to the committee at all, it should be with instructions of some kind, and, therefore, I think the duty of the Speaker is to put the resolution as it has been placed in his hands. The resolution is in order, and there is a clear course before the House. I agree with the remarks of the hon. gentleman from Hamilton. I was on the committee and voted with the majority, and I see no reason why I should change my vote.

Hon. Mr. PROWSE—I consider that this motion to refer the report back to the committee is rather a reflection on the committee, and by giving instructions, it is simply ordering the committee to do what they cannot do conscientiously. I would certainly prefer, and I think it is more commonsense, to take a course that is frequently pursued in this House. The proper course is that pursued by the hon. gentleman from Richmond the other day. His notice of motion was this :

> That on the motion for the third reading of the Bill respecting the Bell Telephone Company he will move that the said Bill be not now read a third time, but that it be amended by adding thereto the following clauses :—

Then follow the proposed amendments. The motion of the hon. gentleman from Victoria would be more in accordance with the feelings of the committee if he moved that the report be not adopted, but that the Bill be read the third time. That would prevent a reflection on the committee and serve every purpose.

Hon. Mr. MACDONALD (B.C.)—Could such a motion be made ?

Hon. Mr. PROWSE—Certainly. Why not ? If you have to adopt the report of a committee under any and all circumstances, there would be no object in presenting it. A majority of this House can disagree to a report of a committee and the Bill can be read the third time. That seems to me to be the common-sense view of the question.

Hon. Mr. MILLS—So far as I am concerned—and I daresay it is the same with other members of this House who are not members of the committee—I am to some extent in the dark upon this question. One statement has been made by an hon. gentleman that the company that are asking for an extension of the charter have already spent a very considerable amount of money upon this enterprise under the charter. In a case of the sort, once it is made very clear that the country is going to suffer in consequence, it is the usual thing to give a company an extension of time. The large sum that they have expended is an evidence of their good faith ; but I understood from another hon. member of the committee that he contested the accuracy of that statement, and it would be, I think, well

that the House should know precisely what the facts are in that case before they are asked to deal with this question. If the company have spent, as the hon. member said, about $150,000 on this enterprise, it would be rather hard, and adopting a course not usual in the House, to refuse them an extension of time; but if they have made no such expenditure and are standing in the way of an improvement which others are ready to make, that would be a good reason for taking the course that has been adopted by the committee. Hon. gentlemen who are members of the committee ought to be able to give the House information upon that subject in order that they may vote in a way to do no party injustice.

Hon. Mr. McCALLUM—I am a member of that committee, and as it struck me, I will explain what took place. My understanding of it is, that this company has had a charter for, I think, three or four years, and a coal mine, and they have spent some money on a trail going to the coal mine. That is all the evidence that I could hear. A representative of the company was asked whether they spent this $100,000, some say $150,000, in testing their coal mine —not building a railway—and he did not say they had. I do not see any great harm can be done by sending the Bill back to the committee, but my opinion is, the committee will report as they have done, and there is no use wasting their time when they went carefully into it before, with a view to doing what is right. That is what I am going to do here.

Hon. Sir MACKENZIE BOWELL—The motion instructs the committee to report favourably.

Hon. Mr. McDONALD (C.B.)—I also was a member of that committee, and I think the committee, when it voted, consisted of twenty-two members, and the vote was ten to twelve, if I remember correctly. This company got its charter in 1898. It expired last year. It was stated on their behalf that they had expended $150,000 in developing coal mines with a view to bringing that coal to Dawson City, and to the district where they wished to sell their coal. In addition to that, this company—it was stated by the solicitor—had filed a plan of the railway, with the Railway Department, as required by the Railway Act. The opposing company, it was stated by the same solicitor, had not yet filed any plan with the Railway Department, and, therefore, he contended that this company had a superior right to a renewal of their charter. I think, myself, as I thought then, that the equities are in favour of this company, and I voted accordingly. It is only right that the matter should be referred again to the committee, because there were several members of the committee who were not present on that occasion, and if there was a full attendance, it might result differently to what it did on that occasion.

Hon. Mr. SCOTT—I dare say I am like a good many other members of this Chamber, not sufficiently instructed on the subject to vote intelligently. If the motion in the hands of the Speaker were to send the Bill back to the committee for further inquiry and information, then I think it would be a safe resolution to vote on. If, on the contrary, it is referred back with a specific direction, I do not think this House is in a position to give the direction. I do not think we know the facts sufficiently. I am sorry my hon. friend has not placed the resolution on a broader basis, sending back the Bill and leaving the committee free to deal with it as they think proper. As it is now, it is very embarrassing to vote on it at all.

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

Contents:

Hon. Messieurs

Bernier,	McKay (Truro),
Dever,	McLaren,
Jones,	Mills,
Kerr,	O'Donohoe.
King,	Primrose,
Landerkin,	Snowball,
Macdonald (Victoria),	Templeman,
McDonald (C.B.),	Wark.—17.
McHugh,	

Non-Contents:

Hon. Messieurs

Aikins,	McSweeney,
Allan,	Merner,
Boucherville, de	Miller,
Carling (Sir John),	Perley,
Cochrane,	Power (Speaker),
Dobson,	Prowse,
Godbout,	Vidal,
Kirchhoffer,	Wood (Hamilton),
Lovitt,	Yeo.—19.
McCallum,	

Hon. Sir MACKENZIE BOWELL—I did not vote because I was paired with the Hon. Mr. Baker; otherwise I would have voted against the motion.

SECOND READINGS.

Bill (59) 'An Act to incorporate the Similkameen and Keremeos Railway Company.'—(Hon. Mr. Templeman.)

Bill (87) 'An Act to amalgamate the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Railway Company (Limited), the Portage and Northwestern Railway Company and the Waskada and North-eastern Railway Company under the name of the Manitoba Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (O) 'An Act to incorporate the Institute of Chartered Accountants, Actuaries and Finance.'—(Hon. Sir Mackenzie Bowell, in absence of Hon. Mr. Lougheed.)

INTERPRETATION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (P) 'An Act to amend the Interpretation Act.' He said This Bill consists of two lines. It is an amendment to the Interpretation Act to declare that the expression 'county court' shall include the district court, so as to give the same powers in reference to extradition cases in the district courts in the northern part of Ontario, as is possessed by the county courts.

The motion was agreed to.

The Bill was read the second time.

Hon. Mr. MILLS moved that rule 41 be suspended in so far as it relates to this Bill.

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

A PROPOSED ADJOURNMENT.

Hon. Mr. SNOWBALL—It would be convenient to a great number of the members of this House if we adjourned till Tuesday next. I would move that the House adjourn till Tuesday next.

Hon. Mr. MILLS—I may say to hon. gentlemen that I do not think it will delay the public business if the House desires it, and therefore I have no objection. There is nothing on the Order paper for Monday.

Hon. Mr. PROWSE—I do not wish to oppose the motion, but I have spoken against these adjournments on several occasions.

The SPEAKER—If there is any opposition the motion cannot be put.

Hon. Mr. PROWSE—I wish to make a little speech on it first. I stated that I was not going to oppose the motion, because the government undertake the responsibility of it, and they tell us that there is no particular business for Monday. The reason of that is that this House anticipated an adjournment two or three days ago, and Bills which might have been placed on the Order paper for Monday were set down for Tuesday, anticipating this adjournment. We wish to have it properly understood by the House. It is a pity that these short adjournments should take place and be recorded in our minutes. It looks to the country as if we had no business to do but to meet and adjourn, and I am sure the last few days we have had an immense amount of work in the Senate, perhaps more than should have been crowded into one day. It is desirable, drawing so near the close of the session, that these short adjournments should not be persisted in. If we allow the practice to be perpetuated, it will become chronic, and we will never have a meeting on Monday at all. I do not object to it at the present time, but I wish to give warning that if it is persisted in, I shall claim my right to object even if I stand alone.

Hon. Mr. McCALLUM—I thought there was an understanding the last time we adjourned that there should be due notice given of any future adjournment. I know that we adjourned on a Friday on that occasion. There was no notice, and I objected strongly, because I had to stay here till Monday, whereas if notice had been given the day before, I could have gone home two days sooner. It we are going to have an adjournment we ought to comply with the rules of the House, and have due notice given the day previous, so that we would

know all about it. Two or three hon. gentlemen make up their minds that they want to go home for a day or two, and the House is asked to adjourn from Friday till Tuesday to meet their convenience. I do not think this is fair to those who live at a distance. We cannot tell to-day what we will have on Monday. They are working in the other House, and we may have some work to do here. The weather is good, and the ground is nice and clean, and if hon. members have not anything else to do, they can go and take a walk around the building and improve their health, because it is very desirable that they should be in good condition for the work that is before them, if we are going to do our duty. I object strongly to this adjournment, and insist that we shall have due notice given so that we can govern ourselves accordingly.

Hon. Mr. SNOWBALL—As there was no business on the Order paper for Monday, I made the motion.

Hon. Mr. KIRCHHOFFER—Does not the hon. member for Monck mean that he will object the next time? He does not object this time surely?

Hon. Mr. McCALLUM—I do not know what I may do next time. I will take that into consideration.

Hon. Mr. KIRCHHOFFER—The hon. gentleman is not objecting this time?

Hon. Mr. McCALLUM—Oh, yes.

Som hon. MEMBERS—Withdraw the objection.

Hon. Mr. McCALLUM—No.

The motion was withdrawn.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 6, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE SENATOR ROSS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called I desire to draw the attention of the Senate to the fact that the Hon. J. J. Ross, one of our prominent members has died since we last met, and would suggest the propriety, out of respect to his memory, of adjourning until to-morrow. I have been informed that the funeral is to take place to-morrow. Most of us have known the late senator. He was a gentleman who occupied many prominent positions in his own province, as well as in this Senate and in the government of the country. I find, in looking over a short sketch of his life, that he occupied many prominent positions in his own province. He was president of the Agricultural Society in the locality in which he lived. He entered parliament in 1861 and remained a representative of the people until the union of the different provinces at confederation in 1867. He was then appointed to the legislative council. During the time of his occupancy of a seat in the Legislative Assembly of the province of Quebec, and of the legislative council, he was commissioner of public works, and held other important positions, and on the death of the Hon. Mr. Mousseau, he became premier of Quebec, an office which he held I think until 1887, when he was appointed to a seat in this House, and subsequently was elected Speaker. He was also sworn in as a member of Sir Charles Tupper's government, in 1896. I mention these facts to show that Mr. Ross was a prominent man, enjoying the esteem and confidence of his fellow men, not only in his own province, but in this House, and in the Dominion. We must all regret the death of so many of our fellow members, especially of one who has occupied so many prominent positions, one known to the most of us. I think it would be well for the Senate to adopt the suggestion which I have thrown out, and if it meets the approval of the leader of the government, either he or I could move the adjournment.

Hon. Mr. MILLS—My hon. friend can make the motion.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, with the consent of the government, I move that this House do now adjourn till to-morrow afternoon at three o'clock. It has been suggested that we adjourn till Wednesday at three o'clock, to enable a number of hon. gentleman in the

Senate who are desirous of attending the funeral of their late colleague to do so.

My motion at present is to adjourn until three o'clock to-morrow. If, however, the Senate desires to extend the adjournment until Wednesday, to enable many of the members who are anxious of attending the funeral to do so, I certainly should have no objections.

Hon. Mr. MILLS—I may say to my hon. friend opposite that I remember Dr. Ross very well years ago, when confederation was inaugurated, as a member of the House of Commons. He was then a man in good health, and a prominent member of the House of Commons from the province of Quebec. The numerous positions which Dr. Ross has held with the sanction and approval of his province bespeak well for him both as a public man and a man of worth. I had not the pleasure, for a great many years, of an acquaintance with Dr. Ross after he became a member of this House. I was brought very little into contact with him, but there can be no doubt that the fact that he was a member of the old legislature, that he was a member of the House of Commons at the time of the inauguration of the present union, that he was subsequently for many years a member of this House, that he held the position of Prime Minister of his own province—all go to show that he was a man who enjoyed the confidence of the people of his province and was entitled to the respect of those who sat either in this House or the House of Commons from the other provinces of the Dominion. I have, I may say, a melancholy pleasure in seconding the motion of my hon. friend for the adjournment of the House, and if any hon. members of this body desire to attend the funeral of Mr. Ross I see no reason why we might not adjourn till Wednesday, if that is the desire of the House. I simply make this statement to show that I am anxious, as well as my colleague beside me, to meet the wishes of the House and of those who were personally associated with Dr. Ross, and who may desire to be present at his funeral. In this matter we are in the hands of the House, to do what the House may think proper under the circumstances.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 7, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DAWSON CITY ELECTRIC COMPANY'S BILL.

NOTICE OF MOTION.

Hon. Mr. MACDONALD (B.C.)—Before the Orders of the Day are called, I wish to make a motion, with reference to the report of the Committee on Railways, Telegraphs and Harbours on Bill (H) 'An Act respecting the Dawson City Electric Company,' which was not disposed of the other day. In parliamentary language, it now lies on the Table, and it can be spoken to by any member of the House. I think it should be put on the Orders of the Day, and then it would be open to any one to make any motion with reference to it. I move that it be restored to the Order paper.

The SPEAKER—Is that not a motion of which it is necessary to give notice ?

Hon. Mr. MACDONALD (B.C.)—I believe it is not necessary in this case.

Hon. Sir MACKENZIE BOWELL—I am inclined to think that notice ought to be given of a motion of this kind. This Bill was defeated in the committee, and the report was made, and my hon. friend from Victoria moved that that report be referred back to the Committee on Railways, Telegraphs aud Harbours with instructions to report favourably. That motion was defeated in the House. That was an evidence at least of disapproval of the restoration of the Bill, indirectly, if not directly, and now without notice, or without knowing that the matter was to be brought forward again, we are asked to restore the order. If we restore the order, then the motion of my hon. friend would be, I suppose, to refer it again to the committee for amendments or to report the Bill. Should not those who voted against the motion which was made by my hon. friend the other day, have notice before they are asked to cast another vote on this question ? Personally, I am not particularly opposed to restoring the order, but I think it is an unusual course to pursue. It is like

taking the Senate by surprise, and I think, if my hon. friend considers the matter for a moment, he will consent to make it a notice of motion.

Hon. Mr. MILLER—It can only be made on regular notice of motion.

The SPEAKER—Is the hon. gentleman satisfied to allow it to remain as a notice of motion ?

Hon. Mr. MACDONALD (B.C.)—I will read a few lines from Bourinot which supports my contention. Bourinot says :

> In the Senate if a Bill on the Order paper is called, and no one moves in relation thereto, it is dropped, but the member in charge has the right to move to restore it to the paper without notice, but on that motion he cannot discuss the subject-matter of the measure.

Hon. Mr. SCOTT—That is where a Bill has not been voted upon. Where a measure is dropped, and there is no expression of opinion in the House, the motion can be made without notice, but I think the better way would be to allow it to stand.

The SPEAKER—I think, strictly speaking, the hon. gentleman has the right to make the motion, but substantially, I think it would not be quite fair to make it now.

Hon. Mr. MACDONALD (B.C.)—Then it will stand as a notice for to-morrow.

THE COOK CHARGES COMMITTEE.

Hon. Mr. MILLS—Before the Orders of the Day are called, I wish to make a statement. I received a copy some time ago of the proceedings of the committee that inquired into the Cook charges, and that copy was marked 'confidential.' I understood from a letter which accompanied it from the law clerk, that until the committee reported, the proceedings of the committee would not be laid before the Senate, and it seems to me that that was a most unusual proceeding. If hon. senators will look at the motion made by my hon. friend opposite (Hon. Sir Mackenzie Bowell) they will see that it was a motion to report from time to time to the House. That motion was carried. The committee are acting subordinate to the House, and under that motion, which in fact is an instruction from the House to the committee, as a matter of fairness to the members of the House that are not members of the committee, it seems to me only right and proper that the terms of the original reference should in this respect be complied with, and as the committee was to report from time to time the evidence as it was taken until the question was argued, I have no doubt whatever that the duty of the committee was to report that evidence to the House, so that every member of the Senate would be in possession of it, and would have an opportunity of reading it over and making himself familiar with it, and be in a position to express an opinion upon the report of the committee when that report was made. I bring this under the attention of the House because the proceeding in that regard is quite irregular, and my hon. friend, the chairman of the committee, I think will agree with the view that I have taken, that the committee have not power to withhold the evidence from the House, after the resolution was adopted authorizing the committee to make this inquiry, so that I trust that whoever is responsible for the action that has been taken, will see that the report is, with as little delay as possible, placed in the hands of every member of the House, so that we will have an opportunity of considering it and that when the question comes here for discussion, we will be prepared to consider any report that the committee may make on the subject. It would be a most unusual proceeding to withhold all the information from the House until the committee came to their conclusion.

Hon. Mr. MILLER—There is no intention of doing so.

Hon. Mr. MILLS—It was so stated.

Hon. Mr. SCOTT—They only sent a limited number of copies marked confidential.

Hon. Mr. MILLER—I was told that the evidence would be distributed to all the members of the House either to-day or to-morrow. There was some delay, the particulars of which I heard something about, with regard to the printing of the evidence last taken. I only got the advance copy two days ago, and I asked then if it had been distributed among the members, and was told it was not, but would be in a day or two. Certainly the House would not be in a position to consider the report before all the details were before hon. members.

Hon. Sir MACKENZIE BOWELL—The statement made by the Minister of Justice

is quite correct, both in practice and theory, but when the question was discussed in committee as to reporting from day to day, it was deemed advisable not to report until the investigation was completed. I gave positive instructions to have the evidence, as far as it had proceeded, sent to the committee, and it was marked 'Advance Copy.' I do not know how the word 'Confidential' occurred on my hon. friend's copy. Whether it was on any others or not, I know not. My hon. friend beside me (Hon. Mr. Ferguson) says it was not on his.

Hon. Mr. MILLS—I did not say the word 'Confidential' was on it.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say it was marked confidential.

Hon. Mr. MILLS—I said it was accompanied by a letter from the law clerk which intimated that it was a confidential copy, and that it was not to be generally distributed at the present time.

Hon. Sir MACKENZIE BOWELL—That was the understanding in the committee. The resolution, as drawn by myself, was precisely in accordance with the practice which had prevailed in the other House during the whole time I have been in parliament; but, as there were only one or two days in which the evidence was being taken, it was thought better it should not be distributed among the members until it was completed.

Hon. Mr. MILLS—Completed by the report of the committee?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—That was the statement made to me.

Hon. Sir MACKENZIE BOWELL—That may have been stated, but I informed the clerk distinctly that the report of the committee, if a report was made, would have to be subsequent to the distribution of the evidence, and I gave positive instruction to have a sufficient number of copies of the evidence in full circulated to every member of the Senate and the House of Commons as soon as it was complete, and I was assured to-day, both by the printer and by the clerk of the committee, that there would be eighty copies sent to the distribution office for distribution this afternoon, because I pointed out to the clerk that it was unfair, nor would the Senate consent, to consider for a moment any report of the committee until the evidence was laid before them and they had an opportunity of reading and studying it. That is really the position. There has been some little misunderstanding in connection with the matter, I frankly confess, because when I sent for the clerk and told him what ought to have been done—must be done at once—he was under the impression that some other instructions had been given. That is really the cause of the delay. I trust, however, that the printed evidence will be in the hands of hon. senators at once, and that each member will receive a copy in extenso.

Hon. Mr. SCOTT—It is quite evident some one gave instructions that it was to be confidential. I was informed by a gentleman that some copies had been distributed, and I phoned to the Bureau if such was the fact.

Hon. Sir MACKENZIE BOWELL—Is that the advance copy?

Hon. Mr. SCOTT—It was distributed last week.

Hon. Sir MACKENZIE BOWELL—That was for the members of the committee only.

Hon. Mr. SCOTT—He said it was confidential, and only a limited number had been printed.

Hon. Sir MACKENZIE BOWELL—That is true. Only a limited number, to be distributed in an unbound state.

Hon. Mr. SCOTT—I wanted to get a copy myself, and I was informed by the Bureau that it was to be confidential and only a limited number of copies for the committee was to be printed. It was to be kept in type until a later period.

Hon. Sir MACKENZIE BOWELL—I will not say that the order was given to send a copy to each of the ministers, but I will say that positive instructions were given to the clerk to send copies to Sir Wilfrid Laurier and Sir Richard Cartwright. Whether I went beyond that I am not at this moment prepared to say.

Hon. Mr. SCOTT—No matter, we will have it now.

SUPREME AND EXCHEQUER COURTS ACT AMENDMENT BILL.

WITHDRAWN.

The Order of the Day being called :

Second reading (Bill L) An Act to amend chapter 16 of the statutes of 1887, intituled : 'An Act to amend "The Supreme and Exchequer Courts Act,"' and to make better provision for the Trial of Claims against the Crown.—(Hon. Mr. Mills).

Hon. Mr. MILLS—I consent to that order being dropped, for the present at all events.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say he drops his Bill ?

Hon. Mr. MILLS—Yes, I will drop it for the present, and if I should bring it up again, I will give notice.

Hon. Mr. MACDONALD (B.C.)—Next year?

SECOND READING.

Bill (Q) 'An Act to amend the Criminal Code, 1892.'—(Hon. Mr. Mills.)

LE CREDIT FONCIER BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading (Bill 99) An Act respecting Le Crédit Foncier du Bas-Canada, and to change its name to Le Crédit Hypothécaire du Canada.—(Hon. Mr. Landry).

Hon. Mr. CASGRAIN (de Lanaudière)—I presented the petition for this Bill. Since then I have heard something of its character, and I prefer to have nothing further to do with it.

The Order of the Day was discharged and made an order for Thursday next.

SAFETY OF SHIPS BILL.

CONSIDERATION OF COMMONS AMENDMENTS POSTPONED.

The Order of the Day being called :

Consideration of the message from the House of Commons agreeing and disagreeing to certain amendments made by the Senate to (Bill 92) An Act further to amend the Act respecting the Safety of Ships.—Hon. Mr. Mills.)

Hon. Mr. MILLS moved that the Order of the Day be discharged and that it be made an Order of the Day for Friday next.

Hon. Sir MACKENZIE BOWELL—Is there any objection to the amendments ?

Hon. Mr. SCOTT.

Hon. Mr. MILLS—The message is not quite accurate as to what the House of Commons intended to do, and in the next place it is somewhat abrupt in form. In the first place, there is a suggestion to drop our amendments and restore the Bill as it was. My hon. friend will remember there was a good deal of discussion here, and it was thought the law as it stood was ambiguous. There was doubt as to its meaning, and doubt as to its meaning among gentlemen familiar with the subject to which the Bill related, and the reason given by the House of Commons for not amending the law in that respect is because the original section of the Bill is already sufficiently plain and the amendment is consequently unnecessary. That is one statement, and then there are certain others.

Hon. Sir MACKENZIE BOWELL—What will be the procedure ? Send the message back to the House of Commons to change it ?

Hon. Mr. MILLS—It will require some time for consideration, because, if our action here will cure any defect in procedure, it would be hardly necessary to send it back. I wanted a little time to consider the matter, as I have not had an opportunity of looking into it, and it seems to me rather an extraordinary reason to give, when it was seen that this Chamber were of opinion that the clause as it stood was obscure, and that there was some doubt as to its meaning, to be told that it was very plain, and that therefore the amendments of this House were unnecessary. There was a difference of opinion on that subject, and the difference of opinion arose upon actual experience.

The motion was agreed to, and the Order of the Day was discharged and fixed for Friday next.

THIRD READING.

Bill (43) 'An Act to incorporate the St. Lawrence Lloyds.'—(Hon. Mr. Dandurand.)

BILLS INTRODUCED

Bill (33) 'An Act respecting Victoria Day.'—(Hon. Mr. Mills.)

Bill (26) 'An Act respecting the Canadian Pacific Railway Company.'—(Hon. Mr. Casgrain (de Lanaudière.)

Bill (63) 'An Act to amend the Franchise Act, 1898.'—(Hon. Mr. Scott.)

Bill (64) 'An Act to amend the Dominion Elections Act, 1900.'—(Hon. Mr. Mills.)

Bill (121) 'An Act further to amend the Post Office Act.'—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 8, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DEBENTURE AND SECURITIES CORPORATION OF CANADA BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (110) 'An Act to incorporate the Debenture and Securities Corporation of Canada,' with amendments. He said: The amendments consist of an alteration of figures in two instances, and the insertion of a clause after the word 'Company' in the 19th clause.

Hon. Mr. VIDAL—Explain.

Hon. Sir MACKENZIE BOWELL moved concurrence in the amendments. He said: The amendments are very trivial in their character. The first is simply the striking out of the figure 3, which refers to a clause in the company's Act which has no reference whatever to this. It was put in by mistake. The second amendment is to substitute the figure 8 for 9. This refers to a clause in the company's Act and in the Bill the figure 9 appears instead of the figure 8. The third amendment is to declare that this company shall not be considered to be a loan company. It is a matter of little consequence further than that the promoters of the Bill were desirous of having it distinctly understood that it was not a loan company, as it might interfere with the raising of capital.

Hon. Mr. VIDAL—The explanation is satisfactory, but the chairman of the committee did not follow the usual course of explaining the amendments.

The motion was agreed to.

INSTITUTE OF CHARTERED ACCOUNTANTS, ACTUARIES AND FINANCE INCORPORATION BILL.

BILL DROPPED.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, to whom was referred bill (O) 'An Act to incorporate the institute of Chartered Accountants, Actuaries and Finance," reported that the committee had arrived at the conclusion that the Bill be not further considered by them during the present session. He said: This decision was arrived at after a patient hearing of the advocates of the Bill and the opponents also. I move that the report be concurred in.

Hon. Mr. MILLS—Before the motion is put, I would be very much gratified if my hon. friend would go a little further and state upon what grounds this report has been made. It would be, I daresay, satisfactory to other members, besides myself, who have not had an opportunity of attending the committee. I have had representations made to me with regard to this matter, but have come to no conclusion, and I will be much pleased to know upon what ground the committee have decided to report as they have done.

Hon. Mr. DRUMMOND—I will state the grounds upon which the committee arrived at the decisions which have just been read. A very decided objection was to the title of the Association of Incorporation. It seemed to be a title closely resembling the titles already held by two associations, the Society of Actuaries and the Society of Accountants. I do not remember the exact terms but that was the effect, and the first objection was to the titles which seemed to be a very close copy of the titles already existing and held by other bodies. The second objection was that amongst the four promoters only one was an actuary, and there was no accountant. The third reason was that the Bill was petitioned against and strongly opposed by existing associations of actuaries, and the existing association of accountants, and, lastly, I think I interpret the views of the committee correctly when I say that they were of opinion that the following and backing of the Bill was not of sufficient importance to justify such an important movement as this one took the form of, which was

really an educational system, with power to give degrees on their own examinations, to give bursaries and the whole machinery of a university or educational establishment, for which there appeared to be no power in the promoters, or no power certainly was granted by the Bill to justify the assumption on their part that they had either a legitimate call to carry out such educational movement, or to fulfil it if they had the right.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Might I ask the Secretary of State if there is any probability of my getting the returns I asked for some time ago, shortly ? I see by the newspapers that the House of Commons will sit twice each day next week. That indicates an early prorogation of parliament, and I should like to have the returns, particularly about the canal, before the close of the session.

Hon. Mr. SCOTT—I gave instructions to Mr. Pope, which I know were carried out, calling on the deputy heads of two departments with a view to requesting them to have no further delay.

Hon. Mr. PERLEY—Has the hon. member received the return I asked for some time ago respecting the Doukhobors ?

Hon. Mr. SCOTT—The answer I got from the Interior Department was that it was a very long return ; that they had already a number of clerks working on it for a week, and they did not know when it would be brought down. There was a great deal of detail in it, and they did not know when it would be ready.

Hon. Mr. PERLEY—What I have reference to is the settlement of the Doukhobors. That return could be got in twenty minutes.

Hon. Mr. SCOTT—Could the hon. gentleman turn up the date on which it appeared in the minutes ?

Hon. Mr. PERLEY—The first day of May I asked the question.

DAWSON CITY ELECTRIC COMPANY'S BILL.

POSTPONED.

The Order of the Day being called :

Consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred (Bill H) an Act respecting the Dawson City Electric Company (Limited).—Hon. Mr. Macdonald, B.C.

Hon. Mr. MACDONALD (B.C.) said : When the House, a few days ago, declined to refer this report back to committee, I did not feel satisfied in allowing the matter to drop. I wish this company, which has rights, to receive justice at the hands of this House, and I am sure the House will give that justice and hear the case amply. It would be much more convenient, in the discussion of the question, to produce the two charters and show what has been done by both companies. I propose, in the meantime, that it should be discussed more thoroughly in the Committee of the Whole House. I move that the report of the Standing Committee be not now concurred in, but that the said report and Bill H be referred to a Committee of the Whole House on Thursday, the 9th May.

Hon. Mr. MILLER—How did this get on the Orders of the Day ? I do not care to take any objection to the motion, but I cannot understand how this appeared on our orders to-day. The Bill was dropped under the report of the committee. Of course, it disappeared from our proceedings. The House was not in possession of it. The only way in which this subject could be put on the Orders of the Day would be by notice of motion for that purpose, and I understood my hon. friend yesterday to give notice of motion that the Bill should be restored to the Orders of the Day ; but that is a very different thing from putting it at once on the Orders of the Day. It could not even by the consent of the House be there. It requires a formal notice of motion to replace it on our orders. However, I shall not, for one, press the objection.

The SPEAKER—The hon. gentleman from Richmond is quite right. I understood the hon. gentleman from Victoria to give notice of motion for to-day.

Hon. Mr. MACDONALD (B.C.)—I concurred in that suggestion yesterday, and I suppose the clerk who prepares the minutes prepared it in that way it appears on the orders. I gave notice, and it is on the orders by some mistake. I suppose it makes little difference : the House will dispose of it as it thinks proper.

Hon. Mr. MILLER—It is continued on the orders. It has no right to be on the Orders of the Day until it is put there under notice and formal motion. It is improperly on the Orders of the Day.

Hon. Mr. MILLS—As I understood, the notice given yesterday for a consideration of the report was dropped.

Hon. Mr. MILLER—Yes.

Hon. Mr. MILLS—My hon. friend opposite gave notice yesterday for a consideration of the report to-day.

Hon. Mr. MILLER—No. He could only make such a motion if it had been regularly on the paper.

The SPEAKER—As I said, before putting the question, it is irregular; but I was under the impression that the hon. gentleman from Richmond had withdrawn his objection, but since the objection is urged it stands good. The hon. gentleman must give notice.

Hon. Mr. FERGUSON—Could not what the hon. gentleman did yesterday stand as a notice ? He gave notice ; could he not take action on that notice to-day ? It was a notice that he would to-day move.

Hon. Mr. MILLER—My hon. friend does not at all take the point I raise. This Bill was referred to a Standing Committee of the House. That committee reported back against it. The report was laid on the Table. That report dropped the item from our Order paper altogether. After that report was laid on the Table, and no exception was taken to it, the Bill dropped from our orders. It can be got on in only one way, by giving notice, as you would in the case of any other notice of motion, that you intend to have it replaced on the Orders of the Day. If that motion were given and carried to-day, it would be on the orders for to-morrow.

Hon. Mr. MACDONALD (B.C.)—The motion I make is this, that the item be restored to the Order paper now, because yesterday I gave notice.

Hon. Mr. MILLER—But it is wrongfully on the Orders of the Day.

Hon. Mr. MACDONALD (B.C.)—I drop that motion and move that it be restored now.

Hon. Mr. MILLER—That will do.

Hon. Mr. MACDONALD (B.C.)—I substitute a motion to that effect for the motion I have already made.

The SPEAKER—That does not get over the difficulty. The difficulty is, that there is not notice on the paper to-day of this motion. That is the difficulty raised by the hon. gentleman from Richmond, and the only way out of it that I can see, is that the hon. gentleman shall give notice now that he will to-morrow move to put it on the Order paper.

Hon. Mr. FERGUSON—My hon. friend gave notice, but an error was made in not putting it properly on the paper. It was through no fault of my hon. friend that it was not entered properly on the proceedings of the House.

Hon. Mr. MILLER—It might stand, by the unanimous consent of the House, as a notice for some day in the future, but not as an order.

The SPEAKER—I do not see any way out of the difficulty except the one indicated by the hon. gentleman from Richmond. Although the hon. gentleman from Victoria laid this paper on the Table as a notice of motion, it did not so appear in our proceedings, and there was no notice then to members of the House that this subject was to be considered amongst the notices of motions. I think the regular thing now is for the hon. gentleman to give notice for to-morrow. It will involve only a loss of one day. It is understood that the hon. gentleman gives notice that he will make this motion to-morrow.

VICTORIA DAY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (33) 'An Act respecting Victoria Day.' He said : I am sure hon. gentlemen of this House will approve of the Bill, the second reading of which I am now moving. Every one has the highest regard for the memory of her late Majesty, and those who have so long treated the birthday of Queen Victoria as a holiday will desire to perpetuate the kind remembrance of Her Majesty by celebrating her birthday as a holiday. It comes early in the season. It is generally at

a period when every person can enjoy the day as a holiday, and I have a very great deal of pleasure in moving the second reading of the Bill making the 24th of May a holiday for the people of Canada. I am sure that it will meet with not only the approval of members of this House, but with the cordial approval of the entire population of this country.

Hon. Mr. MACDONALD (B.C.)—I am very glad that this Bill is at last becoming the law of the country. It will be in the recollection of this House, that three years ago this House passed a Bill similar to this measure and it was sent down to the House of Commons. It was given in charge of a gentleman, whose name I will not mention, who took it up with pleasure and delight, but subsequently dropped it. I suppose some pressure was brought to bear which made him do so. I cannot understand why this matter has been taken out of the hands of private members as it has been. A gentleman in the other House moved the second reading of this Bill, and he was highly complimented. He was told by the premier that they should make some amendments to it and not to press it to a third reading at the time. He put off the third reading, acting on the suggestion of the premier, and finally it was taken hold of by the government, and as a government measure it stands before us to-day. But in whatever shape it appears before us, I am glad it is about becoming the law of the land. We cannot pay too much respect to the memory of Queen Victoria, her illustrious life and grand qualities, and I am sure the House will take any step which will do honour to her memory.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. PROWSE—When the hon. gentleman from Victoria introduced a similar Bill some three years ago, I had the temerity to oppose the motion, and although I am not going to divide the House on the question now, I want to say that I have not changed my opinion in regard to the matter from that time to this. It is true that Bill which passed through this House was proposed by the hon. gentleman from Victoria, and seconded by the Minister of Justice. It went to the House of Commons, and there was not a man there who had courage enough to take it up and push it through. It was dropped in the other House, showing that during the lifetime of Queen Victoria, whose memory we all respect and honour, there were not men in the House of Commons disposed to do her that honour and to gratify her natural feelings while she lived, but after her death, when she could not appreciate the kindness proposed by the hon. gentlemen who are in favour of this Bill, when she is beyond the sphere of this life and she cannot appreciate their good will, they are willing to pass the measure. What does this Bill impose? It imposes a direct tax upon the people of the country, and in this regard I think the government are fully justified in taking the matter out of the hands of a private member and assuming the responsibility themselves. What does it impose? All the public offices of the Dominion are to be closed during another day of the year. Another idle day is imposed upon this country and every labourer, every seamstress, every person who is earning his day's wages, is liable to have an idle day forced upon him against his will. If you leave it alone, they can take as many holidays as they please, but if this Bill passes, they will not be allowed, according to law, to earn an honest dollar on the 24th of May. All the public offices I say will be closed up for another day in the year, and what does that mean? All the shipping of the Dominion of Canada, which is a very important item, will be stopped, and people will not be able to carry on the ordinary business of the country. The custom house will be closed. Ships cannot enter nor be cleared during this new holiday, which is being imposed upon the country, and the post offices in the country may be closed by the postmasters. It is imposing a direct tax on the country to a very large extent, and I see no necessity for it as far as I am concerned. We will have the King's birthday to observe, and we will very properly keep it. I say again that there is no person in this House, or out of it, that has a warmer feeling towards our late Sovereign than I have, but I am satisfied if she were living to-day and could be consulted upon the question, and knew that it was imposing one cent of tax upon her people, she would say no, that she wanted nothing of the kind.

Hon. Mr. POIRIER—Hear, hear.

Hon. Mr. PROWSE—Her record stands higher than anything we can place in the statute-book. I think that it is imposing on the country an unnecessary tax by creating another holiday in addition to those we have already.

Hon. Mr. DRUMMOND—I was in hopes this motion would be passed unanimously without a dissenting voice.

Hon. Mr. VIDAL—Hear, hear.

Hon. Mr. DRUMMOND—For my part, I think the plea that we are losing a day's work on such an occasion is altogether fallacious. Any urgent work can be done on a holiday with or without the intervention of such an Act as this. I think it is an admirable thing to have a holiday at this season of the year, and I give this Bill my most cordial support.

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

The Bill then passed through its final stages under a suspension of the rules.

CANADIAN PACIFIC RAILWAY BILL.

SECOND READING.

Hon. Sir ALPHONSE PELLETIER, in absence of Hon. Mr. Casgrain (de Lanaudière), moved the second reading of Bill (26) 'An Act respecting the Canadion Pacific Railway.'

Hon. Mr. FERGUSON—This Bill is not in the hands of hon. gentlemen.

Hon. Mr. BAKER—Yes, I have it.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the fact that it was marked on the Order paper as having been printed in both languages. I have sent for a copy of it, and the page tells me he has gone to the distribution office and that he was informed that it was not printed.

Hon. Mr. MILLS—It is not among my Bills.

Hon. Sir MACKENZIE BOWELL—The one placed in my hands is the Bill as originally introduced.

Hon. Sir ALPHONSE PELLETIER—If there is any objection to it we can postpone the second reading.

Hon. Sir MACKENZIE BOWELL—I have no objection, but I say that it should not have been placed on the Order paper until it was printed. It may or may not have been amended.

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

BELL TELEPHONE COMPANY BILL.

RETURN LAID ON THE TABLE.

The SPEAKER—I have the honour to lay on the Table a list of shareholders of the Bell Telephone Company of Canada, which has been sent me in compliance with the requisition of the Committee on Banking and Commerce.

Hon. Sir MACKENZIE BOWELL—I think this return had better be printed in the minutes of proceedings, because otherwise it will be of no use to hon. gentlemen of the House who take an interest in it.

Hon. Mr. MILLER—I move that this return be printed immediately, and that the clerk give instructions to that effect in order that it may be before the House during the consideration of the Bell Telephone Company Bill.

The motion was agreed to.

The SPEAKER—If I might be allowed to make a suggestion, I think the better way is to print it in the minutes. It can be stated that this return was laid on the Table, and instead of giving a reference to the appendix or the journals, it can be stated that it reads as follows : We would be more likely to get it promptly if it goes in as part of the minutes.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 9, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PATENT ACT AMENDMENT BILL.

PETITION PRESENTED.

Hon. Mr. DANDURAND—Some time ago I introduced a Bill to amend the Patent Act, dealing with cases where the patentee or assignee was in such a position that it had

been impossible for him to manufacture the article invented and place it upon the market during the terms granted him. This Bill was referred to a special committee. That committee sat, and there was a consensus of opinion in the committee that this amendment to the general Act was of such importance and had such far-reaching effects, that it would be perhaps too late in the session to give it the necessary attention. A special case being mentioned, it was suggested that Parliament would willingly suspend the rule regarding advertisements and petitions, and allow the Bill to be passed relieving that party and giving him an extension of time for the manufacture of the article invented. A petition has been placed in my hands by Eudora Sibbold, of the city of Montreal, representing that a considerable expenditure, amounting to over $60,000, had been made by her late husband in trying to develop an invention of his which covered car wheels, that he died without being able to finance the manufacture of that article, and had left his family penniless, and that there was now hope that a company could be organized to manufacture the article and place it before the public, if parliament would simply extend the time and allow another term of 18 years, or whatever time the committee would fix upon, for the company to exploit and manufacture that article. I now present the petition asking that the rules be suspended, and that the parties be authorized to bring in a Bill providing for an extension of time.

COMPLAINTS FROM THE MICMAC INDIANS.

INQUIRY POSTPONED.

The notice of inquiry being called :

That he (Hon. Mr. Landry) will call the attention of the government to the following document sent to the members of the Senate and of the House of Commons, to an appeal to parliament from Alex. Marchel, chief of a band of Micmac Indians, and inquire if the complaints made against the Indian agent of the Indian reserve at Ste. Anne de Restigouche have been investigated, and if so, what is the result of such an investigation?

If no investigation has yet been held, is it the intention of the government to hold one, and when?

If not, why?

Hon. Mr. LANDRY—Is the Minister of Justice able to give an answer yet ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—Taken by surprise ?

Hon. Mr. MILLS—No. I told the hon. gentleman that the officer was making a report, and the hon. gentleman knows the Minister of the Interior has been out of the city for a few days, and I do not expect that I shall be able to get a report before his return.

LACHINE CANAL BRIDGES.

MOTION.

Hon. Mr. O'DONOHOE moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid on the Table of the Senate the original papers comprising books 1st, 2nd and 3rd, on the substructures of the two bridges over the Lachine canal at Wellington street, Montreal, with the accompanying drawings and appendix.

Hon. Mr. MILLS—There is no objection to bringing down the papers.

The motion was agreed to.

DAWSON CITY ELECTRIC COMPANY'S BILL.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved :

That the consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred (Bill H) An Act respecting the Dawson City Electric Company (Limited), be restored to the Orders of the Day for to-day.

Before my motion is put, I should like my hon. friend from Brandon (Hon. Mr. Kirchhoffer) to tell me if he means to oppose this motion. If he does, I shall make an argument in favour of it ; if he does not, I shall postpone my argument until the Bill goes to committee.

Hon. Mr. KIRCHHOFFER—I intend to oppose it.

Hon. Mr. MACDONALD (B.C.)—As there is to be some opposition to this motion, I shall now read to the House the powers conferred upon the Dawson City Electric Company by their charter :

The company may, in Dawson City and elsewhere in the Yukon district, within a radius of fifty miles from Dawson City, and also to, from and along the Bonanza, Eldorado and Klondike rivers, lay out, &c., lines of electric railway, or tramway, or both, &c.

These are the powers that the company had in their charter, and if they had done

no work there, the charter would have expired, but there is no doubt they have spent a large sum of money. They built a road up to the coal mines which will come in as the road-bed of their electric railway. They have also developed and worked the coal mines and sunk to the depth of 400 feet. The reason they did not go to work sooner was the uncertainty and difficulty of getting machinery into the country. Hon. gentlemen will understand that in a new country like that, with poor means of transportation, they could not get heavy machinery in there immediately, and the price of labour was very high there at the time. Instead of constructing their works at once, they went on and developed their coal mines. They have now come to the conclusion that it will pay them to build a road to bring the coal to Dawson and the Yukon country. It is a wealthy company. They do not wish to borrow money or anything of that kind. The other company, the Klondike Mines Company, that my hon. friend from Brandon is supporting, have more extensive powers than those which were given to the Dawson City Electric Company. They have very extensive powers. The 7th section, is as follows :—

7. The company may lay out, construct and operate single or double lines of railway or tramway, or both, worked by electric or any other motive power, in Klondike City, and also from Klondike City along the Klondike river to Bonanza creek, thence along Bonanza creek to the divide, thence across the divide by the most feasible route to Dominion creek, thence along Dominion creek to the Indian river, thence along the Indian river to the Yukon river, and thence along the Yukon river to Dawson City, and may also lay out, construct and operate branch lines of such railway or tramway on Klondike river, Hunker creek, Bean creek, Quartz creek, Sulphur creek, Eldorado creek, and other creeks in the vicinity.

Clause 9 provides that the company may, in connection with its railway or tramway, and for the purposes of its business :

(a) acquire lands, and erect, use and manage works, manufacture machinery and plant for the generation, transmission and distribution of electric power and energy;

(b) build and maintain power houses and stations for the development of electrical force and energy;

(c) acquire exclusive rights in letters patent, franchises or patent rights, for the purpose of the works and undertakings hereby authorized, and again dispose of such rights;

(d) sell or lease any surplus power which the company may develop or acquire either as water power or by converting the same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used, with power to transmit the same.

So the House will see that this company, which is opposing the extension of time to the Dawson City Company, control under their charter the whole country—almost every creek and river. Considering that just the year before this charter was given, I think the House might have decided then to refuse this charter very properly. But that was not done. I suppose the idea was to let every company go in and develop as much as they could, and in that way every opportunity should be given to all the companies. Though the Dawson City Company had prior rights to this company, they never opposed the granting of this charter. They were ready to take their chances. Another thing has come to my notice lately. It will take the House by surprise, and it will show what short memories all of us have. The Klondike Mines Railway Company, which my hon. friend is supporting, although the time for commencing work under the terms of its charter has just expired, actually this session got a precisely similar Act to that which I am now applying for. They obtained permission from this parliament to extend the time for commencing and finishing the road. If that has been done with one company why should it not be done in the case of the other company, with prior rights, and a company which, I am assured on good authority, has spent one hundred and fifty thousand dollars ? All I have to do with this matter is to ask the House to act fairly and justly to this company. I cannot see how hon. gentlemen who passed this former Bill through without the least opposition can refuse to give equal rights to this company. If it had been a new thing, if this other company had not been granted the same rights, there would be more force in the argument in opposition to this motion. But having granted these rights to the other company how can the hon. gentleman refuse to give this company equal privileges ? I think the Senate will agree to do justice to this other company who have prior rights. Very few remember that the other company had its time extended, but that is the fact. I have in my hand the Bill by which we extended the time for the construction of the Klondike Mines Company's works.

Hon. Mr. WOOD (Hamilton)—How much of that $150,000 was spent upon the trails and how much upon the mines ?

Hon. Mr. MACDONALD (B.C.)—I do not know how much was spent separately, but altogether about that amount was spent on the trail and in developing the mines.

Hon. Mr. WOOD (Hamilton)—We asked that question before, but we did not receive the information. I think before this report is referred back to the committee, the hon. gentleman should give us that information.

Hon. Mr. MACDONALD (B.C.)—That is all the information I have, but I have just as much information as the other company has furnished. I do not deny that they spent money. I take the word of the legal gentlemen who appeared before the committee, and I think the word of the gentleman who appeared for this company should be accepted in the same way, as a man of honour and integrity and good reputation in the country.

Hon. Mr. KIRCHHOFFER—Before the motion is put I desire to say that while I admire the pertinacity with which the hon. gentleman who has proposed the motion sticks to his subject, I should like to know how often he intends to force his Bill upon this House ? We have already had it thrashed out in the committee, and a great deal of care and attention was paid to the Bill at that time, and as we all know, the majority of the committee reported against it. When it was brought up in this Chamber, we had a full discussion of it and the House decided, not by a very large majority, but still in an unmistakable manner, that they would not refer that report back to the committee. The hon. gentleman has brought it before us again, and has not adduced any new facts, but one point has been thoroughly elicited by the discussion which has taken place upon this matter. At first, when it was proposed to be referred back from the House, a statement was made by a gentleman that it had been said by the promoters of this Bill that $150,000 had been spent upon the railway which they were promoting, but further discussion went to show what was actually the fact. These people had never said that that sum of money was expended in promotion of this railway. As a matter of fact, they did not say anything had been spent on the railway, but that $150,000 was expended upon the coal mine which they possessed up there and which they hoped to tap by the railway which they are now seeking to build ; but, on the contrary, the other parties who got an extension of their charter actually stated—it was not contradicted, although there was an opportunity of doing it, and my hon. friend says the statement should be accepted when made before the committee—that $70,000 had been spent by one of the promoters, Mr. O'Brien, in laying out the trails and opening up the country, and that the money spent was used for the advantage not only of the Klondike Mining Company, but for the benefit of incoming people who travelled over their trail. That was a definite expenditure in opening up the country for their railroad, but nothing of that kind has been done by the other company.

Hon. Mr. MACDONALD (B.C.)—Oh, yes.

Hon. Mr. KIRCHHOFFER—They certainly did not state it to the committee. These people seek to revive an old charter for the purpose of being able to run a railroad and obtain access to their mines. The company which has their charter in existence now have received that extension of time of which my hon. friend speaks, because they had those rights ; their charter had not elapsed, their time had not run out. They asked for an extension of time and they got it, as any one else would have got it in the same way. But having got this, they intended to run their line into this coal mine, so that the plea that these gentlemen make that they should be allowed to build a road so that their coal mine will not be blocked up, will not avail. I have no interest in the line I am supporting except to see that it should get justice. I know nothing further about it than what was stated in committee. But they will, at the very first opportunity extend their railway into the mines owned by these people, because they wish to get the rates for carrying the coal from the mines. That is part of the business for which they are going to build their line there. The hon. gentleman, after having ascertained the unmistakable feeling of this House, and also the pronounced feeling in the committee, certainly shows extraordinary pertinacity when he tries to force this measure through the House. Inasmuch as this report has never been adopted, I believe that the report against the Bill stands,

and as a means of disposing of it, I would move an amendment that the report of the committee be adopted.

Hon. Mr. LANDRY—How could we concur in a report which is not before us to-day. The motion that is now made is to restore a report to the Orders of the Day. I think the amendment is not in order.

Hon. Mr. MILLER—I think the hon. gentleman from Stadacona (Mr. Landry) is right.

Hon. Mr. MACDONALD (B.C.)—The report should be first restored to the Order paper and then my hon. friend's motion could be taken.

The SPEAKER—I think the point of order is well taken by the hon. gentleman from Stadacona. The motion is premature. The hon. member from Brandon should wait till this report has been restored to the Orders of the Day. If the House accept that ruling I shall put the question on the original motion of the hon. gentleman from Victoria.

A count was taken and the motion was agreed to. Contents, 28; non-contents, 22.

Hon. Mr. DeBOUCHERVILLE—I rise to a question of order. Under what rule can a count be taken in that way?

The SPEAKER—The yeas and nays were not asked for, and I am not aware that there is any rule which prevents counting members. If hon. gentlemen wished the yeas and nays, they should be asked for. I declare the motion carried. The order goes to the foot of the Orders of the Day.

BILLS INTRODUCED.

Bill (R) 'An Act further to amend the North-west Territories Representation Act.'—(Hon. Mr. Perley.)

Bill (127) 'An Act to amend the Animal Contagious Diseases Act.'—(Hon. Mr. Scott.)

Bill (S) 'An Act to amend an Act passed during the present session, intituled "An Act to Incorporate the Fort Qu'Appelle Railway Company." '—(Hon. Mr. Perley.)

JUDGES OF PROVINCIAL COURTS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (131) 'An Act to amend the Act respecting Judges of Provincial Courts.'

Hon. Sir MACKENZIE BOWELL—What is the explanation of this Bill?

Hon. Mr. MILLS—The Bill is precisely the same as that introduced last year, for an increase in the number of judges in the province of Quebec from 14, I think, to 17. Also for making permanent provision for the judge appointed last year in the Yukon country. My hon. friend will remember that we had an appropriation for a single year, and the appointment was made, and after that the Bill was in part rejected in this House and dropped, because there was a sufficient salary provided for payment for the current year. I think there is also provision for the chief justice of the North-west Territories.

The Bill was read the first time.

THIRD READINGS.

Bill (124) 'An Act respecting the Western Assurance Company.'—(Hon. Sir Mackenzie Bowell.)

Bill (109) 'An Act to incorporate the Sovereign Bank of Canada.'—(Hon. Mr. McMillan.)

Bill (125) 'An Act respecting the British America Assurance Company.'—(Hon. Mr. Wood, Westmoreland.)

Bill (110) 'An Act to incorporate the Debenture and Securities Corporation of Canada,' as amended.—(Hon. Sir Mackenzie Bowell.)

BELL TELEPHONE COMPANY'S BILL.

CONSIDERATION OF AMENDMENTS.

The Order of the Day being called:

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill F) An Act respecting the Bell Telephone Company of Canada.—(Hon. Mr Drummond.)

Hon. Mr. KIRCHHOFFER said: As the hon. senator from Montreal (Hon. Mr. Drummond), who is chairman of the committee whose report is now before us, is absent, I beg to be allowed to take the matter up. This arises under an Act respecting the Bell Telephone Company of Canada, and as it is likely there will be a discussion upon some of the clauses in this report, perhaps it would be advisable to go into the matter and move it clause by clause.

Hon. Mr. SCOTT—You had better move concurrence in the report.

Hon. Mr. KIRCHHOFFER—To the first clause there was no objection in the committee, and, therefore, I presume that clause of the Bill may be considered passed. In the next paragraph of the report of the Standing Committee on Banking and Commerce there is an amendment which is objected to. As a matter of fact, the last line of the clause is retroactive. I was not a member of the committee and was not present at its meeting, but I understand from those who were present that there was no intention on the part of the committee to introduce into this Bill anything which would be retroactive. It would be easily seen that a clause like that would put an immense power in the hands of parties to blackmail the company if it were adopted in its present shape. It would be a strong weapon in the hands of designing persons against the company. I would ask some member of the committee to explain what the intention of the committee was when that was passed.

Hon. Mr. MILLER—It was not intended to make that retroactive. An arrangement has been arrived at which will completely meet the objection. That retroactive feature of the clause will be dropped.

Hon. Mr. KIRCHHOFFER—Then the better way would be to have it dropped now, and I would move as an amendment: that the words 'and shall be deemed to form part of the Act from the date of its enactment' be dropped.

Hon. Mr. McCALLUM—Retroactive legislation is bad, but if you rob a man and take his money you should pay it back. If the company took people's money with their eyes open and knew what the law was, and took more money out of the people than they should have taken, they should pay it back.

Hon. Sir MACKENZIE BOWELL—There is evidently a misunderstanding. The remarks of the hon. gentleman from Monck apply to the clause which the hon. senator from Richmond intends to move. The committee have introduced into this Bill a clause which did not exist in the law of 1892, and declare by this legislation that that clause was in the Bill of 1892, and have given an interpretation to it, and if passed it is a new clause altogether, which the company accepted; but if made retroactive, then, as the hon. gentleman from Brandon says, it would enable every man who had been refused a telephone in his house to enter an action for damages against the company. The company might say that was not the law of 1892, and therefore we were not obliged to do it, but the answer to that would be 'You have made it law by your legislation this session.' Now, there never was any intention in the committee to do so.

Hon. Mr. MILLER—I do not see why we should discuss questions on which there is no contention on either side.

Hon. Sir MACKENZIE BOWELL—Because it is not understood. From the remark of the hon. gentleman from Monck, it is evident he did not understand it.

The motion was agreed to.

Hon. Mr. KIRCHHOFFER moved the adoption of clause 3, and that the blank be filled in with the figures 500.

Hon. Mr. SCOTT—Would it not be better to have a general discussion on the report?

Hon. Mr. MILLER—I beg to say, with regard to the proposed alterations in the report of the committee, that there is no difference of opinion between the promoters of the Bill and those who are seeking its amendment, regarding the modification of the amendments just alluded to and to-day an arrangement was arrived at between the parties that the first clause should be amended as stated by the hon. gentleman from Brandon, by leaving out the words 'And shall be deemed to have formed part of said Act from the date of its enactment.' That arrangement has been come to, and although I may have some doubt as to the regularity of moving the amendement on the vote for its concurrence, still, I think, with the unanimous consent of the House, it can be done, and these words may be considered striken out of the report of the committee, and therefore will have the effect of preventing any amendments which may be added to the Bill having a retroactive operation.

As this question has to be placed before the House somewhat broadly in relation to the position of this company before the country, I presume it is just as well that the discussion should take place upon this motion of my hon. friend from Brandon

(Mr. Kirchhoffer) although the motion is not opposed. The Bill under the consideration of the House, I need hardly say, is one of the very greatest importance to the people of every section of this country, and is at the present time occupying a very large share of public interest and attention throughout the Dominion. Although the Bill, and the controversy which has arisen in connection with it, more immediately and practically concern some portions of the Dominion, especially in the provinces of Quebec and Ontario, still every portion of this Dominion has a direct substantial financial interest in the legislation we are now considering.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. MILLER—While the city of Toronto is somewhat to the front in the present controversy, it must not be assumed that that city alone is interested in the present attempt to secure safeguards to the public against exorbitant rates on the part of the company should the present Bill go into operation. Every section of the country is liable at any moment to be the possessor of a telephone service in connection with the Canadian Bell Telephone Company, and therefore this legislation concerns every portion of the Dominion, and the fact that we have, independently of the city of Toronto, petitions from many municipalities scattered over the Dominion from ocean to ocean, is a sufficient answer to any attempt to localize this question as simply affecting the city of Toronto. We have various municipalities petitioning for safeguards in connection with rates where there is no Bell telephone service, and it is asked what standing have they before parliament? But when it is considered that at any moment a telephone service may be installed by this company in their midst, and the vast franchises and privileges granted to the Bell Telephone Company to enable it to plant services in every portion of the Dominion, I contend that every section, whether it has now a Bell telephone service or not, is directly interested in the legislation now before this House. I think it necessary to make these remarks, because an attempt has been made to represent the controversy between the company and those opposing it as simply a matter concerning the city of Toronto. This is an unfair issue. It is misleading to the public and it would be misleading to us if we allowed ourselves to be influenced by any such contention. The Bill affects, I repeat, every section of this Dominion under the legislation which this company has obtained from the parliament of Canada.

I shall endeavour to be as concise as I possibly can be in the remarks I offer to the House, and especially in my quotations, because, after all, the issue must be decided upon the salient points of controversy, and these can be very easily illustrated in a very limited speech. But I find it my duty to call the attention of this House to the Act creating this Bell Telephone Company and to point out the extraordinary powers, privileges and franchises granted to that company, such I venture to say as would not be granted at the present day to any telephone company, and such as have never since been granted to any one of the numerous corporations connected with telephone service which have been created in this Dominion. This company was created by an Act of the parliament of Canada passed in 1880, 43 Victoria, chap. 87. The second clause gives the powers of the company, which I shall read and to which I ask the attention of hon. gentlemen.

> The said company shall have power to manufacture telephones and other apparatus connected therewith, and their appurtenances and other instruments used in connection with the business of a telegraph or telephone company, and to purchase, sell or lease the sole rights relating thereto, and to build, establish, construct, acquire or lease, and mainain or operate or sell or let any line or lines for the transmission of messages by telephone in Canada or elsewhere.

The company's powers and franchises extend not only over the wide area of the Dominion of Canada, but elsewhere, even extending to the United States. Then the section reads:

> And to make connection, for the purposes of the telephone business, with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line to be used for telephone purposes.

The section goes on to give the borrowing powers of the company which I do not consider it necessary to read. Then comes section 3, which reads as follows:

> The said company may construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, bridges, watercourses or other places, or across or under any navigable waters, either wholly in Canada, or dividing Canada from any other country, provided the said company

shall not interfere with the public right of travelling on or using such highways, streets, bridges, watercourses or navigable waters ; provided, that in cities, towns and incorporated villages the company shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry more than one line of poles along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or village, and that in any city, town or incorporated village the poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted if so required by any by-law of the council.

The latter portion of this clause contains the only limitations placed upon the power of the company to carry a telephone service into any city, town, municipality or hamlet in this Dominion, and these are of the most insignificant character. First that the lines shall not be placed upon the same side of the street, secondly that the wires shall be a certain distance from the street, and that the poles shall be a certain height. By this Act this company is given the extraordinary power of going into any city, or municipality, or village, and planting its telephone wires subject to these restrictions, without the leave or license, or contract with the city, town or corporations interested. This is an extreme power and a power given to no other telephone corporation in Canada. Such was the first Act of the parliament of Canada creating this telephone company, and it limited its capital to $500,000. In 1882 an Act was passed giving the company power to extend its lines to every province in the Dominion. By the Act of 1884, which I shall not read, the company had power to increase its capital stock by $1,500,000, in addition to the original sum of $500,000, thus making the capital $2,000,000. We now come to the important Act of 1892. By that Act the company was given power to increase its capital to $5,000,000 and a new clause was enacted, a clause for the protection of the public, in view of the very powerful monopoly the company was becoming, making it imperative to receive the assent of the Governor in Council before there should be any advance in rates. I should state that in 1891 an agreement was come to between the city of Toronto and this company that the rates should be fixed at $25 for dwelling houses, and $45, for business establishments, and in view of that contract between the city of Toronto and the company, and with the object not to allow the company to increase its rates arbitrarily without any restraint or control, this 3rd clause was added as follows :—

The existing rates shall not be increased without the consent of the Governor in Council.

With regard to the Act of 1892, it has been argued elsewhere that there was some surreptitious action in getting it through parliament, that parliament did not really understand what it was doing when it passed that clause, that the company did not know what they were doing when they accepted the Bill with that clause in it, and that altogether there was something mysterious and something unfair to the company in the way in which that legislation was passed through parliament. It is a strange contention when we find an enactment upon the statute-book to attempt to get over it or to evade it by any such reasoning or any such contention as that. If we could argue away statutes by an attempt to show that parliament was over-reached, or that there was something wrong in the way the Act got through parliament, there would be no certainty or safety about any legislation we put upon our statute-books. Such a contention is simply absurd, and is not complimentary to intelligent, common sense men, no matter from what quarter it may be urged. But I want to show the House, and I think I can do so successfully with regard to this Bill, that nothing of the kind alleged can be for a moment maintained, but that every fair inference is to the contrary; that when this Bill came before parliament in 1892 it went to the Committee on Railways, Telegraphs and Harbours, and was reported from that committee by the Chairman without any amendment. A discussion arose upon the reception of the report, and the late Senator Boulton objected strongly to the increase of the capital and contended that it should be reduced to $3,000,000. A long discussion took place upon that point, which resulted in the Bill being sent back to the Committee on Railways, Telegraphs and Harbours for reconsideration. Now, it is not often that a measure is subjected to such an ordeal as this—that is, to be referred back to the Standing Committee for reconsideration

and then the report be brought in and adopted unanimously, by the House. When that report was brought in as usual, under the rules of the House, the hon. Chairman of the committee explained the amendments that had been made to the Bill, amendments which I believe were made as a compromise on the question of the reduction of the capital. Senator Boulton did not succeed in carrying his point of having the capital reduced to three millions dollars, but as a compensation for his failure on that point, clause 3 was inserted in the Bill in order to prevent the company from increasing its rates upon what might be, as he alleged, a watered stock. He contended that this five million of stock might not be expended in construction, that it might be added to the capital as watered stock, and that on that basis larger dividends could be claimed than really ought to be allowed upon the regular and bona fide charges of construction. When that Bill came from committee the second time for the consideration of the House the Chairman said :

I may explain the effect of these two amendments. By the Act of incorporation the capital stock of the company was half a million dollars, and they obtained power at that time to issue bonds to a corresponding amount—half a million. By a subsequent Act this capital stock was increased, and the question arose, on the second reading of the Bill, as to the effect of the bond clause, which was to empower them to issue upon the paid-up capital of the company an amount that corresponded with the capital. The question that arose was whether this power followed on, as the paid-up capital stock was increased. In order that that question might be considered in all its bearings, the Bill was referred back by the House to the committee. In reference to that, the evidence before us showed that this power had been availed of to the full extent of $500,000, but to no greater extent, and it was intimated that probably any further amount would be unnecessary. In view of the doubt that arose as to the construction of the Act, which might empower the company to issue to the extent of five millions of stock, to which this Bill has reference, and to that same extent to extend the borrowing power, making, for all practical purposes, a capital of ten millions of dollars, it was suggested that we should limit the borrowing power which the parties declared they probably would not require for any purpose, except for the purposes of renewal of those bonds. The effect of this clause, as explained to me, is this : That it enables these bonds to be taken up by other bonds to the extent of that amount, but that the amount of the bonds to be issued is to be limited for all time to $500,000 and no more. With regard to the other amendment, referring to the rates, it is not a clause which places the rates entirely under the control of the Governor in Council, but it is a clause which, after the rates were explained to us, was introduced to limit the power of the company to change those rates in the direction of an increase without the consent of the Governor in Council, so as to afford a protection, as far as we could, to the public, that no exorbitant rates would be the result of this increased capital, and the wording of the clause shows that the rates charged are not hereafter to be increased without the consent of the Governor in Council. These are the two points, and they received very general assent in the committee.

Now, it surprised me very much to hear the Secretary of State contend in the standing committee, as he did in regard to this last clause, that it was smuggled into the Act, when I find he himself in the debate followed the Hon. Mr. Dickey and used this language :

Hon. Mr. SCOTT—The chairman of the committee has explained fully the purport of the amendments, and the House thoroughly understands and will probably approve of them. I therefore move that the report of the committee be concurred in.

Hon. Mr. CLEMOW—To-morrow.

Hon. Mr. SCOTT—There is no necessity to postpone the third reading. The House understands the subject now.

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

I cannot understand how my hon. friend the Secreary of State can throw any imputation on the manner in which this Bill got through parliament, when he himself says it was thoroughly understood, that we knew what we were doing, and he moved concurrence in the amendments.

Now, what is the position of this company, coming at the present time before parliament, asking for privileges and powers. The company solemnly entered into an arrangement with parliament, with its subscribers and with the public, that it would not increase the existing rates—that is, the rate of $25 for dwelling-house telephones and $45 for business telephones—without the consent of the Governor in Council, and for a time they kept faith with parliament. For a time they did not attempt to increase their rates, and doubt arose with regard to the effectiveness of the legislation, and a legal opinion was obtained on the subject from the Minister of Justice. The Minister of Justice gave as his opinion the following statement in reply to a letter from the Minister of Railways :

Ottawa, 24th July, 1900.

My dear Mr. Blair,—I beg to acknowledge receipt of your letter of the 9th instant and Mr. Caswell's letter inclosed therewith, in relation to the rent charged by the Bell Telephone Company.

In reply to your letter I may state that I am strongly of opinion that the clause in the Act of 1892, providing that the existing rates shall not be increased without the consent of the Governor in Council, is legally ineffective so far as subscribers are concerned, and that proceedings to restrain the company from increasing the rent charged to subscribers would be unsuccessful. For that reason, I think the government might decline to take proceedings, even if otherwise it would be its duty to thus intervene for the protection of the subscribers. But, in my opinion, it would not in any case be incumbent upon the government to take the initiative in any such proceedings. If any person be aggrieved by the action of the company, desires upon his own responsibility to apply to the courts, and is advised that he should do so in the name of the Attorney General of the Dominion, the question whether he should be permitted to do so would be considered upon a proper application being made to the department of Justice for leave to take such proceedings.

Yours faithfully,
(Sgd.) DAVID MILLS.

Before receiving the opinion of the Minister of Justice, the Bell Telephone Company had received other legal advice. I presume it has on its staff some of the ablest counsel and solicitors in the Dominion, and these were of the opinion that the law, in plain language, was not water tight—that the clause was capable of evasion—that by evading that clause, by breaking faith with parliament and its subscribers and the public, they could raise their rates to any figure they thought proper. I have shown that the hon. Secretary of State (Mr. Scott) must be wrong in his contention that there was anything surreptitious in getting this Bill through parliament—that the company did not understand the legislation they were accepting, when they accepted the Acts of 1892, which was the condition on which the increase of capital was granted to them, but if we wanted anything further, we have the action of the company itself, in 1897, when they invoked the Act of 1892 and made an application to the Governor in Council for leave to increase its rates. The company which now wishes to evade the Act of 1892, was the first to invoke that Act, when they thought it would serve their purpose, in 1897, and by their petition to the Governor in Council asked leave to increase their rates. I shall have something further to say on that point by and by. I never knew, in my experience, of any corporation coming before parliament under such circumstances to ask further powers—additional legislation to increase their monopoly—while admitting a shameful breach of faith and an attempt to deprive the public of all the protection and safeguards which they have in regard to the abuse of these powers. There is another aspect in which this company has treated parliament with great disrespect. It was pressed on the promoters of the Bill in the committee to give us some intimation as to why the additional five millions of stock was required. We got no satisfaction from them. They seemed to be disposed to carry everything with a high hand. They did not even condescend to say for what purpose they wanted this increase of stock. They did not even say they required it for purposes of construction. They may require some of it for such a purpose, but it is just as possible they may require it for other purposes—they may require it to crush out competition or to buy up competition in this Dominion, or to water their stock in order to enable them to charge increased rates upon the watered stock. Looking at their antecedents, their acts so far, and their treatment of the public and of parliament, I say that is a fair inference. In 1897, this company came before parliament asking for an increase of rates. At that time it was shown that the company was paying a dividend of 8 per cent upon its stock—that in that very year they had a surplus, which they carried to contingent account, of over $82,000, and that their contingent account amounted at that time to $800,000 which, with the surplus of 1898, amounting altogether to $149,000 odd dollars to be added to their contingent account, would give them what you might call a rest in cash of a million dollars—at the time they applied to parliament for power to virtually double their rates. This was the position, and such were the dividends the company was getting. In view of the fact that the company made such an application under such circumstances, must it not be evident to every gentleman the absolute necessity of protecting the public against unfair rates in the future, for the stronger this company gets, the less able will parliament be to deal with it.

With regard to the city of Toronto, I do not wish to read the report of the Bell Telephone Company, for 1898, but I will just refer, in order to verify what I say, to the figures in that report. The receipts of the

company, during the year 1898, were exchanges, long distance lines, private lines, miscellaneous, in all $1,302,944.04. The expenses were operating legal, insurance bonds, &c., $971,792.30, leaving a balance of profit of $331,152.74. Deducting 8 per cent dividend, $263,779.95, we have a balance that year of $67,371.81, and in 1879 a balance of $82,364.17, making $149,735.98 to be carried to contingent account. The balance sheets of the 31st December, 1898, showed stock account, $3,556,000; bonds account, $941,000; contingent fund, $800,000; revenue account, $149,739. That would make altogether as a rest, as it might be so called, of $949,735.98 at the time this company applied to parliament for an increase of rates. On that occasion they made a statement under which they contended that they were losing money in the city of Toronto, but it was afterwards discovered that that statement was not reliable, and the returns of this company must be accepted with a great deal of hesitation when they do not undergo the supervision of an independent auditor. I think the action of the company, when applying for an increase of rates, in 1897, fully justifies me in saying this. I hold in my hand a letter from parties who are able to speak on the subject—men connected with the telephone service in the United States. It contains this paragraph :

In the pamphlet entitled 'Petition of the Bell Telephone Company of Canada to the Governor in Council,' 28th January, 1897, with a statement of the company's case, &c., appears 'Exhibit C,' which contains a statement of revenue and 'expenses' of the telephone company at Toronto in 1895, as follows :—

		No. of subscribers.	Per subscriber.
Revenue	$172,719 56	4,710	$36 67
Expense	252,597 30	.....	53 63
Loss	$ 79,877 74	.....	$16 96

It turns out, however, by the evidence taken here under oath, that this statement was produced by the insertion of a fifteen per cent allowance for a future depreciation in the stock, which had the effect of turning the account against the city of Toronto, instead of showing a balance in its favour.

We find nothing in the document or the report sent us by you of the later hearings before the parliamentary committee to inform the reader that the word 'expenses,' as employed in the exhibit, means anything else than outlays, i.e., money expended during the year 1895 in the operations of the company. In the pamphlet containing this Exhibit C, is also the report of Mr. O. Higman, a part of which is in these words :—

'A careful examination of the company's books at Montreal, the freest access to which was readily accorded, proved the statements of revenue and expenditure, which are contained in Exhibit C, to be correct in every particular.' Nothing appears in this report to show that 'expenses' does not mean outlays. On June 3, 1899, at Montreal, Mr. Higman, under oath as a witness in our cases, repeated his statement above quoted. He was followed on the witness-stand by Mr. Charles Page Schlater, secretary-treasurer of the Bell Telephone Company of Canada, from whose testimony we quote :

Q. Will you state whether or not the books and statements which you exhibited to Mr. Higman were the ordinary and regular books and statements of the office, or whether they were something which had been specially prepared for the occasion?—A. There was an item that was specially prepared, and which was shown to him and acquiesced in by him—a pro rata expectation expense, I might call that.

Q. Something in relation to the future?—A. What is expected to come immediately.

Q. Who prepared the statement when it was originally presented to the Dominion government ?—A. That was prepared under my supervision.

Q. What can you tell us as to the correctness of that statement?—A. That is correct, as stated at the time. It was on a system that was only just completed. Of course, a portion of the expenditure was based on the depreciation assumed to arise from the new system of account. It was a matter of depreciation. That depreciation is not on our regular basis of 10 per cent depreciation. It is on a 15 per cent depreciation, which we have been informed was the proper one to reckon under the old system of metallic circuit underground system, which was new to us. That is the only difference.

Q. What is your regular allowance for depreciation?—A. Ten per cent.

Q. Can you tell us what difference it would have made in the result if you had put the depreciation at 10 per cent instead of 15?—A. Yes, I think I could. It would have made a difference of $34,311 in the expenses.

Q. What difference would that make in the loss per telephone per annum?—A. $7.25 per subscriber. That would be at the rate of $9.71

It thus appears that this estimated depreciation of 15 per centum of the total amount therefore expended by the company for construction, amounting to $102,933, did not appear on the books as being an outlay during 1895, but was specially prepared for Mr. Higman. Strike this sum from the expenses total for the year, as shown by Exhibit C, and the result of the company's operations is transformed from a loss of $78,877.44 to a profit of $23,058.27.

Now, this is the statement with which this company went before the Governor in Council asking for an increase of rates, and I ask this House if we should not view with the greatest suspicion the applications of a company who, in order to accomplish the object they had in view, to increase their rates, should so misrepresent facts to the Governor in Council. It has been said by the promoters of

this Bill that it is unfair to place on them a restriction that is placed on no other telephone company in the Dominion. Now, if every other telephone company in the Dominion received legislation on all fours with the legislation of the Bell Telephone Company of Canada, there would be something in that contention, but as no other telephone company in Canada has received to the same extent privileges and franchises from this parliament as the Bell Telephone Company has, the argument falls to the ground. There is not the slightest pretense to say that the Bell Telephone Company stands in the same position as the other companies granted Acts of incorporation. There are fifty-eight other companies in the Dominion, that is, companies that have received charters. Only thirty-eight of these have made returns. They are all small companies. They have perhaps in all a capital not amounting, certainly not exceeding, one million dollars, and therefore, with regard to unjust and excessive rates to the public, they cannot be placed on the same footing as this great monopoly. Besides none of these companies can install their plant in any city, town or municipality unless with their consent and agreement. This is the great difference between the Bell telephone monopoly and all the small companies. Let me here say I do not use the word monopoly offensively to this corporation. Those who are in a position to say, state that the business can be better carried on by a monopoly than under perhaps too much competition, but where a great corporation like the Bell Telephone Company has received a monopoly, there should be some restriction, some safeguards to the public, that they would not abuse the great power they possess to enforce unfair rates. In Nova Scotia there are, for instance, two companies carrying on a telephone service, but these companies are very limited in comparison with the Bell Telephone Company and they are largely under the influence of the Bell Company already. I think it is a matter of notoriety—at least rumours to that effect have been floating around for some time past—that one of the uses, if this Bill is passed, that the increase of capital will be put to is to buy up these and other companies. But at the present time they seem to have control of that telephone service. It will be found on investigation that the switch boards, instruments and other materials are supplied to these companies by the Northern Electric and Manufacturing Company and the Wire and Cable Company, of Montreal, both of which concerns are controlled by the Bell Telephone Company. It would be further interesting to know how much of the stock of these companies is included in the $414,331.50 which the last report of the Bell Company states to be the value of the shares in other companies held by them.

There is no doubt at all what the intention of this company is, and no doubt as to their power to carry out their intention that is, to crush out and buy up all competition, and establish this as an exclusive monopoly throughout the Dominion of Canada.

An offer was made, and I have no doubt it will be used in this discussion, to the city of Toronto, in order to induce it to withdraw its opposition to this Bill to grant it the same rates as those charged in the city of Montreal, and that offer appeared very plausible; but it must be recollected that there are peculiar circumstances in connection with the city of Montreal, that do not extend to any portion of Ontario. The city of Montreal is composed of a population largely French, and it involves a dual system of telephoning which adds largely to the cost of the service in that city. Although it may not be an unreasonable rate for Montreal to pay in consequence of its peculiar position, still it might be a very unreasonable thing to ask the city of Toronto to be placed on the same footing as the city of Montreal, the rates of which are higher than they are now in the city of Toronto, owing to the circumstances I have mentioned. The Merchants' Telephone Exchange of Montreal cannot be classed as an active competitor insomuch as it caters only to the French speaking population and can never hope to be of universal benefit to the entire business community. If it were an active competitor the Bell could not obtain the high rates which at present exist in the city. As it is the Merchants' Company serves the Bell interests by furnishing Mr. Sise with an excuse for misleading the public into the belief that they are not a monopoly.

Hon. Mr. THIBAUDEAU (Rigaud). Do you mean that the French Canadians are

paying less than the English for their telephones ?

Hon. Mr. MILLER. No, I mean that the fact of having to serve in two languages increases the cost of the service in the city of Montreal, and that no fair comparison can be drawn between the city of Montreal and the city of Toronto.

Hon. Mr. THIBAUDEAU (Rigaud)—I think that is far fetched. I do not know exactly how you bring that about. The French people use the telephone to the same extent as the English.

Hon. Mr. MILLER—Now, what is this stock required for ? The general belief is that a portion of it may be required for construction—a portion to buy out competition, but far the larger portion will be used for the purpose of watering the stock of the company, and we know that the day may not be far distant when either the municipalities or the government may desire to acquire the telephone and telegraph system. It is therefore a matter for serious consideration whether we should increase the capital stock of a monopoly of this kind in such a way as to ultimately cost the government, or the municipality, double what it ought to cost in case the policy of public ownership should be resorted to. There is another fact which perhaps it is as well the public should know—that the Bell Telephone Company of America has a controlling interest in the Bell Telephone Company of Canada :

I am advised, and I believe it to be the fact, that when the Bell Telephone Company of Canada was originally organized, the American Bell Telephone Company, who owned the plant, &c., under which the telephones were first constructed, received either 48 or 52 per cent of the whole capital stock without putting one dollar into the business of the company, and that on every increase of the capital stock of the Canadian company they received the like proportion. Perhaps the first issue to the American Bell Company, while a large one, might be considered as compensation for the rights which they gave to the Canadian, but certainly successive issues of stock in 1888 and 1892 could not be called anything else but water.

Hon. Mr. THIBAUDEAU (Rigaud)—The stock has never been watered.

Hon. Mr. MILLER—My hon. friend from Montreal says the stock has never been watered. If 48 or 50 per cent of the Canada Bell Telephone Company stock was given for the patent rights of the American Bell Telephone Company, certainly that 48 or 50 per cent does not represent construction in any way. The company has nothing to show for it, and therefore to all intents and purposes, it must be regarded as water in the stock.

Hon. Mr. TEMPLEMAN—Would the hon. gentleman please say on whose authority that statement is made, that 48 or 50 per cent of the stock is water ?

Hon. Mr. MILLER—I make it on my own authority, from the information given to me.

Hon. Mr. TEMPLEMAN—I thought you were quoting it.

Hon. Mr. MILLER—It is on information given me, information in which I have confidence.

Now, a few words with regard to the position in which this Bill is now before us. The Bill received its second reading and was sent to the committee. In committee I moved three amendments, the first amendment was to the following effect :

Section 3 of chapter 67 of the statutes of 1892 is hereby repealed, and the following sections are substituted therefor, and shall be deemed to have formed part of the said Act as from the date of its enactment.

These latter words making the clause retroactive we have consented to have striken out of the Bill. My next amendment was :

3. Upon the application of any person, firm or corporation within the city, town or village or other territory within which a general service is given, and where a telephone is required for any lawful purpose, the company shall, with all reasonable despatch, furnish telephones for premises fronting upon or within feet of any highway, street, lane or other place along, over, under or upon which the company has constructed or may hereafter construct a main or branch telephone service or system upon tender or payment of the lawful rates semi-annually in advance.

The blank I intended to ask the committee to fill up with the number 500, but it was not done at the time. I presume if the amendment is accepted, the figures can be inserted here. This amendment was accepted by the committee, and the other two clauses which I will read to the House were rejected. The next clause reads : 'No higher rates than the rates now in force.' An amendment will be made by striking out the words 'now in force,' and putting in the words 'for each class of telephone service than the rates for such service in force on the 30th June, 1892.' The effect of

the amendments is to prevent the amendment from being retroactive, since it was not the intention of those who framed it that the Bill should have a retroactive effect. The amendment will then read as follows:

No higher rates for each class of telephone service than the rates for such service in force on the 30th June, 1892, in the municipalities of Canada respectively, except as herein otherwise provided (a) for long distance messages, (b) for rental of telephones to subscribers or for any other purpose whatsoever, shall be chargeable, payable or recoverable in any such municipality, and any sum paid in excess of the said rates after June 30, 1901, may be recovered by the subscribers in an action therefor in any court of competent jurisdiction or may be deducted from any rates unpaid.

The said rates in any municipality may be increased or diminished by order of the Governor in Council upon the application of the company or of any interested municipality, and thereafter the rates so ordered shall be the rates under this Act until again similarly adjusted by the Governor in Council. The word rates in this section shall apply not only to the rates charged for the rental or use of telephones, but also to charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages.

These are the three amendments I submitted in committee, and on an amendment moved by the hon. Senator Lougheed, the first clause was accepted, and the other two were stricken out, and in lieu of that a clause was added by the committee, which appears in the report before us. It is an extraordinary amendment—this amendment of the hon. member for Calgary (Hon. Mr. Lougheed). The House will perceive that the amendment by implication admits the justice of having the rates restricted or limited, because it looks forward to the passing of a general Act to restrict rates, and such general Act shall not be looked upon in derogation of the rights of the company. But the effect of hon. Senator Lougheed's amendment was that, while it repealed section 3 of the Act of 1892, providing for no increase of rates without the approval of the Governor in Council—while it repeals the protection of the public in that section, it strikes out the two sections which I intended to substitute as amendments to the Bill for section 3 of the Act of 1892, and as the Bill stands at present, it not only allows the company all it asks for in regard to an increase of its capital, but it takes away the restriction which was placed upon the company by the Act of 1892. It abolishes vested rights, and leaves the public at the mercy of the company until parliament intervenes with a general Act.

Looking at the enormous power and influence which the company possesses at the present time, and the fight it is making under such adverse circumstances, under such discreditable circumstances, what probability is there of any measure to protect the public against this company united with all the others, and prevent anything like limitation of rates in a general Act in the future?

If we want to get a general Act, the way to secure it is by imposing this restriction on this company, and thus make it interested in having every other company placed upon the same footing. With regard to the question of rates, it may be disclosed in this discussion that the company has made some offer with regard to rates which might be accepted as reasonable and fair, but I cannot agree that any fair and reasonable proposition has been made. The only proposition I understand that has been made is, that the rates shall never be increased beyond a certain sum. We all know that, in regard to telephoning, new discoveries and inventions are taking place every day, and perhaps before five years are over the cost of constructing telephone appliances throughout this country, and working telephone apparatus may be one-half of what it is to-day, and, therefore, it is just to the public that in limiting the rates, the company should have the right, when it is able to show to the Governor in Council that it is losing on the existing rates, on the rates fixed by the contract with the city of Toronto in 1891, it should have the right and power to go before the Governor in Council and get an increase of its rates. The city of Toronto is willing to pay increased rates if it can be shown at any time that the rates existing do not pay, or are lower than they ought to be. But when the subscribers in the future may be able to show that telephone construction is not costing one-half what it does to-day, and that the rates fixed to-day might be grossly in excess of what they should be under a more improved and cheaper system of construction, I say the fairest way to the public and to the company is to allow discretion to the Governor in Council with regard to either increasing

or diminishing the rates. This is the chief object of my amendment, and this will be the operation and effect of the Bill, if the House concurs in the proposals which I intend to make on the third reading. My position now is to allow the first amendment to be concurred in, with the modification suggested from the other side—that is, taking away from it its retroactive character. That amendment I consent to as one of my own amendments, with the expectation that on the third reading the House will add the other two, but I am opposed to the concurrence of the House in the second amendment made in committee, and on that point I desire to take the opinion of the Senate. If the House concurs in the amendment made by the hon. gentleman from Calgary, then, I presume the company will have whatever it desires, but if the House does not concur in that amendment, if it refuses concurrence in that amendment, then the Bill will stand with the one amendment made, and will be open on the third reading to be further considered in regard to the amendments of which I have given notice. I have no objection to the first amendment, but I will take the sense of the House on the second, and I will do so with every confidence in its decision. I cannot believe for a moment that a proposition so fair and reasonable, and so necessary for the protection of the public, which is so necessary in the protection of the public against what is going to be one of the hugest monopolies of the Dominion, will be rejected by the Senate of Canada.

Hon. Mr. SCOTT—It was my misfortune in 1892 to become the foster father of the Bell Telephone Bill that came up to this Chamber as an unopposed measure. The gentleman who ought to have taken charge of the Bill was absent at the time, and, as many other hon. senators have done on similar occasions, without any preconceived arrangement, or without any knowledge that such a Bill was before parliament, I moved its second reading. It was unopposed. It went to committee, as has been stated by the hon. gentleman from Richmond, and passed through its stages there. No opposition was offered to it in the committee. It came back to this Chamber, and, as he has readily observed, attention was drawn by the late Senator Boulton to the large capital named in the Bill. He thought it was excessive. He thought the object was an ulterior one, for the benefit of the shareholders, and not for the benefit of the company, and so he pressed very strongly on the House to reduce the capital account. At the instance of the hon. gentleman from Calgary he made an appeal to me to allow the Bill to go back to committee for the purpose of reducing the capital account. The Hon. Mr. Lougheed, on that occasion, spoke as follows :

> I would suggest to the hon. gentleman from Ottawa to allow the Bill to be referred back to the Committee on Railways, Telegraphs and Harbours. There are large interests involved in it, and I do not think the disposition of the House at present is to give the Bill the three months' hoist, or to reduce the capital stock should it be found necessary to increase the capital stock to the amount asked for. No injury can be done by referring the Bill back to the committee, and if the hon. gentleman shows a disposition to agree to that, I move that the Bill be not now read the third time, but that it be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration.

Assuming that the whole object in referring it back was to consider whether it was proper that the capital account should be increased to the sum then asked, I consented to the motion. In the committee, when the question came up, it was rejected. The committee concluded there was ample evidence to warrant the company in asking for the increase of capital. An hon. gentleman, who is not now present I am sorry to say, moved the adoption of the clause providing that the rates should not be increased without the consent of the Governor in Council. I will not go into any explanation of that. I believe the hon. gentleman himself has given a personal explanation to very many hon. senators as to why it was, and under what circumstances he moved that clause. That was carried in committee. The Bill came back to the House. Up to that time the company knew nothing about it whatever. I say now advisedly that there had been no demand by the press or by the people for any change in the rates, or any amendment in that direction. The shareholders of the company were absolutely ignorant of it until the report of the committee was made to this Chamber. Therefore I say my hon. friend is scarcely justified in stating that it was a movement at the

instance of the people of Canada after due deliberation. An important amendment of that kind ought not to have been introduced without notice. There was no notice given of it. When the Bill came back from committee it simply meant that the Bill had to be accepted by the company, or withdrawn. They required the money at the time. They were increasing their long distance telephone system, and so they needed money, and they had to accept the Bill. There was no help for it. They accepted the Bill in the hope that some time or other parliament would remove the objectionable clause.

Hon. Mr. McCALLUM—The hon. Secretary of State was there at the time and it was all right.

Hon. Mr. SCOTT—I could not help myself. There was no help for it. I had to bow to the will of parliament. Those are the circumstances under which that amendment passed. I think no hon. gentleman will contend that it was done after the expression of any public opinion. The hon. gentleman who moved the amendment was very sorry for it afterwards. He felt it was unfair that the company should be singled out from any other company to have their rates supervised in the manner indicated.

Hon. Mr. McCALLUM—Did he express that sorrow publicly ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—Where ?

Hon. Mr. SCOTT—I have a letter in my possession showing it, but I prefer not reading the letter. He has expressed himself decidedly that he did a wrong to the company, which he thought was wholly uncalled for, and wholly unjustifiable, unfair and unjust, discriminating against this company. I say, and I say advisedly, that the opposition to this Bill has been worked up by the city of Toronto. All the petitions, as hon. gentlemen know, emanated from the city hall in the city of Toronto. They were sent broadcast over this country. In some cases they were returned unsigned.

Hon. Mr. MILLER—We do not know that.

Hon. Mr. SCOTT—It is a fact, I state it. I have the evidence in my hand. It was not an expression of public opinion. It was created purely and entirely on the part of the city of Toronto, coming from provinces where the Bell Telephone Company has no interest whatever, where they have not offices, where there was no possible connection, so that the people there could have no possible interest in weakening or affecting the rights or privileges of the Bell Telephone Company. I will dismiss that with no further observation. I have under my hand a number of documents which will confirm what I say. I do not propose to go into it, because the point is immaterial. The people of Canada will be under great obligation to my hon. friend for the speech he has made in defence of their interests. Had my hon. friend prepared his argument with a little more care, I should have been much better pleased, but he has been misled. He has made a great many misstatements—statements which are absolutely untrue. I acquit him, of course, of being a party to it. He has taken the papers as they were given to him. One hon. gentleman inquired about a statement made by the Bell Telephone Company and he was obliged to say that the statement was given to him, but he could not name any authority.

Hon. Mr. MILLER—I assume all responsibility for my statements.

Hon. Mr. SCOTT—I am sorry the hon. gentleman takes that course. One would suppose, from his argument, that this was a gigantic monopoly controlling the people of Canada, that they were securing extraordinary privileges, and by some means or other they obtained extraordinary advantages. They obtained no more advantages than any live company which gives a good service in any industry obtained. At the time the Bell Telephone Company started in Canada it was difficult to get subscribers to their stock. They only obtained $300,000 of stock subscriptions, and there were a number of other companies floating about. They got the same power as the others. My hon. friend says that they obtained extraordinary powers. I was rather amused at the statement. I thought there were other companies which obtained pretty nearly as large powers as the Bell Telephone Company. However, at the time they were chartered, the people held up their hands and begged them to come into their municipalities. I hold in my hand a charter granted in 1886 to the North American

Telephone Company. It gives the company power to establish, construct, purchase, lease or work telephone or telegraph lines. They had the rights of telegraph and telephone companies. They could construct lines from any place or places in Canada, either by land or water, over which exclusive telegraph lines do not now exist by any law of Canada, and to or from any places outside the Dominion of Canada, and to make connections with any telephone or telegraph lines in the United States. They had the right to manufacture their apparatus. They had borrowing powers and power to make arrangements with other companies, power to erect their lines across highways, bridges, waterways, &c., and to enter upon the lands of Her Majesty and so on. Then there were restrictions placed upon them. In the towns or cities they could not erect a pole more than forty feet high and the length of the wire was limited—a clause which is in all these Bills.

Hon. Mr. McMILLAN—Are they carrying on business now ?

Hon. Mr. SCOTT—I do not know. I have not followed it.

Hon. Mr. THIBAUDEAU (Rigaud)—Did the hon. gentleman from Richmond vote for it ?

Hon. Mr. MILLER—The Act incorporating the North American Telephone Company provides that the company shall not use or erect any pole higher than forty feet above the surface of the street or affix any wire or to carry any line of poles along any street without the consent of the municipal corporation. They cannot get in without the consent of the corporation. I would like my hon. friend to point out anything of the same kind in the Act of Incorporation of the Bell Telephone Company.

Hon. Mr. SCOTT—We were only too anxious to get the company to establish lines. However it is entirely beside the question.

Hon. Mr. MILLER—Why did the hon. gentleman quote it ?

Hon. Mr. SCOTT—I want to show that they had the same privileges as the Bell Telephone Company. The Bell Telephone Company may have some additional powers. I have not examined it. Later on, in the year 1890, there were a number of charters granted and they are all specifically limited to obtaining the consent of the corporation. I do not think that was the case in the early charters. People had not arrived at the conclusion that they might infringe on municipal rights, and so parliament, or the provinces, were more liberal in dealing with them, but when it was found the poles were a great nuisance and annoyance, then in granting charters to all companies parliament restricted them in the proper way. But I do say that the attack on the Bell Telephone Company as something hostile as an enemy to the people of Canada, is not justified by the facts. I daresay hon. gentlemen have looked over the list of shareholders. I find that there are over 800 shareholders in the Bell Telephone Company, and about 95 per cent of them are people of Canada, and there are many names which are familiar to us. It is really a Canadian company. There are not 5 per cent of names that are outside of Canada. Is this like any other industrial company ?

Hon. Mr. MILLER—I should like to call my hon. friend's attention to the following provision in clause 24 of the North American Telephone Company's charter :

Provided, however, that the rate charged for the transmission of a message of ten body words over the lines of the company between any two points in Canada shall not be more than 25 cts., etc.

That is a restriction of the rates, which we have not got in the Bell Telephone Bill.

Hon. Mr. SCOTT—That refers to telegraphic rates.

Hon. Mr. MILLER—No, it applies to both.

Hon. Mr. SCOTT—My hon. friend has endeavoured to make a point of the increased capital account from time to time. I have here a statement made by a firm of chartered accountants of Montreal, Messrs. Ross & Co., dated May 6, 1901, which reads as follows :

C. F. Sise, Esq.,
President Bell Telephone Co. of Canada,
Montreal, Que.

Dear Sir,—We hereby certify that the statement below shows the correct position of the paid-up capital of the Bell Telephone Company of Canada at the respective rates from the inception of the company up to the 31st December, 1900, and that the capital stock of the company has never been watered, nor distributed as

bonus to any corporation or person and has never been issued below par.

(Sgd.) P. S. ROSS & SONS,
Chartered Accountants.

Hon. Mr. McMILLAN—They are stockholders.

Hon. Mr. SCOTT—I do not know about that, and I do not suppose that would affect them. I am satisfied that not one dollar of their stock has ever been offered below par, and has not been watered at all.

Hon. Mr. McCALLUM—And all held by Canadian people.

Hon. Mr. SCOTT—No. I said 95 per cent of the stockholders were Canadians. My hon. friend has the list before him. The stockholders seem to be pretty well distributed over Ontario and Quebec. There are some in the other provinces, but the larger number are in Ontario and Quebec.

Hon. Mr. McCALLUM—I do not see why the hon. gentleman wants to dwell on that, but because they belong to the province of Quebec and province of Ontario, are we going to allow them to bleed the rest of the community?

Hon. Mr. SCOTT—If my hon. friend will allow me to proceed I will endeavour not to be too prolix. I would have to go over a good deal of ground if I answered seriatim all the accusations made by the hon. gentleman from Richmond. I do not think it is necessary to go into every particular item he brought up. I state emphatically, on the authority of Mr. Sise, that he challenges the closest scrutiny. If those gentlemen are not considered proper auditors—I do not know whether they are stockholders or not——

Hon. Mr. McMILLAN—We do not doubt them. We can accept their statement.

Hon. Mr. MILLER—You do not deny that 50 per cent of the stock was——

Hon. Mr. SCOTT—Referring to this letter of Ross & Sons, the increase of the paid-up stock of the company is given as follows:—

1880	$ 377,600
1881	500,000
1882	1,000,000
1883	1,000,000
1884	1,000,000
1885	1,200,000
1886	1,300,000
1887	1,375,000
1888	$1,376,000
1889	1,400,000
1890	1,494,000
1891	1,926,000
1892	2,200,000
1893	2,241,600
1894	3,168,000
1895	3,168,000
1896	3,168,000
1897	3,168,000
1898	3,556,000
1899	3,960,000
1900	5,000,000

How could they extend over Ontario and Quebec, as they do now, running into nearly all the towns and villages in the North-west through to Brandon and through to Calgary without money? It required capital to do that.

Hon. Mr. MACDONALD (B.C.)—And to British Columbia.

Hon. Mr. SCOTT—And in many cases the work had to be renewed, in some cases two or three times over, and what at one time was considered very valuable machinery and plant, has been thrown into a heap of metal, considered absolutely useless. I will come to that, however, later. From my investigation, I challenge contradiction of the statement made by those gentlemen. My hon. friend from Glengarry (Hon. Mr. McMillan) knows these accountants, and he is content, from his knowledge of them, to say that any statement that they make in that direction is to be believed, and they make the statement and they bring the whole amount down to 1900, showing the expenditure year by year, because they have gone thoroughly into the accounts and examined them, and they give that certificate. I lay it on the Table for any hon. gentleman to examine. They say there is not one dollar of water in their stock and that no shares have been sold under par.

Hon. Mr. MACDONALD (B.C.)—Can the hon. Secretary of State tell us the reason the company desire this increased capital?

Hon. Mr. SCOTT—The hon. gentleman knows that the company of late years have been going largly into the long distance telephone. They have a telephone system in a direct line as far as Windsor in one direction and Quebec in the other. And it was proposed to run lines from Winnipeg and Brandon and other points there out to the settlements of the North-west. Take Montreal, Toronto, London or Hamilton, what an

enormous advantage it is to the merchants and business men of those cities that they can call up a customer at any moment, probably receive an order for goods or announce that the goods have been delivered. The facilities for doing business have been immensely developed by the construction of the long distance telephone, and hon. gentlemen will see that it cost a great deal of money, and besides that, the cost of the telephone plant to-day is probably two or three hundred per cent higher than it was thirty years ago. That remark applies particularly to the towns and cities, and more especially to those towns and cities or localities where there is high electric current.

Hon. Mr. MACDONALD (B.C.)—Is it a fact that the city of Toronto invited two United States companies to take up the telephone system of Toronto, and that they declined to do so on account of the low rates the Bell Telephone Company was charging?

Hon. Mr. SCOTT—I did not make that statement, but such a statement was made in committee, and it was not contradicted. But just now I will compare the rates prevailing in other cities corresponding to Toronto.

Hon. Mr. McMILLAN—Before the hon. gentleman goes into that subject, would he make an explanation. He appeared to dwell a great deal on the fact that they have not issued watered stock below par——

Hon. Mr. SCOTT—No watered stock at all, no bonuses.

Hon. Mr. McMILLAN—Have they issued stock at par to any of the shareholders?

Hon. Mr. SCOTT—I am not aware. I do not think so. They have sold no stock below par.

Hon. Mr. McMILLAN—But they have issued stock at par to shareholders, while it is now quoted at 170.

Hon. Mr. SCOTT—The rule, I think, in all companies is, where new stock is issued—the rule in ordinary companies, that I have had anything to do with—is always to give preference to their own shareholders.

Hon. Mr. WOOD (Hamilton)—But not at par.

Hon. Sir MACKENZIE BOWELL—At market price.

Hon. Mr. SCOTT—I will find out before the debate is over and let my hon. friend know. I was going on to answer my hon. friend opposite, (Mr. Macdonald, B.C.), who asked what they wanted this money for. I am advised that part of this money, $75,000, was to be spent in the city of Toronto in continuing the underground wire, and that before another year an exchange had to be put up at North Toronto which would require $100,000, and they will also need in another year an addition to their buildings where additional accommodation is required. Then, $200,000 are required for the extension of the lines in the North-west. The company do not intend to issue this $5,000,000. They simply ask for the power because they do not want to come back to parliament for perhaps five or ten years. When parliament authorized the issuing of $5,000,000 on a former occasion, in 1892, the company did not issue that stock. They held it and issued it only as it was wanted for the construction of lines, and on the present occasion they would not probably in the next year use at all events more than $1,000,000, if they used that.

Hon. Mr. McMILLAN—They would give that to their shareholders.

Hon. Mr. SCOTT—I am not in a position to say how it would be sold. I shall be very glad, however, to obtain the information for my hon. friend before this debate closes. Mr. Sise writes me a note saying there has never been a stock bonus. I was giving some of the probable expenditure in the near future. If the growth of this company has been great, is it not rather due to the energy and business talent exhibited by the company? Certainly they cannot force people to take their instruments unless there is an inclination to do it. They cannot establish themselves in any town or city unless the people want them there. In many instances they have gone into a town where there was a local company. The local company ceased to exist after a few years for the reason that they could not give the same service the Bell Telephone Company could. They always had the best instruments, and they had their long distance system.

Hon. Mr. MILLER—Does the hon. gentleman know what they did in Peterborough ?

Hon. Mr. SCOTT—They did, I suppose, what all other companies do.

Hon. Mr. MILLER—They gave a free service for a time in order to kill the other one.

Hon. Mr. SCOTT—They do that all over.

Hon. Mr. MILLER—That is so. Therefore, protect the public against them.

Hon. Mr. SCOTT—I do not know how you are going to protect the people against anything of that kind. If there is a monopoly created, it is by the public, because they centre on the one system : they think one system is best for them and take up the best. It is pretty well recognized. As an evidence of the growth of the company, in 1890 the number of subscribers of the company was 19,000. In 1895 it had grown to 28,000, in 1900 it had grown to 38,000. Now, certainly the 10,000 people who were added to the patrons of the company in five years did it of their own motion ; they did it because they were getting better service from the Bell Telephone Company, and because they wanted the benefit of the Bell system.

Hon. Mr. McCALLUM—That freezing out in Peterborough was not a fair thing.

Hon. Mr. SCOTT—It may not be patriotic, but it is the spirit of the age. People are doing that every day. Merchants are doing that every day and against each other, and I do not think that that is a reason that ought to be urged against this company. The hon. gentleman says this company is controlled from the outside. I deny that. I deny that the United States company has any stock in it. They had at the first. There was only $380,000 subscribed by the Canadian people ; that was not enough, and so the Bell Telephone Company in the United States was asked to subscribe a certain, not a very large amount, and that was the only occasion on which they subscribed at all. Then when it became apparent it was going to be a success, the Canadian people took up the stock, until today, as I have said, 95 per cent are Canadians.

Hon. Mr. McCALLUM—Ninety-five, I thought the hon. gentleman said seventy-five.

Hon. Mr. SCOTT—I only had it in my hands a few moments and it appeared to me, from a cursory glance at it, to be 95 per cent.

Hon. Mr. MILLER—There are no figures given whatever, and you cannot judge from that.

Hon. Mr. SCOTT—I am advised, on authority I can place confidence in, that there has been no increase unless it is the parties, whose names are given there, may have purchased stock to a large amount.

Hon. Mr. McMILLAN—The company control it.

Hon. Mr. SCOTT—No, the stock is on the market. Anybody can buy it. I am told there is no controlling influence outside of Canada in regard to this company, that in that respect it is a domestic company.

Hon. Sir MACKENZIE BOWELL—You could not state that unless you mean the amount of stock the Americans hold.

Hon. Mr. SCOTT—There are several shareholders in this room who know and can verify anything I have said.

Hon. Sir MACKENZIE BOWELL—There are some fifty Americans stockholders in the company.

Hon. Mr. SCOTT—Fifty out of about 800.

Hon. Sir MACKENZIE BOWELL—That would be no indication whatever unless we knew the amount of stock held by each.

Hon. Mr. SCOTT—I am told on good authority they do not control it.

Hon. Sir MACKENZIE BOWELL—The hon. member from Toronto has just put in my hands a reply to a question asked by the hon. member from Victoria. He says ' There has never been any bona fide company which desired to come into Toronto which declined to do so because of the low rates. Toronto is now paying more than any other municipality in Canada save one.'

Hon. Mr. MACDONALD (C.B.)—That is not exactly what I asked. They were invited to come and declined to come on account of low rates.

Hon. Mr. SCOTT—The statement was made in another place, and I did not hear that it was contradicted. They did not go.

Before I come to the question of rates, I have here the revenue account of the company up to December, 1900. The receipts are, exchanges, $1,125,000 ; long distance lines, $359,000 ; private lines, $11,000 ; miscellaneous, $116,000. Total, $1,614,000. Expenses of operating, $1,146,852 ; legal, $8.900. Insurance, $15,700, bonds interest—that is the interest on the bond issue—$52,000 ; miscellaneous, $5,000. Total, $1,229,000. This leaves a net revenue for the year 1900 of $384,000. The dividend out of that was $371,000, so there was passed to rest account that year only $12,000. They were only able to pay to the contingency account, $12,980.33 last year. This is audited and verified by P. S. Ross & Sons, chartered accountants. It is quite true they have, as my hon. friend from Richmond observed, in some years been larger than that. He quoted one year in which it was forty odd thousand dollars. For a company of that kind, doing the extended business they are doing, it is not a very large amount. They were giving a larger dividend probably than most conservative companies would feel they were justified in giving to their shareholders when they could only place to contingencies account $12,000 out of the years business. It shows they were paying out the dividends to the full limit of their earnings.

Hon. Mr. WOOD (Hamilton)—What is the whole amount of the rest account altogether ?

Hon. Mr. SCOTT—I think it is $800,000.

Hon. Mr. WOOD (Hamilton)—On a capital of five millions.

Hon. Mr. SCOTT—The capital is five millions and the bond issue—I do not know what that was. I think they were authorized to issue bonds, like all other companies, to the extent of 75 per cent of their paid up capital.

Hon. Mr. TEMPLEMAN—What has been the average dividend for the last five years ?

Hon. Mr. SCOTT—They have been paying eight per cent. Now, as to the rates, I make the statement here, and I think it can be substantiated, that it is absolutely impossible, in fairness to the company, to lay down any fixed rate which will apply to all cases. The conditions existing in one locality are different from the conditions existing in others. I should like on that point just to quote what Mr. Higman says. Mr. Higman is an officer of the Inland Revenue Department, not appointed by this government. He is a highly skilled electrician. He lays down this principle, that where it costs $100 per subscriber, under the old fashioned system, that is of the pole and the wire, and the connection with the holder of the phone, out of the capital account, where you put in a double wire, as you have to do now, it adds fifty per cent to the cost. Then, where they have to put the wires underground, as they have to do in some towns and cities—cities, particularly—the increase is up to three hundred dollars, so that hon. gentlemen will see that the conditions cannot be made to apply fairly to all possible cases, they vary so much. Then, again, great variation is due to cases where there is a high electrical current, as with the street car lines. Street cars, as hon. gentlemen know, propelled by electricity, are now pretty general throughout Canada. The effect on the tubes which contains the wires is to destroy the tubes. The escaping electricity eats up the tube. There was produced before the committee evidence of that? The electrolysis of electricity simply consumes the tubes and they have to be removed from time to time. The fifteen per cent, out of which so much has been made, is for that charge in Toronto and Montreal, where there are high electrical currents and where they have to put the wires underground and the tube has to be renewed. If hon. gentlemen have never seen the tube, they can scarcely realize how thoroughly the electric fluid penetrates and make holes in it and consumes it. You will find tubes absolutely opened. The fifteen per cent referred to in the evidence taken under oath in Montreal, to which the hon. member from Richmond referred, as showing there was a loss in Toronto that particular year, was added because of the destruction of the tubes. Of course, it is only a calculation. Nobody can specifically state that it is fifteen per cent. It might be more or less, but the fact cannot be denied, that whenever a high current of electricity is allowed to escape, it finds its way to the tube in which the telephone wires are encased and eats it up, and the tube has from time to time to be renewed. The fifteen per cent is an estimate, but that did not weaken the statement made by Mr. Hig-

man. Mr. Higman himself made an examination of the company's books at that time, and I know it was absolutely impossible for the government of this country to undertake to revise the rates over the 800 offices the company have throughout the country.

Hon. Mr. McCALLUM—I have confidence in the government on this question if on no other.

Hon. Mr. SCOTT—If it were practicable, it certainly would be done. I am endeavouring to explain that the conditions prevailing in different places are so widely different that it renders it absolutely impossible. Then it is an obnoxious thing. We know how difficult it is for the government to hear a case of that kind and put up rates. They must face the municipality. It is hard to convince the people that the government was right. They will say the government was prejudiced, or give other reasons for it. I am reading now from Mr. Higman's report. He was delegated to go to Montreal and make this inquiry. He refers to other authorities as confirming the judgment that he expressed as to the rapid destruction of the tubes containing the wires as shown by evidence in cities in the United States, and he quotes a distinguished electrician, Mr. Deland, as follows :—

A careful examination of the company's books at Montreal, the freest access to which was readily accorded, proved the statements of revenue and expenditure contained in Exhibit C to be correct in every particular.

In conclusion, the result of my investigation has been to prove the correctness of the claims of the Bell Telephone Company, made in their petition, namely :

That the introduction of electric railways or other industries using strong currents of electricity into cities or towns where there is an established telephone using a grounded single wire system necessitates a change to a metallic or double wire system, and when the overhead wires become too numerous, the change has to be to underground construction. That the cost on construction of an underground metallic or double wire system is 300 per cent greater than a single wire overhead system, and that the cost of operating the former is at least 30 per cent greater than the cost of operating the latter, even without making allowance for the destruction of underground cables by electrolysis to which I have alluded.

Hon. Mr. MILLER—What is the difference in the life of each—over ground as compared with underground ? It is largely in favour of the underground.

Hon. Mr. SCOTT—No, I do not think so.

Hon. Mr. MILLER—Yes, the underground will live a hundred years.

Hon. Mr. SCOTT—That, I say, is not correct, because I have seen, myself, cables taken up that were underground and that were absolutely eaten up. We had a piece of cable before the committee.

Hon. Mr. MACDONALD (C.B.)—Why does not Mr. Higman report on that ?

Hon. Mr. SCOTT—He does; he referred to that, and gave the illustration which I have mentioned. He stated the cost of the various systems. He gave at that time the revenue and expenses in 1895. The revenue in Montreal was $234,527. Expenses $205,229, showing a profit; but in Ottawa, where the metallic circuit has been partially adopted, the revenue was $36,983, the expenses were $49,885, showing a loss of $12,802. In Toronto, where the system is all metallic circuit, the revenue was $172,719, expenses were $252,597, showing a loss of $79,877. I do not think Mr. Higman could be so very far astray that you could, in the face of his figures, state there was a profit that year, even if we were wrong in putting the destruction of tubes by electrolysis at 15 per cent. Supposing he reduced it to 10 per cent, it still would not be a paying business for a city like Toronto.

Hon. Mr. McDONALD (C.B.)—Where do the dividends come from ?

Hon. Mr. SCOTT—From places where they are paying more than they should. The company do not propose that the stockholders shall get more than 8 per cent, but they say that the rates ought to be readjusted so that they would bear equally on all. As a matter of fact, there are 130 offices, out of the eight hundred odd, that are not paying expenses. To keep up the system, other offices are charged more than they should be charged, but I am told by the president, and I am at liberty to make the statement here publicly, that they do not desire on the capital an increase in the aggregate receipts. What they do desire, is to so adjust rates that all may bear equally their fair share, and the result to the company would be practically the same. There are a great many industries in Canada that are paying a good deal higher than 8 per cent, and putting large amounts to rest.

Considering all the risks, it is a matter of opinion whether the people who put their money into that concern, not knowing if it was to be a successful concern, are getting more than they ought to receive. If in recent years the new stock has been sold at the price of average stock on the market, then the people would not be getting 8 per cent. If a man paid one hundred and fifty dollars for a one hundred dollar share, he would not be getting 8 per cent for his money. The only men who are getting 8 per cent for their money are those who bought it originally, when the stock was sold at par. I can recollect myself when it was sold considerably below par.

Hon. Mr. MILLER—I recollect when it was very much below par.

Hon. Mr. McDONALD (C.B.)—I thought it was not issued below par.

Hon. Mr. SCOTT—It passed from hand to hand.

Hon. Mr. McMILLAN—The hon. gentleman is certainly making a mistake. Is he in a position to tell us how much of the five millions has been disposed of. Has it all been issued ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. McMILLAN—Then why did they not pay a dividend on it, because the dividend paid only represents the capitalization of $4,641,300. There must be something wrong.

Hon. Mr. MILLER—With respect to the life of underground and overground services, I find the following information:

> Mr. Sise overlooks the fact that in installing underground lines the life of the plant is very much increased, and that the depreciation of properly constructed work is infinitesimal. Mr. Preece, the chief electrician of the British Postal and Telegraph Department, has stated that the life of an ordinary underground paper cable might safely be estimated at one hundred years.

Hon. Mr. SCOTT moved that the debate be adjourned until Tuesday next, and that it be the first Order of the Day.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 10, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ALASKA AND SOUTH-WESTERN RAILWAY COMPANY'S BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (I) 'An Act to incorporate the Alaska and South-western Railway Company,' reported the preamble not proved to the committee's satisfaction for the reason that the Bill would conflict with existing rights under a charter already granted. He said : I move that the report be adopted. The reason for the recommendation is given in the report itself. It was found that there were existing rights which parliament ought not to interfere with under the circumstances.

The motion was agreed to.

BELL TELEPHONE COMPANY'S BILL.

NOTICE OF AMENDMENTS.

Hon. Mr. MILLER—When the Bell Telephone Company's Bill was under consideration yesterday, suggestions were thrown out with reference to modifications which were agreed to, taking away from the amendments their retroactive character. These amendments have been agreed to, but I am not so sure that it would be regular to make them on the motion for concurrence. I think the proper time to make them will be on the motion for the third reading. I, therefore, intend to substitute a motion, covering that ground as well as my two other amendments, for the third reading, especially, as in the first amendment now upon the minutes under my name an important alteration has been agreed to. I may say that there are two modifications, but both of them are in the direction of taking away from the amendments any retroactive operation. I beg to give notice that on motion for the third reading of the Bill respecting the Bell Telephone Company of Canada, I shall move

that the said Bill be not now read the third time, but that it be amended as follows :

By striking out the words, ' and shall be deemed to have formed part of the said Act ' in the second clause ; and by adding the words ' five hundred ' in the blank in the second clause.

And by adding the following clauses, which are the same as the clauses that I have already given notice of, with this difference. The first clause reads : ' No higher rates than the rates now in force.' I substitute for the words ' now in force,' the following words :

No higher rates for each class of telephone than the rates for such services in force on the 30th June, 1892.

I ask that this notice of amendment be substituted for my first notice on the Order paper, and that the latter be dropped.

IMPORTATION OF IMMORAL LITERATURE.

INQUIRY.

Hon. Mr. BERNIER rose to :

Call the attention of the government, on the alleged neglect of duty on the part of customs officers with regard to immoral publications and advertisements introduced into this country; and ask, what is the law in connection with these importations, and whether it is the intention of the government to have the law carried out in this matter?

He said : Lately the public have been aroused by denunciations of a certain condition of things which is really a serious grievance. It appears that obscene productions, in the form of periodicals and posters, are imported into this country, and are to be seen in public places in the cities of Canada. No less an authority than the Archbishop of Montreal has thought fit to speak out his mind and in such a way as to have his views and his indignation shared by all the denominations in Montreal. The municipal council of that city has also taken note of this matter, and I hope they will succeed, in so far as they are empowered to do so, in preventing this evil. In his letter to the Mayor of Montreal, the Archbishop of Montreal says :

There is another source of danger which also demands our vigilance. I would speak of certain book stores where productions not only dangerous, but containing illustrations which are altogether obscene, are sold even to children. These places are known. Some of the productions bought by young people have been brought to me, and I would never have thought that such perversity existed. Some are in French and some are in English, and they are equally revolting in their licentiousness.

They are generally imported periodicals. Why are they not confiscated and burnt by our customs officers? Are we to think that the laws which protect public morals have become a dead letter?

On the same subject a gentleman whom I do not know, Mr. Arthur Ware, the head of the St. Lawrence Advertising Company, has said :

The customs officials do not exercise the control which the law permits them to exercise. As a matter of fact, no lithographic works are done in Canada. All the engraved advertisements for theatres and posters along the streets come from the United States. They are reputed to have gone through the inspection of the customs officials, to whom it is forbidden not to stop immoral productions. All that which goes through the customs is held to have received the approval of the proper authority and to be blameless.

I do not think I need say anything more on this matter. I have no doubt that everybody entertains the same feeling on the subject as those who have thought proper to raise their voice, and more particularly I am sure the government only need to have their attention called to the matter to give it their earnest consideration.

Hon. Mr. MILLS—The attention of the Department of Customs has all along been given to the subject, with a view of preventing the importation of obscene or licentious publications. I have received from the Minister of Customs a statement showing the revised list of prohibited publications that are shut out of the country by the customhouse. It may be that occasionally an obscene book or illustration is imported into the Dominion and escapes the attention and vigilance of the customs officers. That sometimes must take place ; no amount of vigilance on the part of customs officers can secure absolute exclusion, but in the main, exclusion does take place, and very few publications of this sort escape the vigilance of public officers. I am told that some of these publications, when examined, are found not to be importations, and of course greater care is required in police supervision in the cities or places where these obscene publications are produced.

Attention is given in that direction with a view of completely stamping out, as far as it is possible, either the importation or the publication of works of this sort. It is a disgrace to men who are artists that they should give their talent and skill to the illustration of works of this sort, and I can as-

sure my hon. friend that nothing that can be done in reason by the officers of the government of Canada to prevent the importation of literature of this sort will be neglected. Every one who has a regard for the morals of the community is interested in exercising vigilance in this matter, and there is nothing that has been said by His Grace the Archbishop, whose observations my hon. friend has read, that every right-thinking man in the country will not sympathize with.

CREDIT FONCIER DU BAS CANADA BILL.

ORDER DISCHARGED.

The Order of the Day being called :

Second reading (Bill 99) An Act respecting Le Crédit Foncier du Bas-Canada, and to change its name to Le Crédit Hypothécaire du Canada. —(Hon. Mr. Landry.)

Hon. Mr. LANDRY—When this Bill came up in the House, the Hon. Mr. Casgrain (de Lanaudière) was absent. The father of the Bill is Mr. Geoffrion, in the House of Commons. The Bill came from the House of Commons here and, as the hon. gentleman (Mr. Casgrain) was absent, a paper was put in my hands bearing the name, and I took the Bill in my charge simply as a matter of courtesy. I thought it was a gentle little baby, but it turns out now that it is a wretched creature. I do not want to assume the responsibility which my hon. friend (Hon. Mr. Casgrain) has no desire to assume himself.

Hon. Mr. MILLS—I suppose the Bill had better drop.

Hon. Sir MACKENZIE BOWELL—The promoters of the Bill called upon me about an hour ago and said they were quite willing, if the House would give them the Bill, to drop that portion which has reference to drawings and lottery. I told them I thought the feeling of the Senate was that they would not recognize any principle or any clause in any law which recognized the principles of lottery.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—They said they would like the Bill to go to committee where they would make the explanations, and if it were the opinion of the Senate, they were quite willing to drop these clauses, and all they would ask would be that the Bill should be passed in order to enable them to establish the bank,—I think that is what it is called—or loan society, which Bill has been in existence since 1884, but which has been allowed to die. That is the explanation they gave me. I told them that I heard objections on both sides of the House to accepting the clauses relating to the lotteries. I thought it due to these gentlemen to make that explanation. Perhaps we had better let it stand.

Hon. Mr. SCOTT—It should be dropped.

Hon. Mr. LANDRY—It is unclean. I shall not touch it.

Hon. Mr. SCOTT—I move that the Order of the Day be discharged.

Hon. Mr. MACDONALD (B.C.)—Why not allow it to go to committee, in order that it may be looked into.

The SPEAKER—The hon. gentleman from de Lanaudière, who had charge of the Bill when it came up last, stated that he was opposed to it.

The motion was agreed to, and the order was discharged.

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (121) 'An Act further to amend the Post Office Act.' He said : I may say that the first clause amends the law relating to what is called a 'post letter' by the insertion of certain words, whether such letter is addressed to a real or fictitious person or not. Then the second clause relates to dead letter offices, and there is an extension of the number of the cities where those offices are established.

Hon. Sir MACKENZIE BOWELL—There has been but one in the past at Ottawa.

Hon. Mr. MILLS—The old law provided for the cities of Montreal, Toronto, Victoria, Winnipeg and Halifax. This clause strikes out the word 'and' before the word 'Halifax' and inserts 'the following cities : St. John, Kingston, Hamilton, London, Vancouver, and the town of Dawson.' These are the only changes that are made in the Bill in that respect. There is a provision in the

next clause for train porters and a provision for preliminary civil service examination and for promotion under certain conditions after having served a certain length of time. These are the provisions of the Bill. They are not very important in themselves, but they will contribute to the efficiency of the law upon the subject.

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

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS COMMITTEE.

FOURTH REPORT ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the fourth report of the Standing Committee on Internal Economy and Contingent accounts of the Senate. He said: This is the report of the committee with reference to the repairs, alterations and improvements that they recommend the Department of Public Works, to carry out before the next session of parliament.

The motion was agreed to.

SAFETY OF SHIPS ACT AMENDMENT BILL.

THE SENATE AMENDMENT NOT INSISTED UPON.

The Order of the Day being called:

Consideration of the message from the House of Commons agreeing and disagreeing to certain amendments made by the Senate to (Bill 92) An Act further to amend the Act respecting the Safety of Ships.—(Hon. Mr. Mills.)

Hon. Mr. MILLS moved that the Senate recede from the amendments which have not been agreed to by the House of Commons.

Hon. Sir MACKENZIE BOWELL—Has the character of the report which was sent down been amended? It intimated to us that we did not know what we were doing, that the clause was plain enough and it should remain.

Hon. Mr. MILLS—The report is not a very courteous one. There can be no question about that. There are many gentlemen of the Senate who are not wanting in experience and not wanting in ordinary intelligence or acuteness, and we thought the Bill as it stood was somewhat obscure and ambiguous, and we went into committee, and subsequently rose and reported the Bill with certain amendments. I called the attention of one of my officers to the provisions of the Bill and the doubt that had been expressed by the Senate, and he prepared certain changes which he thought removed the ambiguity or obscurities. With those amendments the Bill was carried through the Senate and was sent down to the House of Commons, and the House of Commons say in their report that there was no ambiguity, that the provisions of the Bill as it stood were plain enough. I am acquiescing, not in the judgment which they pronounce, but in the amendment which they made.

Hon. Sir MACKENZIE BOWELL—Unfortunately you have to accept their report and their reasons.

Hon. Mr. MILLS—No, I do not accept their reasons. Then there was another expression in the Bill. We used the words 'the British Isles' and after discussing it in the House of Commons they seemed to think the British Isles were not the islands of Great Britain and Ireland, that they might be isles held by His Majesty in some other portion of the globe, and so they substituted the United Kingdom, which is not the name of a place at all, but which is the designation of a political condition attached to some country or other. It might be the United Kingdom of Great Britain or it might be that of Soudan and Timbucto. However, I accept the amendments, and invite the Senate to acquiesce, not in the report, but in the amendments that have been made in the Bill.

Hon. Sir MACKENZIE BOWELL—The hon. minister accepts that, notwithstanding the ambiguity in the terms used by the Commons?

Hon. Mr. MILLS—Quite so. I do not think there is any ambiguity in the term British Isles, and the courts will hold that the expression 'United Kingdom' by implication, at least, refers to the United Kingdom of Great Britain and Ireland.

Hon. Mr. MACDONALD (P.E.I.)—Would it not be much better to express that fully, and say 'the United Kingdom of Great Britain and Ireland'?

Hon. Mr. MILLS—I have no desire to prolong the session, and I have no doubt it will be correctly interpreted, no matter whether

we permit the words 'United Kingdom' or 'British Isles' to remain. I do not think it is necessary to delay.

The motion was agreed to.

THE FRANCHISE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (63) 'An Act to amend the Franchise Act, 1898.' He said: The amendments are purely verbal, making the interpretation clearer. In the fourth line the words are introduced 'by the provincial law' to entitle them to vote at the provincial election. It was slightly obscure without those words. The oath in the Franchise Act is, 'I so and so do swear.' It is administered by the returning officer, and it should be 'you so and so do swear.' Then in the 9th section, in reference to provincial lists, the only change there is the proviso in the amendment:

> Provided that, if in any such case voters' lists have been prepared under this section not more than one year before the date of the writ for such election, new lists shall not be prepared, but the lists so prepared shall be used unless there are lists of a later date prepared under the provincial law.

Then there is an amendment to section 10. The only change in that is, requiring the official in charge of the list, after he has sent forward his list to the Clerk of the Crown in Chancery, if any change is made in the list, it is his duty to send forward the alteration.

Hon. Mr. McCALLUM—That, I suppose, is to cover the blunder in Nipissing.

Hon. Mr. SCOTT—No, it has nothing to do with Nipissing.

Hon. Mr. TEMPLEMAN—I should like to ask the Secretary of State if this first clause will touch the question in British Columbia of Chinese voters.

Hon. Mr. SCOTT—No, I think not, because there is no change beyond what I have indicated. Apart from those changes the clause reads just as it did before.

Hon. Mr. TEMPLEMAN—Do the words 'or belonging to such class of persons' remain in the Act?

Hon. Mr. SCOTT—Yes.

Hon. Mr. TEMPLEMAN—I would point out to the government this is a very serious matter, and in making an amendment of the law, they ought to take into consideration this feature of the franchise law. It has been given as the opinion of leading lawyers in British Columbia that every Chinaman in that province who has taken the oath of allegiance and become a British subject under the law, may go to the poll and vote, although under the provincial law he is specifically disqualified from voting. I do not know what the opinion of this House is, as to continuing the disqualifications of naturalized Chinese in respect to the Dominion franchise, but I know what the opinion of British Columbia and the west is, and I say unhesitatingly that if any number of Chinamen went to vote at any polling place in British Columbia under the power contained in this Dominion franchise law, very serious consequences would result. I think the Dominion government should recognize public opinion in the west to the extent of conforming to the provincial law. The provincial law specifically excludes Chinamen from voting. I do not think any Chinamen could vote in Victoria or Vancouver without serious consequences. In this amendment to the law, they should introduce the provincial qualification in respect to the Chinese voters.

Hon. Mr. SCOTT—The hon. gentleman is aware that the province has not only disqualified Chinamen, but it has also disqualified Japanese. In the provincial law they both stand in the same category. It has been considered by the House of Commons and the government of this country that in the interest of the empire it is extremely unwise for British Columbia to have taken any action in marking out the Japanese as an objectionable class to admit into this country. Japan is a very warm ally of Great Britain. Without Japanese aid Great Britain would perhaps be weakened in Asia, and the Imperial authorities have attached very great importance to our continuing the friendship of the Japanese, and strongly object to their being ostracised by the province of British Columbia. It is largely because they have coupled the Japanese with the Chinese in all that legislation.

Hon. Mr. TEMPLEMAN—I think the hon. gentleman is mixing up two questions.

Hon. Mr. SCOTT—No, they disqualify Japanese.

Hon. Mr. TEMPLEMAN—No impediment has been put on Japanese coming into the country, whereas there is a tax of $100 on Chinese coming into the Dominion. You must remember that there are not so many Japanese as Chinese in British Columbia. If you open the door to Chinese voting, they can carry electoral districts in Victoria and Vancouver. It would be a monstrous proposition if three or four thousand Chinese in Victoria could elect a representative.

Hon. Sir MACKENZIE BOWELL—It is only another illustration, to my mind, of the incongruity of the pretended adoption of local franchises. If the policy of the party now in power were carried out in its entirety, as advocated when they went to the electorate, they would not interfere in any way with the provincial franchise or the voters lists, but when they come to place upon the statute-book a law ostensibly adopting the local franchise, they have to change it in very many respects, because they found in some of the provinces a very desirable class of citizens were deprived of the right of voting. For instance, in one of the provinces any one that was an employee by the day was interpreted to be an employee of the government, and consequently he was deprived of his vote. In British Columbia I think they went so far as to deprive some of the officers of the militia and naval forces that were living in the province of the franchise, for reasons given by them. The Dominion government, however, in adopting the local franchise, gave these residents the right to place their name on the voters' lists, in direct contradiction to their professions of adopting the provincial lists. Now, there is not a single province that I am aware of, excepting probably Ontario—I do not remember any exceptions there—in which they have not introduced a clause in the Franchise Act giving the right to vote to persons who are deprived of the right of franchise by the local legislature, showing that they have only carried out their policy in this respect to a limited extent, and I think they are quite right. I do not blame them for that, but I think the Dominion government should have a distinct and positive Franchise Act of its own. The provisions of the old Franchise Act may have been such as to render it expensive, but I think with the aid of some practical minds an Act might be framed for the whole Dominion, placing all classes of His Majesty's subjects on the same footing, without costing much more than it now costs to prepare the voters' lists by the Dominion government. If the policy of the party now in power were carried out, all they would have to do would be simply to take the last revised voters' list in each province, whatever that might be, and in force at the time of an election. Then all the expense, trouble and annoyance that now arises from the reprinting of the voters' lists and carrying on communication with the clerks of the different municipalities and for provinces where there are no voters' lists, would be avoided altogether. I am inclined to think in a few years they will return to the old system—that is, the principle of the old system. I would not like to see it adopted in its entirety, but experience has shown that the lists could be prepared at as little expense as we are put to now, and the longer we attempt to crystallize into law for the Dominion the different franchises of the several provinces, and then make exceptions, additions and alterations wherever we may deem it proper to do so, in protecting the rights of the citizens and the workingmen, we will find the necessity of returning to some system by which there will be a Dominion Franchise. I am not prepared to dispute the feeling which exists in British Columbia, referred to by the hon. Senator from Victoria, as to the results of allowing Chinamen and Japs to vote, but it is a grave question whether, when any man becomes a subject of His Majesty, having taken the oath of allegiance, that we should place him in the position that Kruger placed the Uitlanders in whom he thought just as little of as British Columbia may think of the Chinamen, and which led to the unfortunate, expensive and serious war which has taken place in South Africa. Let us not by any means, however, much we may dislike a certain class of people coming into this country—let us not place Canada in a position analogous to that of the Transvaal under the government which has ruled there for a number of years, and which made slaves of the most intelligent part of the community. I can only,

repeat, experience teaches that in every case where you attempt to interfere with this Franchise Act, you see the difficulties of carrying it out by adopting what purports to be the franchises of the provinces. Let me ask my hon. friend, the Secretary of State, whether these amendments—I confess I have not looked at them sufficiently to come to a proper conclusion—are intended to obviate that unfortunate difficulty which occurred in Nipissing by which a constituency in the province of Ontario has been deprived—no, not deprived of its representation, but I do not hesitate to say that the electors were cheated out of an opportunity of casting their votes in favour of or against two candidates that would otherwise have been in the field. Some provision should be made to prevent a repetition of such an occurrence. Where the blame rests I cannot say, but as far as the world knows, the trouble was due to the interference of the Secretary of State and of his department. I would not even insinuate a charge against the Master in Chancery, whose duty it is to issue the writs, but if my information is correct, he was seriously interfered with, and by the hon. gentleman himself.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then I withdraw that, I do not say it on my own responsibility, but on information which I received to which I gave credence, and had reason to believe was correct. We all have heard that—I will not say stupid blunder—it seemed to be worse than that—the manner in which the election in the constituency was interfered with, and if this Bill does not provide for the prevention of such difficulties in the future, all I have to say is, it should do so, and it is a matter which I think we might consider, even though it pertains to the other House more than to our own. The object of the government, and the object of every elector and representative of the people, whether in the House of Commons or in the Senate, should be to have a Franchise Act and an Election Act framed in such a way as to prevent, if possible, the frauds and rascalities which we know have been perpetrated during the last and previous elections. My desire, and I am sure the desire of every member of the House is, to have this law made so that if it be possible we should frame an Act that would prevent the repetition of such occurrences as I have mentioned.

Hon. Mr. SCOTT—The object in Nipissing was to give the electors an opportunity of voting. Under the Franchise Act the lists to be used could not be older than one year old. The lists in the unorganized districts—and it is only the unorganized districts of Nipissing to which allusion need be made—were only prepared in Nipissing, Parry Sound and Algoma. They are only prepared in the unorganized districts on the eve of the provincial election. The list in Nipissing it was found had not been prepared within more than two years. There were no lists prepared within one year; consequently, under the ninth section of the Franchise Act——

Hon. Sir MACKENZIE BOWELL—Supposing it had not been prepared, whose duty is it to see that it is prepared?

Hon. Mr. SCOTT—I do not know. Attention was not called to it until after the writs had been issued. Attention was first called to it in the district of Algoma. The government was written to, myself particularly, calling attention to the fact that a very large number of people, it was estimated at 1,500, and about as many in Nipissing—between the two districts it was thought over 2,000 people would be disfranchised unless new lists could be made, as under the list of 1898 they could not vote. It so happened in August and September lists were being prepared by the sheriffs, who are the officers to prepare the lists in the unorganized districts, and under the law of Ontario it required thirty days for appeal after the sheriffs had prepared their lists, and it was found that to allow the thirty days for an appeal would have run over the 7th of November in the unorganized districts, and it was represented that unless some action was taken under section 9, by which the Governor in Council was authorized to have new lists prepared, a very large number, between those two districts, Algoma and Nipissing—at least a couple of thousand of voters would be absolutely disfranchised. The order in council was passed, authorizing the sheriffs, as they had to prepare the lists, to hasten the preparation and to limit the time for appeal—instead of thirty days to

allow ten days for appeal. In Algoma, as my hon. friend knows, the returning officer was not bound by the Election Act.

He could postpone the day. It was one of those movable days in Algoma, and so it had been in Nipissing in former years, but it was not in the last election. In Algoma, the difficulty was overcome by the returning officer postponing the election until his lists were complete. In Nipissing, the returning officer represented it would be impossible to have his lists prepared in time, and the question arose what was to be done, whether to postpone the election or to allow it to go on, and disfranchise that very large number of people. It was just as fair to the one party as to the other that the date should be postponed, and as the returning officer reported that it was impossible for him to have his lists ready on that day, I may say here, I am informed by the returning officer that Mr. Klock's friends were informed of that fact and asked whether they would agree to allow those lists to be used, although they were not finally completed. They said 'yes we will.' The returning officer said 'if both parties will sign——'

Hon. Sir MACKENZIE BOWELL—What list?

Hon. Mr. SCOTT—The incomplete list. Of course in the appeals it was not thought there would be many changes. There are very few changes in the unorganized districts, and it was thought they might be used, and the returning officer informs me—and I have reason to believe him—that he said 'If the two candidates will put in writing an agreement that the lists will be used notwithstanding that they are shut out by the law as it stands, the election can go on.' But they refused to put it in writing. Mr. Klock's friends declined. I understand that is the fact. Therefore, the sheriff postponed the election. He notified both parties some time before the 31st October.

Hon. Mr. McCALLUM—And hid all the day of election.

Hon. Mr. SCOTT—No hiding about it.

Hon. Mr. McCALLUM—That is the evidence.

Hon. Mr. SCOTT—Let me explain. He notified the agent on the Saturday, or the Monday before the nomination day that the election would be postponed. It would not be held on the nomination day in consequence of the lists being incomplete, and it was desired to have the lists ready so that they could be used at the election.

Hon. Mr. McCALLUM—The evidence shows that the candidate and the returning officer came to Ottawa to see the Secretary of State about it.

Hon. Mr. SCOTT—McCool, the candidate, lives in the city of Ottawa. He saw me.

Hon. Sir MACKENZIE BOWELL—The returning officer acted under the advice of the hon. Secretary of State and under his instructions.

Hon. Mr. SCOTT—No, not under my advice. He used his own discretion in the action he took. He does not say he acted under my advice.

Hon. Sir MACKENZIE BOWELL—After consultation with the hon. minister.

Hon. Mr. SCOTT—He may have consulted me.

Hon. Sir MACKENZIE BOWELL—He did, did he not?

Hon. Mr. SCOTT—There was an order in council passed some days before directing him to have the lists completed and confining him to ten days. He came down and saw me and said he could not have the list revised within the ten days. It would not be possible, because there were some appeals that had been put in, and then certainly both parties were notified and both parties stood on the same ground on the second nomination. Notice was given. The returning officer was quite prepared to allow Mr. Klock's nomination paper to be used on the second occasion.

Hon. Sir MACKENZIE BOWELL—Very kind of him.

Hon. Mr. SCOTT—I mean the first nomination paper. So that there would be no trouble or expense gone to in connection with it. He was informed that there would be no trouble imposed on him, in order to make things smooth, so that he would consent to appear at the nomination and take part in the election. These are the facts, and it was simply an observance of the law which made it impossible to hold the elec-

tion unless you disfranchised that large number of voters.

Hon. Mr. McCALLUM—Did the hon. minister read the evidence given by the returning officer when he appeared before the court ?

Hon. Mr. SCOTT—I saw the report.

Hon. Mr. McCALLUM—He said that he hid himself the whole nomination day.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—And he said he came down here and saw the Secretary of State, and the candidate who was running for the district, Mr. McCool came also, and he was asked : 'What did Mr. Scott say,' and he answered 'Oh, well, he did not say anything but he looked very wise.' That is the evidence before the court, and I think myself he acted wisely in not saying anything about this muddle.

Hon. Mr. SCOTT—That is no muddle.

Hon. Mr. McCALLUM—It is all straight, is it ?

Hon. Mr. SCOTT—All straight.

Hon. Mr. McCALLUM—The government say an election is to be held on a certain day, and then they cancel that and subsequently elect their man to parliament. The returning officer admits himself that he hid all day, and his clerk hid also. Whether the hon. Secretary of State advised him to do that or not I do not know, but he says that when he came here Mr. Scott did not say whether he would pass the order in council or not, but he looked very wise and passed the order in council afterwards.

Hon. Sir MACKENZIE BOWELL—By what authority under any law was the order in council passed ? What clause in the Act gave the government power to pass that order in council ?

Hon. Mr. SCOTT—Section 9, which provides that for the purpose of preparing new voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and in bringing into force such new voters' lists the laws of the provinces regulating the preparation of the voters' lists as far as possible shall be observed and followed.

Hon. Sir MACKENZIE BOWELL—There is no doubt about that, but any one reading that clause will know that it contemplated an election being held some time in the future, and the voters' lists not being ready, then the Governor in Council should have power, but it was not intended the Governor in Council should have the power, on the day before the election, to determine whether the voters' list was correct or not. That never was the intention of the law, it is an exaggeration of their powers. There is no question about that, we know from the evidence that was given, that there was a deliberate conspiracy, not only to prevent the election taking place then, but to accomplish what they did accomplish afterwards.

Hon. Mr. MILLS—I think my hon. friend is hardly correct. I do not remember a case for many years in which the election for that district took place precisely the same time as it did in other portions of the province of Ontario.

Hon. Mr. FERGUSON—It did in 1896.

Hon. Mr. MACKENZIE BOWELL—It is the only time in which an election was held in that district.

Hon. Mr. MILLS—Throughout the district of Algoma we have been holding elections after the elections elsewhere have taken place, and the voters' lists have not always been ready for use at the time or at the day fixed for an election in the vast majority of the constituencies throughout the Dominion. That has been so, not only in the Dominion elections, but in the local elections. My hon. friend has referred to that particular section of the Franchise Act. That section to which my hon. friend refers is not in the Act for the first time. It was a part of the law before, and when the elections took place, very often the period for the election in that particular section of country has been postponed for the very purpose of permitting a list to be got ready which would enable a large number of electors to vote. In the case my hon. friend has pointed out, when the election took place the list that existed there was a list more than twelve months old in the unorganized parts.

Hon. Mr. SCOTT—In the organized parts the lists were all right.

Hon. Mr. MILLS—And they were not interfered with. Therefore it became necessary to postpone the election in order that the law might be complied with. The regulation made by the Governor in Council was a regulation under the authority of the statute. My hon. friend has read it and there is no room for doubt, it seems to me, on that question, that the regulations that were made, providing for the preparation of new lists, were in principle similar to those which existed in the province of Ontario for the preparation of the lists, in the various towns and cities. You have a list to be prepared after the dissolution of parliament takes place in all the cities of the province of Ontario. You have a provision made that the list shall be prepared after the writ has issued. That was done in London. It was done in Toronto. It was done in Kingston and St. Catharines and in other places. If I remember rigthly it was not done in the city of St. Thomas, because the list there was not twelve months old. There having been a provincial election within a year before, it was not necessary to prepare a new list. The principle is exactly the same.

Hon. Mr. McCALLUM—That is only in a city.

Hon. Mr. MILLS—Yes, but the principle applies in the case of an electoral district That is my contention, and that is what the law provides for, and that being so it was right and proper—it would have been an improper thing on the part of the returning officer to have held the election when one-half, perhaps, in a large section of country of those who were entitled to have their names on the list and could not vote. The law provides their names shall go on the list, that the list shall be prepared, that it is the duty of the person appointed as a returning officer, if such a list is not ready, to postpone the day of election in order that it may be prepared, for the date of the election is of far less consequence than the rights of the electors, and in this case it was necessary that the parties who were by law entitled to have their names upon the list, and if their names were upon the lists would have been entitled to vote, should have had the opportunity of having those names on the list and have that opportunity afforded them of voting. That was the case, and the returning officer, in my opinion, acted with perfect propriety in postponing the day of the election.

Hon. Mr. McCALLUM—After he had given notice all over the country that he was going to hold an election on a certain day, then he had a perfect right to postpone it. That is the statement.

Hon. Mr. MILLS—Certainly, he had a right to postpone it. If he made a mistake, if after fixing the day he discovered there was no list and he had the power given him, under the statute, as he has power, to postpone the day of the election in order that that list might be perfected, it was his duty to exercise that power for which purpose the law had given it to him.

Hon. Mr. FERGUSON—Under what law was there any power to postpone that election in Nipissing ?

Hon. Mr. MILLS—It was postponed because the lists were not completed.

Hon. Mr. FERGUSON—Where is the clause that says that shall be done ?

Hon. Mr. MILLS—I have not looked at the section ; I cannot tell without turning it up.

Hon. Mr. FERGUSON—Surely the hon. gentleman is able to show us the law authorizing it.

Hon. Mr. MILLS—I tell the hon. gentleman the law gives the returning officer the power to make the postponement. If he asks for the particular section I cannot turn it up at the moment. There is the fact that a thousand people who were entitled to vote would have been disfranchised.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with the fact that the power exercised by the government was without law or authority.

Hon. Mr. MILLS—I say it has. I say the object of an election is to give to the people of this country, who have a right to be electors, the right to express their opinion.

Hon. Mr. McCALLUM—I agree with all that, that every voter who wants to exercise his franchise should have the opportunity of doing it, but if the government in Ottawa instruct a returning officer that an election shall take place on a certain day and send

him the writs and put up notices all through the country, deceiving the electors, and afterwards instruct the returning officer to go and hide himself, they are doing wrong. He ought to have held the election. Did the instructions come from Ottawa? Did the Secretary of State send those instructions? The evidence before the court was that the returning officer hid all day.

Hon. Mr. SCOTT—He gave the explanation to the court.

Hon. Mr. McCALLUM—He shows he did wrong when he hid himself. Why did he not come up like a man and face the music. The whole thing is a muddle from beginning to end, and I am satisfied the people of this country will consider, from the way that election was carried on, that that seat was stolen—nothing more or less.

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the House to the remarks made by the hon. Minister of Justice and the manner in which he has interpreted and applied the law. We all know that in the province of Ontario when an election is to take place in a city and in a town now, under the laws, if the voters' list is of a certain age, a new list has to be prepared. The Ontario law provides for that and that is not a provision of this law; so that the cases to which he refers are not at all analogous. The clause to which the hon. gentleman has referred and that clause upon which the Secretary of State based his whole argument was in the Franchise Act providing especially for that enormous territory known in Ontario as the Algoma territory, there is extent over a thousand miles, but there is no provision in the law making that applicable to the Nipissing district. The Nipissing district is a constituency set apart after the last census, consisting of a portion of the Algoma district and a portion of the north riding of the county of Renfrew, and a portion of North Hastings which formerly was in the constituency that I had the honour of representing. So that the clause in the law to which they have referred is not applicable to the electoral district of Nipissing, any more than it is to the county of Carleton, or to the county of Ottawa. There is no authority for a returning officer to take the course that he did, and it would be much more manly, if I may be permitted to say so, for the government to assume the responsibility at once and say that they instructed the returning officer to do what he did do. How is it the government knew that the voters' list was too old for the election? Was attention called to it immediately after the issuing of the writs, or was their attention called to it when it was discovered a day or two before the time for receiving nominations by the returning officer. When was it done? If the duty devolved upon the head of some department, the Secretary of State if you like, or any other, it would be his duty to see, the moment it was decided to issue the writs, in what state the voters' lists were in the different sections of the country. I am speaking more particularly for Ontario. I do not know so much about the other districts, and if they neglected to do that, they had no right, under that law and under this section, to apply that section which was made applicable only to the Algoma district; I do not know—it may have applied to Gaspé—I am not sure about that, I won't speak positively, not having looked at the clause—but knowing that clause was placed in the law for that very purpose, to provide for the very districts which are pointed out by the Minister of Justice, but it never was intended for any other, and unless it had been made applicable to Nipissing, I hold they had no right to act as they did. However, be that as it may, is not this constant changing, trying to provide for difficulties that have occurred in the past and are continually occurring, a sad commentary upon their legislation in dabbling and dealing with this Franchise Act. It proves to the country that some other system should be adopted. These doors are opened, either through the intrigue of returning officers with the assistance, in some cases, as it has been, improperly. I have no doubt, as insinuated they were in this instance through one of the ministers—I have no right to say it was, after the explanation that the hon. gentleman has given, but I do hope the time is fast approaching when the Minister of Justice will apply his practical mind to this subject. He knows the franchise law as well as any of us, and I hope he will apply his mind, during the recess, to this whole subject and introduce a simple, practical system by which these difficulties will not occur in the

future, and by which every man will get his right to vote.

Hon. Mr. SCOTT—In reference to the lists the hon. gentleman has spoken of, he probably is aware that in Nipissing, as well as in Algoma, there are probably thirty or forty different sections, I cannot at the moment state the number, that are called 'unorganized.' There are sections of Nipissing that are unorganized, that is, have no municipal organization. When the writ was issued applications came in from the county for lists. We had no lists here. Inquiry was made as to how it happened. It was found last year, or the former year, no lists had been sent in—in fact they were not known—they were unorganized districts. Then the sheriff sent down a list which they printed there. In those sections where no municipal organization exists it is the duty of the sherif to make up the lists. Lists were made up and printed and certified by him, but those lists all contained an announcement at the bottom that there was thirty days from that date for appeals. That would have carried it beyond the 7th November. It only had reference to the unorganized districts, I think fifteen or twenty of them. That explains why there were no lists at the Bureau, and none could be supplied, and it was in consequence of that the order in council was passed to hasten and complete the lists that were then under way and shorten the term. They had thirty days for appeals, and it was thought by shortening that to ten days they could be completed by November. It so happened that the judge was in Temiscamingue. He was fishing at the time, and a telegram could not reach him—at all events he could not be reached, and he said he could not complete the lists within the ten days.

Hon. Mr. McCALLUM—You were all fishing at that time.

Hon. Mr. SCOTT—I hope the hon. gentleman does not cast any reflection on him.

Hon. Mr. McCALLUM—Oh, no.

Hon. Mr. SCOTT—It was just a question of whether you disfranchised in round numbers a thousand voters and limited it only to the organized districts,—that is, where municipal organization existed.

Hon. Mr. FERGUSON—This Nipissing difficulty is sufficient, I think, to convince everybody of the unwise character of our legislation, in 1898. It was owing to the position in which we put the franchise of this country, in 1898, by the Franchise Act of that year, that this difficulty has arisen. A stronger arraignment of that legislation of 1898 than has been made by the two hon. gentlemen who represent the government in this House, when they told us one thousand people would be disfranchised if the law were carried out and the election held at the time it should have been held, could not be uttered. They tell us that the existence of such things justified the Governor in Council in postponing the election. I submit that even if 50,000 men were disfranchised, it did not give the Governor in Council the right to break the law. If there is any legislation under which a local election could be postponed in the district of Nipissing, all right. If not, the fact that a large number of men were disfranchised would not make the law different from what it was, and did not clothe the Governor in Council with the power to postpone the election. I have heard the hon. Secretary of State try to explain away, in his jaunty manner, how this thing happened; but I understand he is the particular minister who has charge of these matters, and I submit that the hon. gentleman should have looked earlier into this question. The date of the election was not settled in an hour. It was known, probably, to my hon. friend—it was pretty well known to others outside of the government in this country—that an election would be held early in the month of November. My hon. friend could not have been more ignorant on that point than the people of Canada were. Why could not the hon. gentleman have looked into the matter at an earlier date. The law provides plainly that if an electoral list is not provided within a year, the old one may be used. If my hon. friend had been attending to the duties of his department, he would have discovered sooner than a few weeks before the election whether the lists of Nipissing were in a state of preparation or not. I cannot find in this section before us, section 9 of the Franchise Act of 1898, and in the proposed amendment, that any particular minister is designated as being responsible for the preparation of the lists. I understand my hon. friend, the Secretary of State,

has been dealing with this question—that was the statement of the Minister of Justice. We should clearly designate the minister on whom the duty to look after these matters should devolve, so that he should be held responsible in an unmistakable manner before parliament and the country, and I hope before we leave this question that that will be done, because I submit that if my hon. friend the Secretary of State was responsible—if it belonged to his department, it was his duty, long before this difficulty about which so much has been said occurred, to have had the difficulty removed, and I submit further, that even if this extreme statement, and I think it is a very extreme statement, that a thousand men would have been disfranchised, for that difficulty applied only to the unorganized districts of Nipissing—I submit that even if a considerable number of men be disfranchised, the law should be carried out and the election held according to the law, since the Secretary of State neglected his duties at an early stage and had not seen that these people had not their names placed on the list. This discussion came up unexpectedly on my part, and I have not had time to look over the statutes, but I tried to get the Minister of Justice to inform me. I understand there is a provision in our law to postpone, beyond the date of the general election, the holding of an election in the district of Algoma. That has existed in the law for a long time. I suppose the plea will be set up that a portion of Nipissing belonged formerly to the district of Algoma, but this parliament, some years ago, took that section that formerly belonged to Algoma, and which is now to Nipissing, out of Algoma, and it no longer remains any part of Algoma, and the old law which gave the Governor in Council power to postpone an election in the district of Algoma could have no reference to territory which had, by the subsequent law of the Dominion of Canada, been made a part of the county of Nipissing and no longer remained in connection with Algoma. Therefore, I submit that there was an overriding of the law of the country on the part of the Governor in Council, and I submit that no such authority should interfere with the law of the country. The law has to be carried out, and if, as I said before, the Secretary of State, or whatever minister had charge of this matter, had done his duty in time, and finding that the list was more than one year, or two years old for the purposes of the Franchise Act, he should either have allowed the election to be held on the list that was in existence, or taken earlier steps to see that the electors of that part of the country were put in a position that they could vote. I hope that before we pass this Bill we shall amend it in this respect. I do not think there is any necessity for a change in the law with regard to the power of the Governor in Council to postpone an election. There was no power in November, and there is none now, and if the Governor in Council will override the laws of the country there is no use in making laws at all; but, I submit, one thing we ought to make clear, and that is we should define in this section 9 what minister of the government has a right to look after these lists as provided for in that section.

Hon. Mr. MILLS—Hon. gentlemen will see that my hon. friend differs from the provision of the law. He says that it would be better that a large number of people should be disfranchised than that an election should be postponed; that it ought to be held on the day. Now, my hon. friend ignores the settled principle that has always prevailed with regard to the exercise of the elective franchise. Under our British constitutional system, it is always regarded as a matter of special importance to the liberty of the subject, the right to exercise the elective franchise in the constitution of the House of Commons. Everything that may contribute towards depriving the elector of his rights must be treated as a matter subordinate, preserving that right and maintaining the right of one whose name is entitled to go on the regular list, to have his name put there and to have the opportunity of recording his vote. There is nothing of which parliament has been more jealous in the United Kingdom in past years than in the preservation of the liberty of the subject in this regard. My hon. friend speaks about what has been done on other occasions. Yes, I remember in Queen's county, N.B., when the returning officer received a $200 deposit from one of the candidates. The proclamation for holding the election was made. The deputy returning officers were appointed. The election took place, but when the election was over, the returning officer refused to sum up

the vote, and declared that the other candidate, who received the minority of votes, was the only candidate that was legally before him, and was the candidate whom he returned.

Now, I think that my hon. friend opposite, if I remember rightly, maintained the propriety of that proceeding against the bringing of the returning officer to the bar of the House, and asking him to amend the return. I dissented from that view. I held that the maintenance of the right of an elector in the election is the paramount consideration, and our law has on every occasion treated that as the proper view, and has upheld the conduct of a returning officer, when it has been perfectly clear that the object of the returning officer was to preserve the right of the elector, and not for the purpose of preventing him from exercising that right. Let me call the attention of hon. gentlemen to two sections of the Dominion Election Act, the Act which is about to be amended. Section 152 provides that no elections shall be declared invalid by reason of non-compliance with the provisions of this Act as to the taking of the polls or the counting of votes, or by reason of the want of qualifications of the persons signing the nomination papers, or any mistake in the use of the schedule, if it appears to the tribunal having cognizance of the question it is in accord with the principles laid down in the Act, and such non-compliance or mistake did not affect the result of the election. Then the next section provides that no election shall be declared invalid by reason of non-compliance with the terms of the Act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election.

Hon. Mr. MACDONALD (B.C.)—What is the use of the Act with these loose clauses ?

Hon. Mr. MILLS—The use of the Act is to enable an honest returning officer to carry out the law in accordance with its spirit and intention. My hon. friend from Marshfield has referred to what has been done by the Governor in Council in the Nipissing case. The Governor in Council did not do anything. It was the sheriff who was appointed to hold the election and make a return. When he discovered that the lists were not complete, that the law with regard to the preparation of the lists had not been brought into operation—that it was impossible to do so within the time and that it was necessary that the election should be postponed, he postponed the election. He did it for what purpose ? For enabling a large number of persons to vote, who could not have voted on the day appointed, because, although they were legally entitled to have their names on the list, such a list did not exist, and he postponed the election in order that that list might be prepared, and these persons have an opportunity of voting.

Hon. Sir MACKENZIE BOWELL—Did he do that under the order in council to which the Secretary of State referred ?

Hon. Mr. MILLS—I said this, that they did not pass an order in council postponing the election.

Hon. Sir MACKENZIE BOWELL—What did they do ?

Hon. Mr. MILLS—That was the act, as I understood my hon. friend the Secretary of State, of the returning officer himself.

Hon. Sir MACKENZIE BOWELL—But he acted under an order in council ?

Hon. Mr. MILLS—No, under the writ, the only authority under which he could act. After the time expired, it was necessary he should have a writ. My hon. friend knows that quite well.

Hon. Sir MACKENZIE BOWELL—There is nothing in the writ authorizing him to postpone the election.

Hon. Mr. BERNIER—Does the hon. gentleman contend that these two clauses, which he has just read, would authorize the Governor in Council, or the returning officer, to change the date of the election, even if the law was silent otherwise ?

Hon. Mr. MILLS—These two clauses provide this, that if a postponement did take place, and an election was honestly held, it was a valid election, and that the courts would so hold, and the court did hold in this case, that the election was valid. If the view of my hon. friend opposite had been the view taken by the court, the court would have declared the election void. But the court upheld the election, and so the party who was elected at that postponed period of election, was returned to the House of

Commons and was confirmed in his seat by the decision of a competent tribunal.

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

DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (64) 'An Act to amend the Dominion Elections Act.' He said: The object of these amendments is, to remove inconsistencies in the provisions of the law, and to make the law more perfect. We have profited, as far as all governments and parliaments do, by the elections that have taken place, to remedy defects that the actual application of the law shows from time to time to exist. In this matter we have to provide certain amendments. In the first place, the second section applies to the North-west Territories that are, in a large measure, provided for under an Act of the parliament of Canada of their own applicable to those Territories. The same strictness does not apply to the voters' list as in the older portions of the Dominion of Canada. They have a more indefinite system, with greater latitude to the parties, in order that a fair election may prevail there, as in the district of Algoma and the County of Gaspé. Then, with regard to the second section of the proposed Bill, it is an amendment of section 34 of the statute. Under section 34, as the statute now stands, it is provided that no nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent, in writing, of the person therein nominated, except when such person is absent from the province in which the election is to be held, in which case such absence shall be stated in the nomination paper, and unless the sum of $200 in legal tender, or in the bills of any chartered bank doing business in Canada, is deposited in the hands of the returning officer at the time the nomination paper is filed with him. That provision has led, in some cases, to disputes, and to very considerable expense. My own view has been always in favour of a wide interpretation, one that will validate the proceedings of the electorate rather than one that would set traps for them and their candidates and create a difficulty, which will necessarily lead to expensive litigation, after the excitement to which the people are subjected in a general election. We propose to amend that by providing in this Bill that:

> No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the province in which the election is to be held,—in which case such absence shall be stated in the nomination paper; and unless a sum of $200, in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque for that sum drawn upon and accepted by any such bank, is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

That is the same as the law has been for a long period of years. In that respect there is no change. Now, we have had cases where a person has deposited a cheque marked 'good' by the bank, and it has been accepted by the returning officer, and the returning officer afterwards questioned the validity of the election of the man having the majority of votes who had deposited such cheque. It seems to me that where a returning officer has accepted a cheque and has permitted an election to be held, he has already adjudicated upon the validity of the cheque which he has accepted. He cannot sit in appeal from his own judgment in the matter. If he has authorized an election he ought to count the votes and return the candidate having the majority of votes, and he ought to leave any other party, who may think the cheque insufficient, to test the election on that ground, if he sees proper, before a judge; but, if there is not such a contest, and if no court has expressed an adverse opinion, the election ought to remain good. The returning officer ought not, after the election is over, to undertake to revise the judgment he has previously given, and to declare himself that the deposit was not sufficient, and that the candidate having the majority ought not to be returned. His conduct in such a case leads to unnecessary litigation. It can do no good; it may do a great deal of harm, and the object of the amendment in this matter is to remove doubt upon this point, and to make it more certain, and to leave the returning officer less ground for excuse for irregularity or partisan conduct. Then, the next provision is an amendment to

section 48 of the Act. The proposed amendment is as follows :

48. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; and the ballot paper shall also be provided with a counterfoil and a stub, the whole as in form P.

2. Subsections 4 and 5 of said section 48 of the said Act are repealed and the following are substituted therefor :—

'4. The paper required for the printing of the ballot papers shall be furnished to the returning officer by the King's Printer, when the writ for the election is transmitted to him or as soon thereafter as possible.

'5. The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing 25, 50 or 100 ballots, as may be most suitable for supplying the polling divisions proportionately to the number of voters in each.'

The object, of course, in this is to make it more clear and specific what shall be the kind of ballot paper, and how the voter shall exercise his rights. The next section proposed to be amended is section 59.

Hon. Mr. FERGUSON—What is the change in that section ?

Hon. Mr. SCOTT—I do not see any change. There must be some error there. We will make inquiry.

Hon. Mr. PRIMROSE—They are identical.

Hon. Mr. MILLS—Then section 64 is repealed and sections 5, 6 and 7 are changed. This subclause 6 adopts the suggestion of the hon. leader of the opposition when the Bill was before the House.

Hon. Mr. SCOTT—It referred to voters' lists, and those words have been introduced to make it clear it was intended to apply to manhood suffrage.

Hon. Sir MACKENZIE BOWELL—Do you provide in your amendment for cases where an elector has moved from one riding in the same county to another ? I know a number of cases to which my attention was called during the last election. There are three ridings in the County of Hastings, the east, north and west ridings. Parties who were living in the east riding moved into the north and west ridings, and they were disfranchised under the Act. It was claimed we ought to have gone further, by having the Act apply to cases of the kind to which I have referred. Does the amendment go that far ?

Hon. Mr. SCOTT—No, it only carries out the hon. gentleman's suggestion of last year.

Hon. Mr. MILLS—Clause 6 of the proposed law is a repeal of section 70 of the present statute.

Hon. Sir MACKENZIE BOWELL—They have added the words indicated in form B. I notice that the only change in subclause 7 is the correction of a misprint. In the Act it speaks of section 81 which is a misprint for '80.'

Hon. Mr. MILLS—The remainder of the Bill provides for the ballot papers. Hon. gentlemen will remember, in regard to the form of the ballot paper, we had a white disc at one time in a black ground, and we had more mistakes, as I felt certain we would have, than under any other form of ballot prepared. We have had a few mistakes arising from the fact that persons so carelessly made their mark for a candidate opposite the name printed above the line, or the name of the constituency, and the result has been that a number of ballots have been rejected on that ground. Of course there is great carelessness on the part of the elector that does that sort of thing, but the object of altering or amending the law is for the purpose of obviating the possibility of mistakes of this kind.

Hon. Sir MACKENZIE BOWELL—Is there any provision in this clause to validate the mark, no matter in what portion of the white disc it may be placed ?

Hon. Mr. MILLS—It is perfectly clear that if it is marked in any portion between the lines it is all right, and I think that is what it should be. The law has been construed broadly so as to preserve the right of the elector where the intention is clear.

Hon. Sir MACKENZIE BOWELL—Does the law make it a good ballot if it is in front of the name or behind it ? It seems to me it would be a good provision of the law to make it a good ballot, no matter where it is put so long as it is between the lines.

Hon. Mr. MILLS—Yes; a good ballot for the candidate whose name is printed be-

tween the lines. If that is not clear I think we should make it clear.

Hon. Mr. SCOTT—The section reads :

The elector on receiving the ballot paper shall proceed to make a cross with a black lead pencil within the white space containing the name of the candidate.

That is section 72. That is the law now, and it is clear enough.

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

DAWSON ELECTRIC RAILWAY COMPANY'S BILL.

REFERRED BACK TO COMMITTEE.

The Order of the Day being called :

Consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (H) An Act respecting the Dawson City Electric Company (Limited).—Hon. Mr. Macdonald, B.C.

Hon. Mr. MACDONALD (B.C.)—I propose to move that this Bill be referred to Committee of the Whole House on Monday next, and any discussion can take place on it then.

Hon. Mr. VIDAL—It strikes me this is a very wide departure from the ordinary procedure on such matters in this Chamber. I have been a member of this House now for nearly thirty years, and I do not remember a private Bill ever having been committed to a Committee of the Whole House. Let hon. gentlemen think for a moment what reason have we for the appointment of the committees to which the Bills are referred ? Is it not for the purpose of examining witnesses and obtaining details which we cannot possibly look into in the Chamber ? We may have persons interested in the measure for or against it, their solicitors present, perhaps presenting matters of importance before us, evidence required to be taken, many matters requiring to be carefully considered in the committee which cannot possibly be considered or mentioned in this Chamber. Why should a private Bill, which has received full consideration in the committee to which it has been referred, be transferred for consideration to a Committee of the Whole House ? It is a most unprecedented action. I should almost have imagined that His Honour the Speaker would have ruled the proceeding out of order. Although there may be no specific rule, the long continued practice of the House would certainly establish it as a thing unprecedented and not to be attempted. I think it is wrong. If the hon. gentleman desired a reconsideration of the Bill, he should have moved to refer it back to the Railway Committee.

Hon. Mr. MACDONALD (B.C.)—That motion was made.

Hon. Mr. VIDAL—I think it is entirely out of order and exceedingly improper, and if the Bill is to receive further consideration, and if there is to be an opportunity of examining Acts or hearing the testimony of persons connected with it, the Committee on Railways is the place where these matters can be carefully and fully considered, and therefore it is very unwise on the part of the House to consent to its being referred to a Committee of the Whole House.

Hon. Mr. WOOD (Hamilton)—I wish to ask the hon. gentleman if he has any fresh evidence to bring before the committee ? If he has, of course the Committee of the Whole House would not have the opportunity of hearing the evidence and would not have an opportunity to discuss it. I think it must go back to the committee from which it came if it is to be dealt with at all. It should not come to us till the Railway Committee have passed upon it. In the House of Commons a member could not bring up a measure half a dozen times, and I cannot see why this Bill is brought before us on so many occasions.

Hon. Mr. MILLS—I quite agree with what the hon. gentleman from Hamilton has said, and the hon. gentleman from Lambton. This Bill should go back to the Railway Committee, but without instructions, and the committee would be very glad to receive any evidence which the hon. gentleman can submit to it, and the Bill could be reported to the House again with the additional evidence.

Hon. Mr. MACDONALD (B.C.)—I adopted that course on a former occasion, but the House would not agree to it. There is no further evidence. We have just the words of the two solicitors, one on each side, who told us what was done in that country, but if the House prefers that it should go

back to the committee without instructions, I do not object. I think it should have a fair and impartial hearing, and, considering that a similar Bill was allowed to pass without objection, I do not think that this company should be singled out and deprived of their rights. I will alter the motion, and move that it be referred back to the Railway Committee for reconsideration.

Hon. Sir MACKENZIE BOWELL—I think we should have this point settled now in order to avoid difficulty in the future. It would be out of order to refer it to a committee of the whole. Rule 69 provides :

Unless the Senate otherwise orders, a private Bill reported from the standing or special committees is not committed to a Committee of the Whole.

The SPEAKER—Unless otherwise ordered.

Hon. Mr. PROWSE—It would be a waste of time to send this Bill back to the Committee on Railways unless there is some fresh evidence, or some further reason given. Is it expected that the Railway Committee will reverse their decision, after considering the arguments on both sides, simply because the promoter of the Bill wishes to send it back ? Does the hon. gentleman expect that the committee will change their views and make a different report from the former one ? It would be preposterous to expect such a thing, unless there was fresh evidence to justify the committee in such a course.

Hon. Mr. McKAY (Truro)—There may be a larger committee next time.

Hon. Mr. PROWSE—I do not think the probabilities are that there would be, but if we establish a precedent of that kind, where are we going to end ? When a report is presented and a member of the Senate is not satisfied, he thinks he can drum up a larger committee and asks to have it recommitted to them. I do not think that is advisable. The committee came to their conclusion after due consideration. I think I would report again in the same way if it were possible to do so. I felt that the other company were at work there. They have had a charter granted to them and are working under that charter. They have spent a large amount of money and have not asked parliament for one dollar of subsidy. I should like to see that class of companies encouraged and assisted along, and I do not want to give a charter to another company to come in and embarrass them till they have had an opportunity of carrying out their project for a time, and I should like to see them successful, and not bothered by any new charters. The company which is seeking the revival of an old charter which has expired, happened to obtain some valuable property in the way of coal, and they went to work and bought up that defunct charter that had expired, and now they come in asking, not that their time be extended, but that this charter be revived so that they may have a blanket charter granted to them to build a road into these coal mines. I think it is better for the present to allow the company, which is carrying on the work and building a road according to the charter given them, an opportunity to carry out their work, and if they do not satisfy the country and give the coal company the facilities they require, it will be time enough, in a year or two, to consider whether we shall give another company an opportunity to build another road.

Hon. Mr. McCALLUM—I cannot see that it would do any great harm to refer the Bill back to the committee if it is not contrary to the rules of the House. We have adopted that course on other occasions. It is not probable that the committee will change their report, but if it pleases the hon. gentleman from British Columbia, and is not contrary to the rules of the House, I would vote to send it back. If there is any fresh evidence it might change the report, but I understand there is not.

Hon. Mr. BERNIER—We are not called upon to discuss the merits or demerits of the measure ; we are simply discussing the manner of disposing of this Bill. I share the opinion of the hon. gentleman from Murray Harbour as to the uselessness of referring the Bill back to the committee. I think rule 69 implies that, with the approval of the Senate, we can refer it to a Committee of the Whole, so that the course taken by the hon. gentleman from Victoria was the correct one. This would give the

hon. gentleman the opportunity he desires—to take the sense of the House on his Bill. I think that would be the proper way of disposing of the whole matter. However, I do not wish to interfere.

Hon. Mr. FERGUSON—My hon. friend who has charge of this measure has shown a very great deal of interest in it, and no doubt he would not have done so if he was not really in earnest about it. I was one of the committee, and I voted——

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must not tell how he voted.

Hon. Mr. FERGUSON—I would be prepared to modify my view in regard to the Bill in one respect. This company has had a blanket charter by which they could build electric railways within a radius of fifty miles of Dawson. They are interested in retaining that road on account of a coal mine. There is great objection to reviving the blanket charter after it has expired, but I think they should be given a right to build a road from Dawson to their coal mines, and if my hon. friend could see his way clear to bring the Bill to that basis, I do not think there would be a voice against him.

Hon. Mr. VIDAL—I rise to a question of order. Can a notice which has been given be changed during the debate, from a reference to a committee of the House to a reference back to its former committee? If that is the motion now before us, I rise to a question of order. Is it not a rule of this House that when any question has been clearly and distinctly decided by the House it cannot be brought up again during the same session? We had that particular motion before us a few days ago, to refer the report back to the same committee, and the House voted it down.

Hon. Mr. FERGUSON—Referred back with instructions. This is a motion to refer back without instructions: it is a different matter.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 13, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (22) 'An Act respecting the Columbia and Western Railway Company.'—(Hon. Mr. Ferguson, in the absence of Mr. Baker.)

Bill (73) 'An Act to incorporate the Vancouver, Westminster and Yukon Railway Company.'—(Hon. Mr. Templeman.)

Bill (83) 'An Act to incorporate the Kootenay Central Railway Company.'—(Hon. Mr. Templeman.)

Bill (59) 'An Act to incorporate the Similkameen and Keremeos Railway Company.'—(Hon. Mr. Templeman.)

Bill (87) 'An Act to amalgamate the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Railway Company (Limited), the Portage and Northwestern Railway Company and the Waskada and North-eastern Railway Company under the name of the Manitoba Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (26) 'An Act respecting the Canadian Pacific Railway Company.'—(Hon. Mr. Dandurand, in the absence of Sir Alphonse Pelletier.)

Bill (107) 'An Act to confer on the Commissioner of Patents certain powers for the relief of John Abell.'—(Hon. Mr. Landry.)

JUDGES OF PROVINCIAL COURTS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (131) 'An Act amending the Act respecting the judges of provincial courts.' He said: The Bill is precisely the same as the Bill which was introduced last year and defeated in this House. I think, by one or two. Under it provision is made for the appointment of three additional puisne judges in the district of Montreal, at salaries of $5,000 each. There is provision made that one of the judges in the North-west Territories shall be made a Chief Justice. The law at the present time provides for the

appointment of four judges, but there is no Chief Justice of the court. By this Bill I propose that one of these judges shall be made Chief Justice of the court. Then, with regard to the senior judge of the Circuit Court of Montreal, it is provided that his salary shall be $3,600 instead of $3.000. That is simply giving him, as far as such a position is applicable to that court, the position of Chief Justice. Then there is provision, also, that the two judges of the territorial courts of the Yukon Territory shall receive salaries of $5,000 each. Last year we took an appropriation of $5,000 for one of these judges, the other having been appointed already, and we made the appointment. The time for which his salary was appropriated expires on the 1st of July. Under this Bill I propose to make a permanent provision for his salary. It was embraced in the Bill of last year, but the provision as to the province of Quebec having been objected to, and the Bill having been defeated in that particular, the whole of the Bill was allowed to stand over, because we felt that parliament would meet within the year and there would be ample opportunity to confirm what there was no objection to, providing for a second judge in the Yukon territory, and providing for making one of the judges of the court of the North-west Territories a Chief Justice. So that the Bill has been introduced this year again, the government having reason to believe that the objection made last year—the sole objection to the increase of the number of judges in the province of Quebec—would not be persisted in, as it is a provision that affects the district of Montreal only.

Hon. Mr. MILLER—I do not intend to object to the second reading of the Bill, but I think it is unfortunate that this increase should not be a part of the general system relating to the judiciary of the whole Dominion, and not simply to the province of Quebec. I do not mean to dispute the justice of the increase contemplated to be granted to the judges of that province.

Hon. Mr. MILLS—My hon. friend is mistaken ; the additional three.

Hon. Mr. MILLER—I consider $5,000 a year a very low salary for a judge of the Superior Court living in such a place as the city of Montreal, but I do object to making this piecemeal improvement of the salaries of judges in Quebec, without taking into consideration the judges of the whole Dominion. I think if this were not done that it would act as a lever in regard to Quebec in consideration of the general question, admitted to be one of justice and necessity at the present moment with regard to the judges of the whole Dominion. The fourth clause of the Bill provides for two additional judges for the province of Quebec. It was submitted to parliament last year, and I believe was rejected in this House. I beg to say that had I been here on that occasion I should have supported that Bill. The principle upon which I have acted in regard to the creation of the judges and the payment of their salaries since the year 1870, when I had reason to consider the subject in connection with the rejection of the county court judges Bill for the province of Nova Scotia, viewing as I did the vagueness of the British North America Act in regard to the question of the limit of jurisdiction of the local legislatures with reference to the creation of judges, I thought it was a safe rule to lay down, that where the provincial and federal authorities agree upon the creation and payment of judges, that, assuming as they did, the responsibility, this Parliament should not throw any objection in the way of carrying out what should be a common policy between the provincial and the Dominion authorities. While I do not intend to oppose the second reading of the Bill, I should like to have further explanation of the increase to the judges of Quebec when the Bill goes before the Committee of the Whole.

Hon. Mr. MILLS—The hon. gentleman is mistaken if he supposes there is any increase in the salaries of judges generally in Quebec. We add three judges in the district of Montreal, but we give them the same salaries that are now paid. The only judge who is receiving any increase in the city of Quebec is the senior judge.

Hon. Mr. MILLER—There are no increases ?

Hon. Mr. MILLS—No. The senior judge receives $600 additional to his salary, because practically he is Chief Justice, although not so called.

Hon. Mr. MACDONALD (B. C.)—When does the hon. minister propose to deal with the salaries of the other judges ? There has been a promise held out for some time, and I cannot see why this piecemeal work should be done. Why not have all the increases in one Bill instead of taking it in bits like this ?

Hon. Mr. McDONALD (C.B.)—I wish to call the attention of the Minister of Justice to a case where an increase of salary ought to be made in one of the county courts of the province of Nova Scotia. I mean in the island of Cape Breton. The county court judge at Sydney, C.B., has now jurisdiction perhaps over 100,000 of population. In the county court district of Cape Breton we have five large incorporated towns, and three counties or municipalities, and one judge has to attend to that county with all its industries now, and the county of Victoria and the county of Richmond besides. His salary is very small, and when you consider that the county court judge at Halifax, and the county court judge at St. John, N.B., were specially provided for by an increase in their salaries, I believe the salary of the judge at Sydney ought to be placed on a par at least with the salaries of the judges at St. John, Halifax and Charlottetown. The number of population under the jurisdiction of the judge at Cape Breton is very much larger than that under the jurisdiction of the judge at Charlottetown, P.E.I.

Hon. Mr. MILLS—I will consider the matter.

Hon. Mr. MACDONALD (B.C.)—Can the hon. gentleman answer my question.

Hon. Mr. MILLS—The hon. gentleman is asking a question aside from the Bill. I have no objection to answering it at the present time. I may say now I have submitted a Bill providing for an increase of the salaries to the judges of the various superior courts of the Dominion. The amendment is very considerable when it comes to be aggregated, and I think my colleagues like governments in former times, feel that public opinion will scarcely sustain the changes.

Hon. Mr. MILLER—That means there will be no Bill this year ?

Hon. Mr. MILLS—I mean there will be no Bill this year.

Hon. Mr. LANDRY—Do I understand the hcn. minister to say that by clause 3 of the Bill there is an increase of $600 to one of the judges ?

Hon. Mr. MILLS—Yes. All the judges get $3,000 now.

Hon. Mr. LANDRY—There are three of them ?

Hon. Mr. MILLS—Yes. There is one of them that is the senior judge who practically discharges the duty of Chief Justice, but he is not so called, and we propose to give him an increase of salary in that court.

Hon. Mr. FERGUSON—I think I am right in understanding that this is the Bill that was rejected by this House last year, with the single exception that there is an increase made in the salary of the senior circuit court judge of the city of Montreal. That increase, if I remember right, was not in the Bill last year. In all other respects, the Bill is just the one we had before us a year ago. With regard to that other, I was one of those who voted against it, but I distinctly stated at the time that the action I then took was only tentatively taken, and I was one of those who believed that the view of the province with regard to the creation and jurisdiction of judges, should ultimately prevail ; but in view of the very strong opinions that were expressed against the necessity of that increase in the province of Quebec, I felt that no harm could arise by allowing the matter to lie over. It was held by some representatives from the province of Quebec that a better distribution of the work amongst the judges already appointed would result in their being able to overtake and discharge all the duties that devolve upon them, without the necessity of appointing additional judges. However, the province has adhered to its view that additional judges are necessary, and that being the case I am quite prepared to vote for the Bill as it now stands. I entirely agree with the observation made by the hon. gentleman from Cape Breton with regard to the salary that ought to be paid to the county court judge in that now important centre of population, Cape Breton. I have no hesitation in saying that I think the judge in that county will have probably more work to do than any county court judge in the maritime pro-

vinces, not excepting perhaps either Halifax or St. John. I am quite satisfied that he will have very much more to do than the county court judge of Charlottetown, and that he should be paid at least as much as that judge is paid. Where there is a large mining population and a growing population, there will be a great deal of litigation, and the work of the judge will be very much increased, and I am sorry that provision has not been made in the Bill before us to meet a case which everybody must admit demands serious consideration. There being no other changes in the Bill, and having indicated the position I took last year, I am quite consistent in voting for the Bill, I join with the hon. senator from Richmond in regretting that the Bill is not a general measure, and that when we are increasing the salaries of some of the judges, we should deal with the whole question of the payment of the judiciary throughout the Dominion. I am sorry that my hon. friend is not in a position yet to promise definitely whether such a course as that will be pursued. When it is taken up and dealt with, I hope my hon. friend will be prepared to deal fairly with the Supreme Court judges of Prince Edward Island who are paid very inadequate salaries indeed.

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

POST OFFICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (121) 'An Act further to amend the Post Office Act.'

(In the committee.)

On clause 2,

Hon. Mr. MILLS—By this clause there are certain places added as centres for the receipt of dead letters.

Hon. Mr. FERGUSON—I have no objection to offer to the clause as far as it goes, but it seems to me that there is some further amendment required to section 44. The provision of the law is that when prepayment of postage is neglected, a letter is sent to the dead letter office, and is opened for the purpose of ascertaining the name of the writer, in order that the writer may be communicated with. The section we are now amending says it may, in any case, or class of cases be otherwise disposed of as the Postmaster General directs. As I understand the law, a letter upon which postage has not been paid, either through inadvertence or any other cause, is sent to the dead letter office, and properly sent there, and another provision or section of the law provides that the letter may be opened with a view of ascertaining the name of the writer, and communicating with him, and requiring him to pay postage. But this provision I have just read is also in the section to meet a certain class of cases where the Postmaster General may otherwise direct. I know that in practice the person to whom the letter is addressed is communicated with if he is well known, and he is required to send on the additional postage, and when that is sent to the office, the letter is forwarded to him. A case to which my attention has been called is one in which that course has been pursued. The party to whom the letter was addressed was communicated with. He sent on the postage, and received his letter, but he received it open. There does not appear to be any reason whatever why a letter that is dealt with in that way, where the writer is not communicated with—where there is no attempt to ascertain the name of the writer, and when the letter is sent on to the person to whom it is addressed,—there does not seem to be any reason why that letter should be opened at the dead letter office. A correspondent has called my attention to a case of the kind. I addressed a letter the other day to the Post Office Department on the subject, but have not had time to receive a reply yet, but as we have that section before us, it seems to me, it is an appropriate time to bring the matter up. The letter to which I have referred was addressed to a well-known person. It was inadvertently not stamped, and the dead letter office communicated with the person to whom it was addressed. He at once mailed the stamps and the letter was forwarded to him, but was received open. I can understand, if he had not replied, that the letter should be opened in order that the address of the writer might be ascertained to require him to pay the postage. If the law is framed in such a way as to permit the opening of a letter when there is no necessi-

ty for opening it, the law should be amended so as to prevent anything of the kind being done.

Hon. Mr. MILLS—I shall call the attention of the Post Office Department to the observations which my hon. friend has addressed to the House, but the hon. gentleman knows that in these matters it is necessary to give very considerable latitude to the postal authorities. Cases may arise where a letter could have been dealt with and disposed of without its being opened at all; but there are cases where it becomes necessary—where perhaps there may be two men of the same name living in the locality, and where one of them may have moved away, and the only way that the department might be able to determine to which of them it was addressed would be by opening the letter.

Hon. Mr. FERGUSON—The case that I have before me, which has prompted me to make these remarks, was not one where any such difficulty arose. The dead letter officials at Halifax did not communicate with the writer, but communicated with the person to whom the letter was addressed. I admit that if the person who was addressed had not responded in a reasonable time, the post office would have been amply justified in opening the letter and communicating with the writer. There was no time lost, although the distance is considerable, but the complaint is that the letter had been opened when there was no necessity for opening it. The necessity had not arisen. The person to whom it was addressed was communicated with and he responded immediately, and the letter was sent to him, but was sent to him opened. That was the complaint. The matter struck me as being of sufficient importance to mention it when we were discussing this clause. I called the attention of the gentleman who is acting Postmaster General, on Saturday evening to the case. Of course he has not had time to answer my letter, but the matter is of sufficient importance to warrant the committee in rising and seeing that the law is amended if necessary. I think the law should be made exact so that what I have described could not be done.

Hon. Mr. SCOTT—I think the law authorizes the opening of the letter before the receipt of the postage stamp.

Hon. Mr. FERGUSON—But there is another provision further on that says such dead letters may be disposed of as the Postmaster General may direct.

Hon. Mr. SCOTT—Under regulations.

Hon. Mr. FERGUSON—It seems to me the regulation in that case should be that the writer of the letter should be communicated with. There should be no authority in the law to open a letter until the person to whom it was addressed had failed to reply. Then, of course, there would be a justification for opening the letter in order to find the name of the writer, as the person to whom it was addressed had not responded. I think the members of the government will agree with me that there should be no opening of private letters unless there was some strong necessity. That necessity does not arise until after the person to whom it was addressed has been communicated with. Evidently that has been done under some regulation in existence, as this section provides for that. In the case to which I have referred, unless the person who was addressed failed to respond, the letter should not have been opened.

Hon. Mr. POWER—The proposed change in the law is a decided improvement. It increases the number of places where there shall be dead letter offices, and avoids the delay, anxiety and sometimes loss arising from forwarding letters from remote parts of the Dominion to Ottawa to be there examined and returned. I should like to ask the hon. minister in charge of the Bill whether the city of Charlottetown is one of the places at which there is to be a dead letter office. It is not in this list. If Charlottetown is not included in the list of places, I think we should take this opportunity to include it. There is much more reason why there should be a dead letter office in Charlottetown, than in Kingston, Hamilton or London, all places mentioned in this clause. In the first place, Charlottetown is a great deal further from Ottawa than any of those places, and the communication, particularly in the winter season, is very uncertain and irregular. A very great inconvenience and delay must arise when a letter is sent from Charlottetown to the dead letter office in Ottawa. If Charlottetown is not one of the places at which there is now a dead letter

office, I hope the minister will see that that city is added to the list of such places.

Hon. Mr. FERGUSON—The matter has not been brought to my attention.

Hon. Mr. WOOD (Hamilton)—Many of the business houses have their addresses on the outside of the envelope, and letters could be returned to them, or the writer could be communicated with, and there is no necessity for opening them at all.

Hon. Mr. MILLS—No letter is forwarded upon which the postage is not paid, but the parties are notified to whom the letter is addressed. I do not know that every letter is opened. If the party is notified, and he fails to send the postage, and to call for the letter, then it may be opened with a view of returning it to the party who originally mailed it.

Hon. Mr. WOOD—But if the address of the sender is on the envelope, why not communicate with him ?

Hon. Mr. MILLS—No doubt they would. In this case, no doubt the address of the party who wrote the letter was not upon the envelope.

Hon. Mr. FERGUSON—Where the address is on the envelope there is another provision in the law that the letter shall be returned, or whenever there is any other indication of the writer of the letter it is returned. The complaint I have to make is not of any delay. My hon. friend from Charlottetown, who has had a great deal of experience in these things, can speak with much better authority than I can as to whether there is any necessity for a dead letter office in Charlottetown, but the other point to which I have called attention is, I think, of sufficient importance, and we should hold our hands until we find what explanation the department has to make with regard to that. It may be that the law is already sufficient, and that the regulations cover the point, but in the case to which I allude, I think it is evident the right course was not pursued. When the person addressed was a well-known individual, and the course taken was to communicate with him, the letter should not have been opened, until he had failed to respond. When that happened, it was all right to open a letter. It may be that the regulations cover it, but I should like to have for the present this section 44 held over until we hear what the rule of the department is.

Hon. Mr. MACDONALD (P.E.I.)—I agree with the hon. gentleman from Marshfield on this question. I do not see why a letter addressed to any individual, and posted without having a postage stamp on it, should be opened if the address of the party is known, and is shown upon the letter. The party addressed should be notified that the letter has been posted to him without sufficient postage, or without any postage, and he should be requested to forward the stamps, with the fine if it is necessary, and then the letter is forwarded to him : I know that is the practice which prevailed at one time, and prevails now in the United States, with letters insufficiently paid, or without the payment of any postage. I know of a case, myself, of a letter being addressed to me posted in the United States, and the parties posting it had failed to put a stamp on the letter. I received a notice that the letter was in the post office at Gloucester, United States, and that on forwarding a certain amount of postage it would be forwarded. I received the letter, and it had not been opened. I cannot see any necessity, under such circumstances, to open a letter. It is a wrong thing to open a letter when it can be forwarded to the party addressed on receipt of the postage. At Charlottetown, or any city office where a letter is posted, it frequently happens that parties put in letters without stamping them, and it is generally the case that those parties are known. Even when the name of the person sending the letter is not on the envelope, the writer may be known, and notified that the letter has been sent without being stamped, and on receipt of the postage it will be forwarded to its destination. Charlottetown, previous to confederation, was a dead letter office for Prince Edward Island, and some very considerable time afterwards, it was changed, and letters which could not be forwarded or delivered were afterwards sent to the dead letter office at Ottawa. That has caused a great deal of delay in many instances. I see no reason why Charlottetown should not now be constituted a dead letter office, the same as many of the offices mentioned here. In fact, there are greater reasons why Charlottetown should be clothed with such power, because

it is more difficult to communicate between Charlottetown and the dead letter office at Ottawa, or any one of the others, than it is with those that are situated in adjacent provinces or close together. I do not see that there is any good reason why Charlottetown should be omitted. I think there is reason why it should be included, and I should hope that the government would take the matter into consideration and see the propriety of including Charlottetown if it is not already in the original Bill, as one of the offices to which dead letters should be forwarded.

Hon. Mr. MILLS—The regulations at the present time do not permit a letter to be opened where the name of the party or firm sending the letter is on the envelope. The only object of opening a letter is to ascertain by whom it was sent. I have no doubt it will be found that the letter to which the hon. gentleman refers was a letter insufficiently paid or unstamped, that the post office authorities communicated with the party at Charlottetown about it, and not receiving a reply within the usual time allowed, opened the letter——

Hon. Mr. FERGUSON—No.

Hon. Mr. MILLS—I shall have inquiry made. In the meantime I would ask the House to let the clause be carried as it is, and if it should be found necessary to make some further regulation, we can go into committee, with a view of making it; but I apprehend that if the letter was unopened before sufficient time was allowed for receiving a reply from the party to whom it was addressed, it was done by some inexperienced person in the office, or through inadvertence. It is possible that such a thing might happen, but the practice of the department never has been to encourage the opening of letters except for the purpose of ascertaining by whom they have been sent and with a view to returning them. So that in that respect my hon. friend will find, upon inquiry, that if he is not mistaken, there has been some inadvertence or want of experience on the part of some clerk acting in the office. With regard to a dead letter office at Charlottetown, I really do not know what the necessities of the place may be in that regard, but I should think that if there had been a necessity felt for the establishment of a dead letter office there, it would have been asked for; there would have been some representation on the subject. My hon. friend will see that St. John is the only place mentioned in New Brunswick. Moncton is not mentioned. As there is daily communication between Prince Edward Island and the mainland, I suppose the letters that belong to Prince Edward Island go, either to St. John or to Halifax, and are reported from there. With a population of 120,000 you would hardly have a sufficient number to make it worth while to establish a dead letter office at Charlottetown, but I will bring that matter under the attention of the Acting Postmaster General, and if the representatives of Prince Edward Island think it is necessary to establish a dead letter office at Charlottetown, I will bring that fact to his attention, and before the third reading of the Bill, if he finds matters are not satisfactory to him, he can ask that we go back into committee with a view to making some amendment as to opening dead letters and also to giving effect to the suggestion of the Speaker, that Charlottetown should have a dead letter office. I dare say that the establishment of additional dead letter offices means some increased expense. It may not be very great, but it means some additional outlay, and unless there is felt to be a convenience of some importance in establishing such an office, it would not be worth while multiplying the number. Those we have in the province of Ontario, under this Bill, are Kingston, Hamilton and London; Toronto was in before. In the whole province of Manitoba, the only dead letter office is at Winnipeg, and then there is no other dead letter office until we get to Vancouver on the Pacific Coast. There is one at Dawson, because it is a very remote place.

Hon. Mr. FERGUSON—My hon. friend's suggestion is perfectly satisfactory. I think from what I know of the Acting Postmaster General, he will give every explanation and satisfaction in his power, and do it promptly, and I will therefore ask to have the third reading fixed for to-morrow, as I may not be present later.

Hon. Mr. MILLS—I do not object.

Hon. Mr. PERLEY—I think it would be very much better to have unstamped letters forwarded at once, and let the receiver pay

double postage. If he does not receive it, let it be returned to the dead letter office.

Hon. Mr. FERGUSON—That is the law where the letter is insufficiently paid.

Hon. Mr. PERLEY—I am quite well aware of that, but I want the same rule to be applied where there is no postage at all. Let the letter be sent promptly to destination and a double rate collected.

Hon. Mr. MILLS—That was the practice of the department, but it was found, in cases where the parties knew from whom the letters came, they declined to receive them. It was with a view of saving the expense of carrying them that the present system was adopted.

Hon. Mr. POWER—The hon. gentleman from Wolseley no doubt has a great deal of correspondence in the North-west and is deluged with letters unstamped or insufficiently paid, and if his suggestion were adopted we would have him coming next year with a proposition to amend the law again.

Hon. Mr. PERLEY—The hon. gentleman is mistaken.

Hon. Mr. PROWSE—I suppose the Minister of Justice wishes to have an expression of opinion from the representatives of Prince Edward Island with regard to the establishment of a dead letter office at Charlottetown. Although we have professedly daily communication between the island and the mainland, yet there are times in the winter, when, from storms and blocking with ice, there is no communication for a week at a time. If there was a dead letter office in Charlottetown, these letters could be attended to and returned to the parties who mailed them, and there would be no delay. It is really more necessary to have a dead letter office at Charlottetown than at the places mentioned in Ontario, because here you have rapid communication every day with the capital, but we are not so far advanced with our communications in Prince Edward Island that we can depend upon daily communication with the mainland every day of the year. The transmission of letters, if there was a dead letter office established in Charlottetown, I suppose would not cost much more than it costs now. The suggestion is given, and I hope the Minister of Justice will press the matter so that it will be established. I know that the fact of a letter not reaching its destination in time, from any cause whatever, gives a great deal of trouble, anxiety and annoyance which, if the time could be shortened, would be removed to the great advantage of the public.

Hon. Mr. SNOWBALL—I must dissent from a great deal that has been said on this letter question. I hope the government will not undertake to make any change without giving it most serious consideration. Our postal system is as nigh perfect as we can reasonably expect to get it. Every unpaid letter should go to the dead letter office. The sending of such a letter to the address stamped on the outside of an envelope would be a very dangerous thing. In large offices, many people are constantly coming in and using the stamped stationery. In many of them there is a desk for strangers, captains of ships and others, on which to write and address their letters, and I think it is utterly absurd to have dead letters sent back to the firm. The law as it is works admirably, and I view with suspicion many of the changes proposed; but assuming they will receive full consideration, I did not wish to make any remark. Many of the suggestions thrown out here this evening I think if adopted would produce trouble.

Hon. Mr MACDONALD (P.E.I.)—The law as it stands does not require the return of a letter to the stamped address on the outside of the envelope. If it is a request that the letter be returned, that request must be written by the party sending the letter. In that case it is returned, but with the ordinary printed address the law does not require or sanction the return of a letter to that address.

The clause was adopted.

On clause 3, subsection 3,

Hon. Mr. MACDONALD (P.E.I.)—What necessity is there for the appointment of train porters in connection with mails transported by the railway? We know the railways have a staff of officials sufficient to look after everything transported over the road, and that the railway companies receive from the government a very considerable subvention for carrying the mails from one point to another, and why it should be necessary for the government to appoint

train porters for the purpose of handling those mails in transit, I cannot see. The Post Office Department makes a contract with a certain individual to carry the mails from the post office to the train. He receives his pay for that work, and there is no occasion for any further appointment of a porter to assist him, because if there is a porter required, it is the duty of the contractor to furnish him. Then, it is the contractor's duty to transfer the mail bags from one conveyance to another. This is not a service that the government should furnish. It should be done by the contractor.

Hon. Mr. MILLS—It is done now. There is no change in the law in this regard. I think it would be rather a risky experiment to hand over all the mail matter to the railway companies, to authorize them to employ their own officers to receive letters, and assort the mail on the train, for that is very often done, under the present system, by officials of the department.

Hon. Mr. PERLEY—It is done all the time.

Hon. Mr. MILLS—It would be a complete change of system. This is done on the train at the present time, but by an officer of the department, not by the contractor. In that respect it is very much safer and much less likely to lead to complaint against the system than if we were to make a change. My hon. friend will see we are simply applying the system of examination and promotion to the train porters employed, that exists with regard to the other officers in the stationary offices. That is practically all that is being done by this clause.

Hon. Mr. MACDONALD (P.E.I.)—The porter has no right to go into the mail office on board the boat or train—is not permitted to go there. The railway mail clerk is authorized to exclude every person except officers of the Post Office Department. I never knew of a train porter in connection with mails in the province from which I come. The mails are handled by the contractor and his employees Not having seen any of these train porters in the employ of the department in the province of Prince Edward Island, I do not see any necessity for them.

Hon. Mr. PROWSE—The hon. gentleman must have made a mistake when he says, there is no change in this. This clause as it reads plainly says that this is a new office that is being created. It provides that :

> The said Act as amended by Chapter 26 of the statutes of 1897, is further amended by adding thereto the following section :—
> '132. The Governor in Council may apoint to the Railway Mail Service of Canada employees to be known as train porters, &c.'

According to that, there is no official known at present as a train porter. I am not sufficiently posted to know whether such an official is required or not. I cannot understand what work they have to do. It is certainly not a railway mail clerk. He takes charge of the mails and sorts them. If it is to accompany the mail from the post office to the railway, that is the duty of a policeman, not a porter. It seems to me the only duty of the porter would be to handle the mails in transferring from one train to another. That should be the duty of the contractor himself. If the contractor brings the mail to the train, the employees of the railway company take charge of it there like any other freight. This is a new office.

Hon. Mr. FERGUSON—I think we should have some explanation of what these train porters are.

Hon. Mr. SCOTT—Hon. gentlemen must know that in all the large towns and cities there are tons of mail matter which you would scarcely think proper to entrust to a contractor without having some official of the department to see that none of it was lost or stolen. Take Ottawa, for instance ; an enormous amount of mail matter goes from the post office to the train. Surely you could not expect the customs house officer to be in charge, and keep check of them. The proposition is that the porter, who has served a certain time and passed an examination, should be entitled to certain promotion.

Hon. Mr. FERGUSON—My hon. friend has given an explanation which may be sufficient. We have contractors, and we have railway mail clerks, and my hon. friend's explanation is, if I understood him right, that the porter's duty would be at large centres, where there is a large amount of mail matter to be handled, to keep check of it.

Hon. Mr. McDONALD (C.B.)—Is not that done at present ? Is it not part of the duty

of the contractor, to deliver his mail to the railway clerk? The railway mail clerk checks what the contractor delivers to him, and the contractor checks what he delivers to the mail clerk. Now, this is instituting a third party, who will be the connecting link between the contractor and the mail clerk.

Hon. Mr. MILLS—Some one carries the mail from the post office to the train. The duty of the railway authorities is simply to carry it. The duty of supervision, after it is upon the cars, is that of a public officer belonging to the Post Office Department. The train porter sees that the mail is put upon the car, or put in custody of the officer who places it on the car. It is never out of the custody of the department. There is no period of the time in which the mail matter that has been received at the post office ceases to be in the custody of some officer responsible to the Post Office Department for the carriage of the mail, until it reaches the office of final destination.

Hon. Mr. MACDONALD (P.E.I.)—In well regulated offices, it is the custom for the despatch officer to require the contractor to sign a receipt for the number of bags of mail received at the office. He carries that mail to the train or steamer to which the bags are to be delivered, and must have a receipt from the officer who takes charge of them at that point. I cannot, for the life of me, see what necessity there is for a third officer to accompany them along the route, if the contractor has to give a receipt for the number he receives, and to receive an acknowledgment from the party to whom he delivers them.

Hon. Mr. PROWSE—The clause is very ambiguous as it is here at present, and it appears also that the Postmaster General does not exactly know what service he is going to place these porters at. It says, the Postmaster General is to determine from time to time the duties to which they are to be assigned. He has evidently not determined yet what their duties are, and we are asked to pass a Bill appointing those porters. It may be necessary, but before the Postmaster General asks for such a law as this, he should be in a position to say what he wants these men for; but he says he will determine later on what their duties are. Are they to be simply hangers-on, waiting for something to turn up, and when a convenient time comes, they will be given some job or employment. It does not look like business that the Postmaster General should determine from time to time the duties to which they are to be assigned.

Hon. Mr. MILLS—That is a provision in almost every statute where there is an administrative duty to be performed.

Hon. Mr. MACDONALD (P.E.I.)—Is it necessary that they should be appointed to general offices in the Dominion—Charlottetown, St. John, Halifax and all those places where there are daily mails, or all places despatching foreign mails? I should like to know what number would probably be required of those train porters, and whether they are to be employed at all of the chief offices of the Dominion? It will make quite an army of them to see that the mails are safely conveyed from the post offices to the train and steamers by which they are to be despatched.

The clause was adopted.

Hon. Mr. WOOD (Westmoreland), from the committee, reported the Bill without amendment.

FORT QU'APPELLE RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. PERLEY moved the second reading of Bill (S) 'An Act to amend the Act passed during the present session intituled An Act to incorporate the Fort Qu'Appelle Railway Company.'

He said: In the charter of this company the word 'electricity' is used. It was not the intention of the company to be confined to electricity as a motive power. They want to be able to operate the railway by any power whatever.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 14, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CENSUS.

INQUIRY.

Hon. Mr. LANDRY rose to :

Draw the attention of the government to the following document :—

'St. Charles, 4th May, 1901.

'To the Honourable
'P. Landry, Senator.

'Sir,—The census being finished in my locality and the enumerator not having come to my house, I would like to know from you what should be done. I belong to voting district No. 1, St. Charles. The enumerator was Dr. O. E. Perron. He could not have forgotten me, being a confrère of mine, and almost my neighbour. My family is composed of seven persons, who cannot be in the census, nobody having been seen for this purpose. My political opinions are probably the cause of my having been ignored. What shall I do to get justice?

'I have the honour to be,
'Yours very truly,
'(Sgd.) C. H. PLANTE, M.D.'

And that he will inquire:

1. Whether the government intends to order the officer charged to make the census in district No. 1 of the parish of St. Charles, county of Bellechasse, to do his duty by going to the domicile to collect the information which he is obliged to have?

2. If the government does not give such an order, what way will he follow to obtain the necessary information?

Hon. Mr. SCOTT—I have just had a memo. handed me by Mr. Blue. He says, on his attention being called to the inquiry made by the hon. senator, he at once communicated with the commissioner, and has just received a telegram saying that the person to whom he referred has been placed on the list. As soon as the matter was brought to his notice, he directed the attention of the officials to it.

Hon. Mr. LANDRY—Subsequent to the information ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Perhaps my hon. friend will be prepared to inform the House whether there is any truth in the report that the census enumerators have been on strike for larger pay in Montreal ?

Hon. Sir MACKENZIE BOWELL—And in Toronto.

Hon. Mr. SCOTT—I am not aware, except from what I see in the public press and learn from the Minister of Agriculture. There seems to be a misconception as to the rate of pay. The statute provides that they should be paid according to a scale to be arranged by the Minister of Agriculture, but in no case was the remuneration to exceed three dollars per day. They seem to have assumed that in any case and every case they were to get three dollars a day. Under the scale prepared by the office, and distributed through the commissioners, the department was of the opinion that any man working fairly for a whole day would earn at least three dollars, and he was allowed, in addition to that, a dollar and half a day if he had to engage a horse and vehicle. But it appears—at least so it is stated—that some enumerators have not been industrious, under the assumption they would get the three dollars a day extending over a considerable period, and in that way not doing as much per day as other men who are more energetic and more attentive to their work, and so a certain number of them will be disappointed, perhaps, at not earning as much as they anticipated ; but I understand that in a large majority of the cases—a very large percentage—they will have earned at least three dollars a day. In special cases I have no doubt the department will consider all the circumstances and in sections where the distances are great to travel and the population is scattered, or from other causes, it might be fair to take matters into consideration, I have no doubt the department will take care that justice is done to all parties.

Hon. Mr. FERGUSON—The population of Montreal is not scattered.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us whether Mr. King, Deputy Minister of Labour, has been sent to Toronto and Montreal to conciliate the strikers, and whether they are to receive justice ?

Hon. Mr. SCOTT—That is the first report I have received of anything of the kind.

BILLS INTRODUCED.

Bill (117) 'An Act respecting the packing and sale of certain staple commodities.'—(Hon. Mr. Mills.)

Bill (122) 'An Act further to amend the General Inspection Act.'—(Hon. Mr. Scott.)

Bill (133) 'An Act respecting pensions to officers of the permanent staff and officers and men of the permanent militia, and for other purposes.'—(Hon. Mr. Scott.)

THE BELL TELEPHONE COMPANY'S BILL.

A CORRECTION.

Hon. Mr. MILLER—Before proceeding to the Orders of the Day, I desire to call the attention of the House to a mistake made by the official reporters of the Senate in the report of my remarks last Thursday in connection with the Bell Telephone Company's Bill. I do not know that I would trouble the House at all with referring to the subject, but I have been given to understand that the promoters of the Bill are insinuating privately that the misquotation was intentionally designed on my part to mislead the House. Instead of doing anything of that kind, the mistake actually makes my remarks almost unintelligible or absurd. In my remarks I quoted from the Act of 1880. I quoted the second clause, and then I went on until I came to the third clause, and I said 'Then comes section 3, which reads as follows.' I then cited section 3 of the Act of 1880, on which my remarks were altogether based, and without which, as I have said, my remarks are almost inapplicable. Section 3 of the Act of 1886 is inserted, instead of the section I quoted, by a mistake of the reporter, a mistake that might easily occur, and in connection with which I attribute to him no blame. I did not quote from the Act of 1886 in my opening remarks at all. The only occasion on which I quoted from the Act of 1886 was in correction of the statement of my hon. friend, the Secretary of State, after he had quoted it in his speech. The section which I quoted and on which my remarks were altogether based, is as follows :

3. The said company may construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, bridges, water courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water courses or navigable waters.

That was all that was necessary for my purpose in support of my remarks. The reporter, in writing out his report of my speech, took up the wrong book, and quoted from section 3 of the Act of 1886, which, as the House will see, would be almost unintelligible in connection with my observations. It is as follows :

The said company shall have power to establish, construct, purchase, lease and work any line or lines of telegraph, or maintain such line or lines for others, from and to any place or places in the Dominion, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any provinces of the Dominion, and to make connection with the line or lines of any telegraph company in the United States of America, and to aid or advance money to build or work any such line in the United States, &c.

That clause refers to the North American Telegraph Company, and is altogether inapplicable to my argument in this case. When I got the reporter's copy last evening I discovered it, and went immediately to Mr. Holland's office and found it closed. Later on I met the assistant reporter, Mr. Johnston, and asked him how such a mistake could have happened. This morning I met Mr. Holland, brought him into my room, and showed him the mistake, and he gave a very natural explanation, that he took up the wrong book and quoted from the Act of 1886 instead of the Act of 1880. Several friends of mine had asked me for a copy of my remarks when I received them from the printer, and I only complied in one instance, and in that instance I struck out the quotation and made a foot-note and said it should be section 3 of the Act of 1880. I was personally somewhat annoyed that this blunder should have been made, because I was the sufferer by it, and the cause I was advocating suffered. When I spoke to the reporter to-day he agreed to have it put right in the 'Hansard.' I would not refer to it in the House only I was told, just before coming in, that the promoters of the Bill—and it is just such treatment as I would expect from them attributed to me improper motives, and represented that I was misleading the House by a wrong quotation. I have been a long time in this House, and I do not think any one who has sat any length of time with me in the Senate would make such a charge against me.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BERNIER—Mistakes such as this one mentioned by the hon. gentleman are very awkward and annoying. I had a conversation with the reporter about it, and he explained to me that when members make quotations they seldom send them to his office, and he has to look them up himself. He asked me to make the request to hon. members, when they quote from books or papers, to kindly send the books or quotations to him, so that such mistakes may be obviated.

SMALLPOX ON AN ATLANTIC STEAMER.

Hon. Mr. SULLIVAN—Before the Orders of the Day are called I take the liberty of drawing the attention of the leader of the House to a subject, the importance of which is the only excuse I can give for bringing it to his notice. A despatch in yesterday's paper reads as follows :

> Quebec, May 11.—The SS. Lake Superior, due in port yesterady morning, is quarantined at Grosse Isle for twenty-one days, owing to a case of smallpox being discovered on board. Her crew and over 700 second-class and steerage passengers will be landed on the island to-day.

Now, as the House is no doubt aware, a great many wrongs have been done under the system of quarantine, and of late the tendency has been, with the spread of our knowledge of quarantine laws preventing infectious diseases to modify those diseases a great deal. Such a mode of treating this case, as reported, is in my opinion not at all required. I consider that this man on whom the disease broke out contracted it before he came on board the ship. There is no doubt it was in the stage of incubation before he came on board, and it broke out there, and of course the ship authorities took every precaution to isolate him. Having isolated him he was only attended by the physician on board and the nurse. There is no necessity in the world, in my opinion, to detain that boat more than twenty-four hours. Twenty-one days may not obliterate the possibility of their carrying contagion, because if they are on the same island with the patient they may contract it there as much as they would on board the ship, and if they wanted to ensure perfect safety, all that was necessary to do would be to fumigate the ship. I cannot imagine that any person on the ship could be affected except attendants. As for the passengers, I do not think there was any contact or exposure ; moreover, the disease was not at that stage when it would be most contagious. It was in what is called the wet stage, when the particles, or germs, could not float about as they would in the dry. Therefore, I call the attention of the minister to these matters, in the hope that he may look into it and bring it before the government. I think the plan of leaving all this to one man on a cast iron rule, in regard to such a disease breaking out on a ship, is altogether wrong. There are an immense number of modifications. There might be twenty cases on board of a serious character ; the treatment would not be the same as one mild one. A man who knew his duty would treat the cases differently. I repeat there should be no cast-iron rule imposing such a penalty as is mentioned here. In cases where infection is carried on ships, it is from their having on board infected goods. It is quite different in this case, we hear of a ship,—and it struck me as being an outrageous penalty to impose this prolonged quarantine without any possible necessity for it. The ship and cargo could be disinfected in twenty-four hours, and every man, woman and child, crew and passengers vaccinated, and that is all the security that would be required.

Hon. Mr. MILLS—I may say to hon. gentlemen that we have had, during the past three or four years, several vessels arrive with passengers on board who had been exposed to smallpox, and that a number of those that came over were subsequently attacked, as for instance passengers that were carried from Halifax up to Winnipeg, where the smallpox broke out amongst them and where they had been quarantined for some considerable time. I think the officers of the department agree with the view which the hon. gentleman has expressed, that so far as the ship itself is concerned, when it is properly fumigated and disinfected, there is no reason in the world why it should be detained. There may be a reason for the detention of the crew. It would be necessary that a new crew should be put in charge of the vessel, if she is to leave immediately. With regard to those cases where smallpox has broken out on board, the quarantine of

the passengers of the vessel is a matter about which a difference of opinion exists. Some say that sixteen days is a sufficient period of quarantine, while others recommend the period of twenty-one days, because being exposed to the smallpox on board the vessel, from those among whom the contagion has actually appeared, it would be unsafe, perhaps, for the community that those parties should leave, and within a few days after their departure from the port smallpox should break out amongst them and that they should be the means of scattering it abroad over the country wherever they might go.

Hon. Mr. SULLIVAN—I do not think there is a case in Canada where such a thing has occurred. I never heard of such a thing.

Hon. Mr. MILLS—I suppose if a person is exposed to smallpox on board the vessel he may get it.

Hon. Mr. SULLIVAN—He is not exposed. The patient is confined and isolated.

Hon. Mr. MILLS—But that is after it is discovered. But persons might come in contact with him before it was discovered.

Hon. Mr. SULLIVAN—He could not convey what did not appear, while he was in that state of incubation he would not convey the disease.

Hon. Mr. MILLS—The hon. gentleman knows better than I do as to that, but I know the opinion is prevalent, even among some physicians, that while the person is in the state of incubation, it is possible the poison may be conveyed. That may be an erroneous view, but nevertheless, that is a view that does exist to some extent. At all events, there have been cases of smallpox within the last two or three months in various parts of the country where even the physician have pronounced the disease something else in the first instance.

Hon. Mr. SULLIVAN—There is no doubt about that.

Hon. Mr. MILLS—And it may have been smallpox of a very mild type, but it nevertheless was a contagious disease.

Hon. Mr. SULLIVAN—There are no symptoms during incubation. A man feeis in his usual health.

Hon. Mr. MILLS—Quite so. But at all events, I suppose the officers of the department of immigration may have thought it necesary to take special precautions so as not to alarm the people of the country generally, and not to create a feeling against immigration into the country because there was danger of spreading this disease. At any rate, I think that all was done that could be done in the case of the vessel, that she was disinfected, and, as I understand it, was at liberty to depart under a proper crew within twenty-four hours after the disinfection took place.

Hon. Mr. SULLIVAN—And the passengers also ?

Hon. Mr. MILLS—No, I think they were detained. I understand they were all second class passengers that were on board the vessel, and I fancy they were mingling with each other before the patient was sufficiently ill to be isolated. At all events, it was thought necessary to put the parties in quarantine for a few days.

THE BELL TELEPHONE COMPANY'S BILL.

NOTICE OF AMENDMENT.

Hon. Mr. KIRCHHOFFER—I beg to give notice that I will, on Wednesday next, when the amendment of the hon. member from Richmond is being considered, move the following amendment :

That all the words in the amendment of the Honourable Mr. Miller, after the word 'clause' be left out, and the following substituted therefor :—

'The rates to be charged by the company for telephone exchange service shall not exceed those set forth in Schedule A of this Act, and such rates shall not be increased without the consent of the Governor in Council.

SCHEDULE A.

The apparatus referred to in this schedule is what is known as the 'Standard Bell Telephone Wall Set,' consisting of Magneto Bell, Blake Transmitter and Bell Telephone.

	Per annum.
Exchanges of 100 subscribers or less..	$25
100 to 250 "	30
250 to 500 "	35
500 to 1,000 "	40
1,000 to 2,000 "	45
2,000 to 3,000 "	50
3,000 to 5,000 "	55
Over 5,000 subscribers	60

A reduction of thirty-three and one-third per cent from the above rates shall be made where instruments are placed in residences and not

to be used in whole or in part for business purposes.

The above rates to apply to subscribers located within one mile of the company's nearest exchange in any city or town.

At points where a toll service exists, wherein a subscriber pays an annual sum for the rental of the apparatus and a fixed price per call for exchange service, the rate shall not exceed two and a half cents each for outgoing calls ; and the existing rate for the rental of the apparatus shall not be increased without the consent of the Governor in Council. The subscriber at such points shall have the option of subscribing either under the toll system or according to the schedule of rates above referred to.

On long distance line between cities and towns the maximum rate shall not exceed three-quarters of a cent a mile for a three minute conversation, but the minimum payment for such conversation shall be twenty cents.'

This amendment will restrict the rates, and reduce them in many places. The rates are not to be increased, as will be seen by the schedule, without the consent of the Governor in Council.

BELL TELEPHONE COMPANY BILL.

REPORT OF COMMITTEE ADOPTED.

The Order of the Day being called :

Resuming the adjourned debate on the consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill F) An Act respecting the Bell Telephone Company of Canada.

Hon. Mr. SCOTT said : Having spoken at considerable length on this question, when the matter was before the House last week, I do not propose to offer any further observations at present.

Hon. Mr. MILLER—The Bill is before the House now on concurrence in the amendments made by the Committee on Banking and Commerce. The first amendment made by the committee is accepted. The question is now, concurrence in the last amendment, or what is known as Hon. Mr. Lougheed's amendment—clause 4. I intend to ask the sense of the House upon that clause, because it is necesasry to get it out of the way, in order that I may be in a position to move the amendment of which I have given notice. If this clause is not concurred in, then I will be in a position, on the third reading of the Bill, to move my amendments. The regular and proper course is to get it out of the way on concurrence. Of course, if the House concurs in that amendment, I presume it will accept any other amendment that the promoters of the Bill may ask at its hands, because that would be conceding everything the promoters may require, and I trust the House will refuse to concur in the 4th clause.

Hon. Mr. ALLAN—I understood the Secretary of State to say that he did not intend to speak at further length on the Bill, having spoken so fully on it the other day. I trust he will pardon me, therefore, if I refer to the unkind and, I venture to say, ungenerous way in which he spoke of the attitude of the city of Toronto towards this Bill. Why the business men of Toronto, and those interested in the business of the country generally should be subject to any animadversions because they have taken up a subject of this kind that affects the whole country, I cannot tell. In all questions of this sort, it is found, as a rule, that only the more active people and men having large interests in the country will take them up. If they did not, very often such matters would pass without proper investigation or any thorough discussion. I cannot imagine any subject which could come before this House that is of greater moment than this Bell Telephone Bill. The use of the telephone has now become a service not of mere luxury or pleasure, but of absolute necessity to the population of this country, and to place them in a position in which they might find themselves in the power of a company of this kind, with its capital enormously increased, and no restriction whatever upon the rates it may impose, would be a monstrous thing. I hope this House will take the matter fully into consideration, at all events, and will put some wholesome check on the power of increasing the rates, and prevent the possibility of the country being subjected to such a ruthless monopoly as this would be if the Bill remained in its present shape.

Hon. Mr. WOOD (Westmoreland)—I do not intend to say very much on this Bill, but I believe it is an understanding with members of the House that whatever is to be said regarding the measure is to be said at the present time. Just what the effect of the amendment which has now been postponed by the hon. member from Brandon would be, I am not prepared at the moment to say. It no doubt will have the effect of restricting the charges which this company can make to the public from going beyond a certain limit. I can only say this, that my

preference would be for the principle embodied in the amendment suggested by the hon. member from Richmond, that is, that there should be a power which could regulate these rates—either raise or lower them, as circumstances at any particular time and in any particular place might render it necessary. However, we will have time to consider that before it comes up for the third reading, and I do not propose to discuss that subject at present. Indeed, the only observation in addition to what had been said on this subject which it is necessary for me to make to-day is this—for the subject has been very fully discussed, both in parliament and outside of the House, and I presume that every member here has pretty well formed an opinion as to what his course of action should be with regard to it. It really comes down to a question of rights or relative rights between this telephone company and the public. I am free to say, for one, that I think an enterprise of this character is deserving of very reasonable encouragement. I do not believe in being at all niggardly in our dealings with a company of this kind. They deserve the very highest credit for organizing these schemes and bringing these inventions into practical use and giving the public such an admirable means of communicating with each other as our present telephone system affords. I feel, therefore, that whatever capital is required to develop this business the company should be allowed to issue. I believe too that they should be amply rewarded for their enterprise, for any risks they have taken, for the value of any invention which they have acquired, and which they are now putting into practical use. They should also have ample remuneration for any amount of capital which they have risked in this enterprise. But while I say that I feel too, that the interests of the public in connection with a business of this kind requires some safeguards. It is a monopoly, as we all admit, necessarily a monopoly, and it is desirable in the public interest that it should be a monopoly. The difficult question which confronts us at the present time seems to be how we can adjust the rates of this company so as to give the company a reasonable remuneration for the capital they have invested and protect the public on the other hand from exorbitant charges. I do not propose to refer at all to the many statements which have been made both in this House and out of it with regard to this company and its operations. I have confined my attention in considering the subject almost entirely to the public statements of the company themselves.

Now, what is the position of this company to-day, according to its public statements ? They had invested on the 31st of December, $6,200,000 ; $5,000,000 capital stock, and $1,200,000 of bonds in this enterprise. That was the interest bearing capital which they had invested. This has provided I take it for all their capital expenditure up to the present time, and I desire in connection with this capital expenditure to direct the attention of hon. members to this fact that that capital expenditure includes not merely the cost of this plant and equipment if they were putting it in to-day, but it includes what they may have paid for patents which have now expired ; it includes what they may have paid for plant which they say in their report they have been obliged to throw into the scrap-heap, and it includes all the losses which were necessarily incurred in the experimental stages of an enterprise of this kind. So far as I have been able to ascertain, if the company were starting to-day with their present knowledge of this business, and were putting in a plant such as they have in this Dominion, it would not cost more, probably something less than half the amount for their present stock—that is $2,500,000. Now, they are asking in this Bill for an additional capital of $5,000,000, and as every member knows, that carried with it under the Company's Act, a borrowing power of $3,750,000, so that in passing this Act we are giving them in capital stock and bonds an available capital to the amount of $8,750,000. Well, what is their position according to this annual statement which they have placed in our hands ? They have under the Acts of 1892 power to increase their capital to $5,000,000, and in giving them this we gave them at the same time power to issue bonds to the extent of $3,750,000. Their last annual statement shows that the capital has been all issued—that $1,200,000 of the bonds were issued, and in the statement on this sheet, signed by the president, Mr. Sise, it is stated that at the

meeting held on the 5th of December, 1900, the directors were authorized to issue the balance of their bonds, $2,550,000. According to this statement these bonds are selling in the market at a premium of 10 per cent, and there is also a small amount of capital which has been placed on the market since their last statement was issued, so their available funds from their present authorized capital is in the neighbourhood of $3,000,000. Now, what are their requirements ? In another statement which is also issued from the head office in Montreal, and signed by Mr. Sise, the president of the company, reference is made to the improvements which they have introduced in the system, I will read three short clauses in this statement :

'Because of the clauses brought about by the introduction of electric power, it has become absolutely necessary to practically reconstruct the entire telephone system, which implies the scraping of the old plant. A notable instance is found in Ottawa, where two years ago, before the plant was six years old it became necessary to remove it, and install a new system on which has been spent over $200,000, and the work is not yet completed. For similar work——

—that is for renewing the old system and putting in the latest improvements such as we have in the city of Ottawa,

—and for the natural expansion of the business, particularly in the construction of long distance lines, the requirements of the present year will absorb $1,000,000, and this heavy outlay must continue for some years to come.

Now, I would direct the attention of hon. members of this House to the fact that Mr. Sise's statement there is, that for the purpose of replacing this antiquated or out of date plant in important centres such as Montreal ; to provide for the natural growth and extension of the business throughout the Dominion, and for the purpose of re-erecting in addition to that certain long distance lines which they have in contemplation, it will require for some years to come an annual expenditure of a million dollars. Now, I have shown already from their other statement which was presented here that they have at present at command the authorized issue of bonds which gives them available capital for this purpose of three million dollars, so that according to their own statement they have sufficient capital not only to carry on their business, but to make all these improvements, to provide for all the growth that is required by the natural expansion of the business, and also to erect new long distance telephone lines for the next three years. Under these circumstances it is certainly to me not apparent why they need this very greatly increased capital. If I am right in the estimate which I have given of the cost of their present system as it exists in Canada to-day, the capital now available will enable them to at least duplicate the entire system which they now have, that is, to extend their operations to double the number of people which their telephone system is reaching at the present time.

Hon. Mr. MACDONALD (B.C.)—Is that without the five millions of dollars ?

Hon. Mr. WOOD—With the present capital which they have available to-day by the sale of their bonds. The House, I am sure, from the action they have already taken——

Hon. Mr. SCOTT—Perhaps the hon. gentleman will say whether the usual practice of all companies is to prefer issuing stock rather than falling back on bonds.

Hon. Mr. WOOD—Different companies may have different practices with regard to that, but Mr. Sise's statement is that at the meeting held December 5th, 1900, the directors were authorized to issue these bonds, so that action has already been taken, and so far as this company is concerned, that matter is settled. They have decided to raise capital in that way. Now, I was saying that it is evident that in these conditions this Senate is not disposed to deal in a niggardly manner with this company. We have not, as we might have done, and as I conceive it would have been very proper for us to do, when this large amount of additional capital was called for, inquired into the business of this company, and ascertained whether this large amount of capital was actually required for the legitimate extension of their works or not. Parliament has not seen fit to do so. They have, on the contrary, shown a disposition to grant the company power to issue this very large amount of stock without any restrictions. This, however, must be obvious, that when we adopt that course, we are opening the door for huge speculations in the stock of the company. The hon. Secretary of State, I think, in his remarks, said that it was not proposed to issue this stock all at once—that it was to be issued gradually in coming years, as it might be required.

That may be so. We have no guarantee of that. We may admit, if we choose, that that is the intention of the company at present, and of the present directorate, but there is no guarantee that the present directors will remain in charge of the affairs of this company for any length of time, and when we take the course which it is proposed to take in this Bill, it must be obvious to any one that we are inviting the public, or a speculative class among the public to buy up the stock of this company, to turn out the present directors and put in a different set for the very purpose of placing this stock on the market for speculative purposes. That appears to be the danger which is facing us, and which we ought, if possible, to guard against. It is evident that if this Bill passes without any restrictions, speculative persons might take that course. This stock might be divided among the shareholders, or it might be sold to the public, and a scale of charges to the public for the use of telephones might be maintained which would give a dividend, not on the actual cash value of the plant and equipment of the company, but on a fictitious value, of four or five times that amount. How that is to be accomplished is and always has been a difficult question—that is, how to protect where we created a monopoly, as we do in this case, and where it is desirable to create a monopoly it is difficult to devise means of protecting the public from that monopoly abusing the powers which it possesses. I have given the matter some consideration, and up to the present time have seen no other way of affording the public any safeguard from extortionate charges except the method proposed in the amendment submitted by the hon. member from Richmond. This will not be entirely satisfactory. I am not sure that it will be, but it is certainly better than none. It has been already pointed out that the power which the Governor in Council exercised under the Act of 1892 has already had a very salutary effect. In 1897 the company, as the hon. member from Richmond said, applied to the Governor in Council to have their rates increased, and the schedule of rates submitted to the Governor in Council then, if they had been allowed to be put in operation, would have given the company an income of double that which they have been receiving under the present rate of charges. The refusal, therefore, of the Governor in Council in that instance has certainly been of great advantage to the public. It certainly cannot be argued that it has been an injury to this enterprise, for in the meantime the company has extended its work ; it has put in the latest improvements ; it has, since 1895, according to the statement of the Secretary of State yesterday, increased the number of its subscribers by ten thousand, and its present position is so satisfactory that it is able to pay a dividend on its capital stock of 8 per cent. It has accumulated in this time a reserve fund, or contingent account, as they call it in this statement, of $900,000. Its bonds are at a premium of 10 per cent, and its stock at a premium of 70 per cent, in the open market. It does seem to me that that condition of things ought to satisfy the reasonable desires or ambitions of almost any speculator or investor. I feel that it is our duty in passing a Bill of this kind to do what we can to safeguard the interests of the public from exorbitant charges. I do not know any better method that can be proposed than that which has been suggested by the hon. gentleman from Richmond, unless upon investigation we find that the second amendment suggested by the hon. gentleman from Brandon may answer the purpose, and I therefore wish to support the principle of the amendment offered by the hon. senator from Richmond.

Hon. Mr. MACDONALD (B.C.)—I beg to ask my hon. friend, who has given such a very clear and elaborate statement, whether if the amendment proposed by the hon. gentleman from Richmond is carried, he will agree to give the five million dollars additional capital, or would he cut down the capital ?

Hon. Mr. WOOD (Westmoreland)—Perhaps if I were acting solely on my own judgment in the matter, I would look further into the question of granting capital, but parliament has already sanctioned the granting of the capital. The Bill has passed its second reading, and in committee the section authorizing the increase of capital was passed, so that position I take it to be decided. Parliament has already given its consent to allow the additional capital.

Hon. Mr. McCALLUM—I may be allowed to make a few remarks upon this question before the House divides on the motion. I say Mr. Bell with his telephone company has done a great deal for Canada. I remember the time when he used to be at Brantford, trying to perfect his apparatus, but at the same time he is at the head of this company, and as we all know it must be a monopoly, and I say that we should be careful indeed about what privileges we grant this company, even although as I say they have done a great deal for the country. They have done a great deal for the country in the matter of shoe leather alone, and in the matter of time. But they have been well paid for it. My hon. friend from Westmoreland, tell us that the company have paid 8 per cent dividends to the stockholders, and that the company has a rest of nine hundred thousand dollars. I think they ought to be satisfied. But what do they want to do? They want to put themselves above all government and above every one in this country, and to charge what they please. In 1892 when they were before this parliament, hon. gentlemen will remember that we thought the matter was all lovely and right then. The Bill was sent back to committee, and was amended on the third reading. The hon. Secretary of State said it was all right then, but it turned out to be all wrong. The Minister of Justice says the people got no redress under that, and what have we now before us to show that we should grant the suggested privileges to the Bell Telephone Company? We have nothing at all before us to show it except the statement of the hon. Secretary of State, and what he told us in 1892 has turned out to be wrong altogether. Are we to take his word to-day? Are we to take that statement? I remember the discussion that took place between the hon. Secretary of State and the hon. gentleman from Rideau, when the hon. gentleman from Rideau said, 'Oh, you are interested,' and the Secretary of State replied, 'Oh, no:' he said, 'Yes, you are.' Then, 'no, no.' Then, 'Well, Sir, you are employed, then.' The hon. Secretary of State did not answer that. He said he had no stock, but he did not deny he was employed. The question comes to my mind to-day, when the hon. Secretary of State has worked so hard, delivered so many speeches, if I may be privileged to say so, in the committee, urging this Bill, what is the reason of it? I think he spoke no less than five times, and he is promoting the Bill now. I think it is not very modest for a minister of the Crown to push himself forward with legislation of this kind—a private Bill. I think he is not quite as modest as I should like to see a member of the government of this country. His colleague alongside of him has not taken any part in the debate so far, and I may say to him as Minister of Justice that I hope he will look into the matter so that there will be no mishaps under this Bill, so that the Bill will hold water. I remember the remarks that were made then by the chairman of the committee. The chairman said then, 'The Bill is all right. Mr. Scott said it was all right,' and he urged the matter through. I hope the hon. Minister of Justice will see that the amendments proposed by the hon. gentleman from Richmond will be effective, so that the people of this country will get justice, I do not want them to get any more. I have confidence in the government of the country on this question.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. McCALLUM—I have more confidence in the government of the country than I have in the Bell Telephone Company. And why? I have my reasons. In the first place, the people of this country cannot reach the Bell Telephone Company, but they can reach the government of the day if they do not do what is right and fair to the people of this country. I have not one farthing's interest in any shape or manner in the Bell Telephone Company. Now, look at the amendment proposed by the hon. gentleman from Calgary. What does he tell us? He is not here now, but he tells us that that amendment provides that the company will be liable to any legislation which the parliament of Canada chooses to pass. How generous, how good they are. It was very kind indeed. But now is the time to make them do what is right when they are asking an increase of five million dollars capital. My hon. friend from Westmoreland shows that they do not want it, and they do not tell us what they want it for. The hon. Secretary of State does not tell us, and I am not bound to accept as gospel

what he told me from subsequent proceedings on this Bill and other matters. I am not going to do it. This is the time to get the matter put straight, when they are asking favours. 'If you do not come down to what is fair and legitimate and make a certain agreement with the parliament of Canada that you will act towards your customers in a just and proper manner we will not give you the increase of capital.' What do they want it for? Are they going to water their stock? Why they have been watering the capital already. What are they going to do with it? As the hon. gentleman from Westmoreland says, they have capital enough for any legitimate undertaking at the present time. Are they going to swamp all the other little telephones in the country—all the big fish eating up the little ones? That is what they want it for. They either want it to water their stock or crush out other industries. I would not object to giving the capital if they give us a fair explanation of what they want to do with it, but if they do not do that, this is our opportunity to have this Bill framed so that it will compel them to do what is just and proper towards the people of this country, and I look to the hon. Minister of Justice to attend to that. I have before me on my desk a paper which asks the hon. Minister of Justice to do that, and there is no doubt in my mind that he should do so. My hon. friend from Calgary says, 'Oh, it is imposing on the government too much.' I am not of that opinion. They have the honour and the emolument, let them have the trouble and the gratification, if they are actuated by a desire to do what is just by the people of this country. I must say that during all the time I have been in the Senate and in parliament, I have not seen as much lobbying about any measure which has been brought before us. We see people button-holing this man and that man in order to get his vote, and to do a wrong to the people of this country. I stand before the senators of this Dominion. I am proud of them all. I am proud of being one of the members. I know that this Senate has stood up for the people's rights and prevented greater wrongs than that. The Senate resisted Sir John Macdonald's government, and they have resisted Sir Wilfrid Laurier's government, irrespective of politics. People that talk glibly of the Senate outside of this Chamber in their heart of hearts feel proud of the Senate of Canada. I want hon. senators to stand by their guns. The Senate will soon deteriorate if we are going to be carried away to do a wrong in order to please the Bell Telephone Company. Will the Senate permit it to be said of it, 'You are interested yourselves, some of you are putting money in your own pockets,' is that going to be said? I am not going to say very much about that part of it. Stock is very cheap now, it can be got at par, and it is worth about 170, but I do not think that is going to affect the Senate of this country. I think they are too highminded, and that they would not disgrace themselves to do anything of that kind. That is my opinion, and I ask hon. members one and all to reject the amendment of the hon. gentleman from Calgary. It is true there have been some conversions in this matter. I am not going to speak about that. I read about the conversion that took place on the road to Damascus and that was for the benefit of mankind, and I hope these conversions will turn out to be for the benefit of the people of Canada. There was one word said about retroactive legislation. Of course the hon. gentleman from Richmond accepted that. I know retroactive legislation has always been considered bad, but if ever there was a case in the world where it should reach a company who took money out of the pockets of the people, this company should be made to disgorge now, and if they escape without paying the money they should be satisfied. Hon. gentlemen may say that I am a little out of order when I speak of retroactive legislation, but I am only saying what I may do when we come to the third reading, and I may have something more to say before the Bill is finally passed. I think the government of the country should control the rates. They can reach them at any time, and I am satisfied they will be actuated by a desire to do what is right between the parties. There must be some power to reach this company. You cannot allow them to do what they like through the country. They obtained large franchises in the early days from the government. I am not going to split hairs about

the law here and there as some hon. gentlemen do. I have the law on my desk before me, and I have also the speeches of my hon. friend the Secretary of State which I may read him before this matter is disposed of, to show the active part the hon. gentleman has taken where he had any interest at stake. I have felt his great power in this House when I was trying to work in the interests of the public. I felt his great power working against me where he had an interest. I do not say he had a personal interest, but the interests of his employers. And there is another Bill coming before parliament with which I may have to deal.

Hon. Mr. SCOTT—I assure the hon. gentleman that I have not any more interest in this matter, pecuniarily or personally, than he has.

Hon. Mr. McCALLUM—To be candid and right, and parliamentary, I must accept the hon. gentleman's denial. Until I have better proof I will accept it, and if I have better proof—I will wait until I have before I say anything. I have referred to the hon. gentleman's speech, and to what an hon. gentleman told him, and he never denied it—that he was in the employ of the Bell Telephone Company. I do not know whether the hon. gentleman is to-day. I know he is not a stockholder, and I say candidly and honestly, when he makes this denial I accept it. If I am able to find better proof, that is my business.

Hon. Mr. GOWAN—The best consideration I have been able to give to this matter has led me to the same conclusion as the hon. gentleman from Richmond, who has very fully considered the matter as one can easily form an opinion from his speech, and I entirely agree with him in all he says and the mode in which he proposes to safeguard the public. I am entirely at one with him in that regard. I think what he proposes is only reasonable, and the terms which he seeks to impose on the company are equally reasonable, and I think will meet the whole case. Corporations sometimes forget that they are artificial creations—that they are the creatures of a statute and that they receive their powers indirectly from the people. Parliament grants the necessary power to enable them to carry out an undertaking that may appear to be in the public interest, and a corporation is sometimes apt to forget that it is not love or kindness or personal regard, or a spirit of benevolence in which parliament grants certain privileges to them. Parliament always has in view the best interests of the people, and when certain proposals are made by scientific men or men of means and capital, parliament may see certain advantages, and may grant certain privileges to them for the benefit, directly or indirectly, of the people, and one desires to see corporations well and liberally rewarded for their labour and their invention. They ought to be well rewarded for what they bring before the public. But, the public advantage and the public interest is, after all, the first and chief consideration, and should ever be so in a popular representative body. We are not here merely to serve our personal interest or to promote those which may affect us favourably. We are here to carry out the well understood wishes of the people, as expressed through their representatives, and the good of the people is the first and chief consideration that should operate with any public man having a seat on the floor of this House. I was struck very much with the remark that my hon. friend opposite made with regard to the danger generally of granting corporations power to increase their capital by a very large amount, and there are other attendant dangers which he did not advert to, but which are obvious to every one who thinks upon the subject. It has made me more strong than I was before, if possible, in favour of the resolution to be proposed by my hon. friend from Richmond at the third reading of the Bill. I should like to say that I happen to be a stockholder, and as such, would, under ordinary circumstances and in regular course, feel that I ought not to vote. I am quite aware that the rule of our House provides that persons having a personal interest ought not to vote, and I am quite aware that that rule has been considered by some not to apply to the stockholders in an incorporated company, but I fail to agree in that view. I think it is an erroneous view. If we look at the underlying principle it will be seen that it is a very limited view to take of the rule to say that it does not refer to the stockholders in incorporated companies. There is a maxim of law which, in principle, applies to this case—nemo in propria causa

judex esse debit. But, the matter immediately before this House is upon the last clause of the report of the Banking Committee. I do not know whether it was fully discussed or not, but, to my mind, a more incomplete and singular report never proceeded from a committee of this House or of the House of Commons. It is certainly a most strange report to make :

> The company shall be subject to any general laws hereafter passed by the parliament of Canada respecting the rates charged on telephones, &c.

Now, I do not know whether hon. gentlemen here will remember the old system of pleading when a case as often turned upon the skill and astuteness of the special pleader as on its merits. They had pleads, rejoinders, rebutters and so forth. Very frequently a case was determined simply upon the skill of the pleader. This seems to be a very skilfully-drawn clause. Who put it there I know not, and I do not care to inquire, but it seems a very skilfully-drawn clause. It might be called a dilatory plea. Certainly it is dilatory, for it puts off the consideration—shoves it off upon something to be done at a future time, and that may never be done. It gives away, in the first place, the whole question. It admits the mischief, but it refers to some indefinite time for the parliament of Canada to make a general law by which telephone companies are to be bound. What an absurdity ! If a general law be passed at a future time, of course the Bell Telephone Company, as well as all other telephone companies, would be subject to it, and it is quite unnecessary to put it in that way. Unless there is something more than appears on the face of it, I cannot see why the committee and the House should adopt a report with phraseology of this kind. It would be stultifying themselves. It is a contradiction in terms ; it is inconsequent and provides for nothing. It speaks of laws to be 'hereafter passed by the parliament of Canada.' It is not possible for the parliament of today to tie up or interfere with the action of a future parliament. This does not seek to tie up, exactly, their hands, but it seems as if it were necessary that this committee should lend its feeble aid to the legislatures of the future as if to bolster them up. That, in itself, I think, is very objectionable. If the statement be true and sound, that it will be proper for parliament to say the Bell Telephone Company shall be subject to future laws, it would be equally proper to say the Bell Telephone Company shall not be subject to any law hereafter passed to regulate the rates charged by telephone companies. Possibly the framer of that portion of the report may have thought it a plea of confession and avoidance. It confesses the mischief and avoids it by putting it off to a future time, and with a flourish of trumpets intimates that the company in the future is to be bound. It is an utterly unwarrantable proposition. I do not care to enter upon the broad question, but I must say that people are beginning to feel crowded with the energetic way in which incorporated companies are pushing forward certain claims derogating from the rights of the people. They can scarcely stir without being met by the statement 'Oh, that privilege has been granted to us.' It is a dangerous thing for companies to push their rights, if they have rights, too far. The people of Canada are a very generous people, an impulsive people, and they yield generally very readily to the blandishments of companies who offer them great advantages in the present and advantages in the future, and they wake up sometimes to find that all does not turn out as it was suggested in the first place, and they regret it ; but still they are willing to hold to what they have agreed to. But the people of Canada are also tenacious of their rights, and the time will come when combines of various kinds may try a fall with the people, and they will find themselves worsted, and they will be something like Mrs. Partington, who tried to keep out the Atlantic ocean with a birch broom, but did not succeed. If public opinion is aroused, the people of this country will not submit to be wronged and will not submit to encroachments bit by bit upon the natural liberties of the people. I think it is Voltaire who said that when the English and French were disputing on this continent about the rights of certain portions of it, both the French and English agreed perfectly that each of their titles was the best, but both were perfectly satisfied that the original owners of the soil had no right whatever in the matter, and these corporations are beginning to treat the people of this country as if they had

no rights in public necessities; and if they once had a foothold it would go on to no end. But the remarks made by my hon. friend from Westmoreland struck me very forcibly, together with the remarks made by my hon. friend from Richmond, confirming my view of the true interests of the public at large, and that I ought to support the amendment of my hon. friend from Richmond, when the time comes. As regards this portion of the report, it is so simply absurd that no one with common sense could accept it. It was drawn up hastily, but it is not in such a shape as would be acceptable. I quite agree with what my hon. friend from Monck (Mr. McCallum) has said about the tribunal. I have the most perfect confidence myself in the tribunal proposed under the amendment. I believe that the government of the country, men in the responsible positions that they occupy, would be most anxious to do what is right and proper, and would have the courage of their convictions. I say it, not merely because my hon. friend the Minister of Justice is in the government, I have full confidence in any tribunal in which he has a guiding hand, but I simply say of all the members of the government, I do not believe there would be any disposition on their part to act unfairly with the public interest. The conservation of the rights of the people would be primarily considered with them. Now, it may be that under the old regulations it would not be workable, but certain rules could be laid down, and, if necessary, experts could be employed to assist in preparing a case and keeping it in order, but under the conditions mentioned by my hon. friend from Richmond, I think it would be very workable, and one or two cases would settle general questions. I earnestly entreat this House to consider the dangers in the future. We hear of doings in the United States that really shock one's morals and make one fear that the contagion of evil example may come here. We do not even know what this large increase in capital may be for. It may be for legitimate purposes. I listened to the speech of my hon. friend from Ottawa. He went over the ground, but he did not account for more than three or four hundred thousand dollars expenditure. What is to be done with this large sum? I think it would be an exceedingly dangerous thing to grant these rights without the conditions which have been suggested and which have my support. I would not feel at liberty, under ordinary circumstances, to vote in the matter, but I vote for the amendment because it is in the interests of the people and for the protection of the people.

Hon. Sir MACKENZIE BOWELL--During the debate the other day upon this question, in answer to a question put by the hon. gentleman from Victoria, the Secretary of State made certain statements in reference to the city of Toronto having asked for other companies to bring their system into the city, and that they had refused to do so on account of the rates being too low. I read at the time a note which I received from Mr. E. F. Clarke, one of the members from the city of Toronto, to the following effect:

> There has never been any bona fide company which desired to come into Toronto which declined to do so because of the low rates. Toronto is now paying more than any other municipality in Ontario, save one.

The member for West Toronto, Mr. Clarke, was sitting in the vestibule of the Senate at the time, and heard the statement of the hon. gentleman. He immediately telegraphed to Mr. Thomas Caswell, the city solicitor of Toronto, to the following effect:

> Ottawa, May 9, 1901.
>
> To Thos. Caswell, City Solicitor, Toronto.
>
> Did Toronto ask any company to come to Toronto which declined to do so on account of the low rates? This allegation has been made in the Senate this afternoon, and an answer is urgently required.
>
> (Sgd.) E. F. CLARKE.

During the same day Mr. Clarke received the following telegram:

> Toronto, May 9.
>
> E. F. Clarke, Esq., M.P., Ottawa.
>
> Toronto has never asked any telephone company to come here. No proposal has been made to any, and therefore no refusal for low rates or other reasons.
>
> (Sgd.) THOS. CASWELL,
> City Solicitor.

I do not propose to enter into any discussion of the merits of this case further than to say I am fully in accord with the sentiments which have been uttered by the venerable judge (Gowan) who has just taken his seat. I must say in justice to Mr. Sise, the president of the company, that when he spoke to me about the misquotation as it appears in the report, he said at once that he did not believe that Mr. Miller ever intended to make such misquotation, and as one gen-

tleman should act towards another he wished to make that statement. Whatever others may have said I know not. I simply speak for the only gentleman with whom I had a conversation on the subject. I have no doubt others used the arguments referred to by the hon. gentleman from Richmond. Many people are apt to attribute to gentlemen when they make statements, that they are actuated by improper motives. Mr. Sise disclaimed in the strongest manner any motive or want of veracity on the part of the hon. gentleman from Richmond. I desire to put the city of Toronto, so far as the people there are concerned, in a proper light before the Senate. I had no knowledge of these telegrams until they were put in my hands.

Hon. Mr. McDONALD (C.B.)—There have been some negotiations between the city of Toronto and some United States companies, I understand.

Hon. Mr. SCOTT—I was fully borne out by the facts when I said that Toronto in 1895 sent circulars all over the United States to endeavour to get companies to come in and take the service up. There is plenty of evidence of it.

Hon. Sir WILLIAM HINGSTON—It sometimes happens that the principles underlying a question may be fair, just, reasonable and right, and yet in the application of those principles, very great injustice may be done. Now, that is the position in which I find myself placed in dealing with the amendments proposed by the hon. gentleman from Richmond. In principle I agree with him fully and entirely, yet when it comes to the concrete question, I am against him, and why ? It occurs to me that we cannot adopt the principle which he has enunciated under the present circumstances without acting with great partiality, and therefore with unfairness. If the Bell Telephone were the only company doing business in Canada I should have no hesitation in recording my vote in favour of the amendment of my hon. friend from Richmond, but there are fifty-eight companies in this country, and of these thirty-eight have been created since the Bell Telephone Company has been in existence, and yet on not one of them, I am informed, has any clause of this kind been imposed. We should not attempt to place the Bell Telephone Company in an exceptionally favourable position. It occurs to me that the motion of the Hon. Mr. Lougheed fully meets the difficulty. If at any future time, the parliament of the country should introduce a Bill to put all telephone companies under the same restrictions (and I think they all should be), the Bell Telephone could have no right to complain, but it is most unfair to legislate unkindly towards one company when fifty-eight others have been allowed to do business without these conditions. What does the company ask us for ?—Power to increase its capital. I contend it would not ask for that power if it did not want the money, and who is a better judge whether the money is wanted or not ? I shall not go into that part of the question further than to say that I believe the company is the best judge of what it requires. The company asks us to be allowed to increase its capital, and I am inclined to think it is for no illegitimate purposes. It has been said the company will make use of the money for this purpose and for that purpose. So far I do not know that it has attempted to do anything of the kind. I suppose you hear the little village I come from mentioned in this matter for the first time now. On the other hand we have heard of the great city of Toronto a good deal, and we have been almost led to believe from the scope and trend of the discussion that it was a matter between this company and Toronto alone. Montreal has made no opposition to the Bill. It is not dissatisfied with the rates and it is pleased with the service. In no part of the world I have ever been in is there a better telephone service than in the city of Montreal, and although we pay more for it than Toronto we do not grumble. Toronto pays $45 for business houses for what costs us $50. Where Toronto pays $25 for private residences we pay $30, and still we do not grumble, and why ? The service is so admirable, I do not think it is possible to have better than we have in Montreal. There is another thing which, as a medical man—and if it were not for that circumstances I do not think I should open my mouth on this subject to-day—I must refer to, and that is the excellent manner in which the company treats its employees. I have never seen it's humane and generous treatment excelled.

I have rarely seen it equalled. We have establishments in Montreal, employing one to two thousand individuals, and it is to much the habit, as soon as an employee is struck down by accident or otherwise in the performance of his or her duty, to stop his or her pay that very instant. It is not so with the Bell Telephone Company. Employees have come to me and have told me the manager had insisted they must have two or three weeks' rest, and in the meantime the pay would go on. The employed are looked after as children are looked after by a mother. The admirable service, and the kindness with which servants are looked after entitle the company to the kindest consideration and to the fairest treatment. While agreeing fully in principle with all that has fallen from the hon. gentleman from Richmond, in the abstract, yet I must vote for the report of the committee as presented to us as the only fair and equitable solution of a question into the discussion of which not a little acrimony has unhappily found place.

Hon. Mr. KIRCHHOFFER—I intend to say only a few words in winding up this debate. In the first place, the time has gone by very fast this afternoon, and we want to reach a vote. In the next place, it has been so thoroughly threshed out it is better to say very little in closing the debate. Although I am here advocating the cause of the Bell Telephone Company, I feel like a fish out of water, in that I am on the opposite side to a great many of my warmest and best friends in the matter. Even my hon. friend from Wolseley, whom I have retained this session for the purpose of seconding my motions, has in this matter lifted up his hand against me. In another way I have felt outraged ; I have listened to the speech of my hon. friend from Barrie (Hon. Mr. Gowan) who has complimented all the speakers on that side of the House—he has eulogized the hon. gentleman from Westmoreland, buttered up the hon. gentleman from Richmond, and poured oil on the head of the hon. gentleman from Monck, and I am out of it all. I should have come in for a share at least of the oleaginous fluid he has poured on the rest. I do not make any apology for supporting the Bell Telephone Company in this matter. I am not one of those who have to wait until a coneern is bankrupt, and gone to sale, before I feel any sympathy for it. We have had before us in this House and in committee every day institutions which have become bankrupt through nothing else but their own mismanagement and inattention to their own affairs, and we have always sympathized with them, and given them an extension of time, and clauses and amendments to give them another chance. But a company comes before us here, starting in a small way with a small capital, going on year after year adding to their plant, extending their works, and by the exercise of great business ability and a genius for organization and administration, have placed themselves at last in one of the highest positions occupied by a commercial company in this country, and what are they called to-day ? There is scarcely a gentleman who has spoken to-day who has had a good word for them. The company has been called an octopus, spreading out its tentacles, and gathering all the business interests of the country within its grasp, or an anaconda swallowing all rival concerns within its capacious maw. I saw a cartoon, myself, in which the old Greek fable was revived, and Toronto was depicted as a beautiful maiden, chained to a rock, and the Bell Telephone Company as a savage vulture gnawing at her vitals. That is the way they speak of the company which has year after year extended and built up a business which has become a necessity in every household in Canada, and if to-day this company, or the other telephone companies were to be reduced and put out of business, we would not know what to do. It has also been represented that this company was fighting against the public generally. I tell you this fight is not between the Bell Telephone Company and the public generally. It is a fight to a finish between the Bell Telephone Company and the city of Toronto. That is where this opposition really originated. Toronto is represented by its members, and I will say a finer set of gentlemen, representing any city, does not exist to-day than the four gentlemen representing Toronto, and they are all personal friends of mine, and I hope will remain so. But there was no kick in the city of Toronto. The management tells me that out of 7,000 subscribers in Toronto they have had only 127 complaints from the time the service was put in there. In the province of On-

tario there was no complaint. The people in all the smaller towns were perfectly satisfied.

Hon. Mr. CASGRAIN—Windsor is not satisfied.

Hon. Mr. KIRCHHOFFER. You may not be satisfied yourself.

Hon. Mr. CASGRAIN—Others are not satisfied.

Hon. Mr. KIRCHHOFFER—The dissatisfaction has been worked up. Toronto has undertaken to, what I might call, stand up this company. The Bell Telephone Company asked for an extension of capital of five million dollars. The extension of capital is not disapproved of in Toronto. I have not heard anything against it, but Toronto says before you pass a Bill giving that extension, you must make certain rates or give certain privileges to us. That is the position. It is very much like a highwayman's stand-up. The company say the capital is necessary; the stockholders authorize the capital. The Bill is passed for that purpose, and yet they want to attach certain clauses before they allow it to go through. I have heard another statement made here and repeated this afternoon; the leader of the opposition has read out certain telegrams to the effect that no company was requested to do business in Toronto that had refused because the rates there were so low that they could not make money out of it. A good deal of the feeling that was worked up on this question arose on that representation. To show you how easy is it to refute it, I will read copies of letters from companies which were solicited to do business in Toronto, and hon. gentlemen can see whether the statement is correct or not. I will read a copy of a letter sent to the city engineer of Toronto by the City and Suburban Telegraph Association, Cincinnati:

The City and Suburban Telegraph Ass'n,
Cincinnati, Oct. 25, 1895.

E. H. Keating, Esq.,
City Engineer,
Toronto, Ont.

Dear Sir,—Replying to yours of the 23rd inst. asking for information regarding the rates charged for telegraph service in this city, I beg to inclose a copy of a circular issued April 1, 1895, giving the rates now charged in this city.

In this connection, permit me to say I had the pleasure of visiting your city about one year ago, and while there took occasion to inquire regarding telegraph rates and services. I was very much surprised to find the service first-class and the rates charged below the actual cost of furnishing service in cities of the size of Toronto in the United States. I then investigated the wages paid, rents of office and exchange, and other expenses incidental to rendering a telephone exchange service, and found them to be about the same as we pay. I beg to say, if the rates now charged for telephone service in your city are the same as charged when I was there, the telephone company is making no money, and it is only a question of time when the rates must be increased, the efficiency of the service decreased, or the exchange closed. Of course, this statement is made assuming the telephone company of Canada is engaged in the business for profit.

Respectfully,
(Sgd.) GEORGE N. STONE,
General Manager.

Hon. Mr. MACDONALD (B.C.) Whom is that addressed to?

Hon. Mr. KIRCHHOFFER—To Mr. E. F. Keating, city engineer, Toronto, and in case any hon. gentleman should think that it has been formulated for the purpose of being produced here, it is dated October 25th, 1895. I will read another letter addressed to Mr. E. F. Keating, city engineer, Toronto, the same gentleman who was apparently sending out circulars or letters to these companies, which was denied before the committee. This letter reads as follows:

Dear Sir,—Your letter of 23rd to our manager at Grand Rapids has been referred to this office. Our rates there are: Subscribers within one mile in an air line of the central office, grounded line service, for business purposes, $48 per year; resident purposes, $30 per year. For metallic circuit service, for business purposes, $72 per year, and for resident purposes, $54 a year. But I would suggest that Grand Rapids does not at all compare with Toronto, there being at the former place but 1,600 subscribers, whereas in Toronto there are some 4,600. The latter place would much better compare with Detroit, where the rates for grounded line service within half a mile of the central office, for business purposes, are $72 a year, and for resident purposes, $60 a year; and for metallic circuit, subscribers within one mile of the central office, for business purposes, $120 a year; for resident purposes, $100 a year. We have here, in round numbers, 4,400 subscribers. You are perhaps aware that it costs more per subscriber to furnish service in an exchange of the size of Detroit than in one the size of Grand Rapids, and in Grand Rapids more than in one of 400 or 500 subscribers.

Then, on October 26th, also addressed to E. F. Keating, city engineer, Toronto, the following note:

Dear Sir,—The annual rates for telephone service, telephone exchange service, in this city are as follows:—

For business, from $100 to $140.
Physicians' residences, from $60 to $100.
Private residences, from $60 to $100.

That does not look very much as if there had been communication with these other parties. I will read a letter from the Interior Telephone Company, of New York, in answer to a Toronto advertisement, addressed to R. F. Fleming, Esq., mayor of Toronto, dated July 18th, 1896, which shows Toronto must have taken a great deal of trouble in sending notices to other countries in regard to telephones. The letter reads as follows :—

Dear Sir,—In response to your request for a statement of those views which appeared to me prohibitive of any proposal from this or, in fact, from any other company for a franchise to operate a telephone exchange in Toronto, I have tried to formulate them briefly :

First. The franchise, not being exclusive for even a limited period, offers a new company no foothold excepting that to be obtained in open competition with a thoroughly established company.

Second. The only inducement which the city authorities seem able to offer in the way of encouragement is the city's patronage of about seventy instruments (a little less than 1-70th of the total business), and probable relief from expensive conduit construction by the freedom of using pole construction throughout the city.

Third. While the city authorities offer a new company every assistance in obtaining a charter, giving equal privileges to those now enjoyed by the Bell Company, yet it is impossible for any one to give a guarantee that your parliament will consider it wise to duplicate those privileges; and, at best, such a charter could not be obtained until the winter session, if, indeed, time yet exists for the gazetting of the application for the coming session.

Fourth. That under existing conditions, or even such as might obtain under a charter as much better than that of the Bell as could possibly be obtainable, the opportunities offered a new company are only those of entering voluntarily into a fight to a finish with a rich and established company so situated that it cannot withdraw, for the sake of gaining, if successful, a field in which the rates now current do not promise sufficient returns for the risk to which a large amount of money must be subjected.

If you can get anything more definite than that from a company which has refused to enter the field because the rates are too low, I should like to see it. He goes on to say :

It is necessary to fight to the finish the existing company, and, sooner or later, it is necessary to build conduits. All this to win subscribers educated to rates not more than adequate to warrant the first item of capitalization, to say nothing of reimbursement for and the chance of loss of the greater part of the capital required for the first two items.

I cannot see how, in the face of such evidence, any such telegram or any such letter as that which has been placed in the hands of my hon. leader to be read here can be possibly looked upon as being the truth, and this is one of the most important things urged against this company. It shows that that argument falls to the ground. Then, a great part of the other arguments urged against it must do likewise. My hon. friend from Richmond has made a point of the large accumulation of $800,000 which this company has rolled up. They have been in business twenty years, and that would only be $40,000 a year, and that consists largely in plant, and much of that, as you know, must be dead plant, for every time there is a new invention or alteration, or a new system introduced, a very large proportion of what they have been using becomes useless and may be thrown into the scrap heap. It is of no value, and they are liable at any time to have their systems thoroughly upset and to have to introduce new inventions, which they are prepared to do, because they are an up-to-date company, but, they are liable to have to throw aside a large quantity of this plant which is set down as their capital stock. Forty thousand a year is not much to lay up every year. Whatever may happen to this Bill, I may say that the Bell Telephone Company deserves consideration, instead of reprobation and kindness at the hands of the people of this country. I am sorry to see a feeling stirred up against the company. It is a question of Toronto pulling all the rest of Ontario to fight for better terms. I do not say they have not the right to do so. It is a selfish motive, and yet I am not prepared to say that I would not join in it myself if a circular had been sent to Brandon, suggesting that, as the Bell Telephone Company was applying for an increase in their capital, now was the time to insist on getting lower rates. If I had not heard more about it, I dare say I should have joined in the movement, and forwarded a petition to Mr. Clarke to see that the rates were reduced. But, when you compare the rates of this company with the rates in large cities, I do not think you will find one of the same capacity and the same population as Toronto where the rates are anything like as low as they are in that city.

Hon. Mr. WOOD (Hamilton)— Have the company made money at the present rates ?

Hon. Mr. KIRCHHOFFER—They say that in Toronto they have not made any

money, and are prepared to show it, and will be very glad to show it to the hon. gentleman from Hamilton. But, it is another thing to say that the city of Toronto is to have access to the books of the telephone company. I will say, on behalf of the Bell Telephone Company, that I am sure there is no hon. gentleman in this House who is not at liberty to see the books of the company.

Hon. Mr. WOOD (Hamilton)—Have they made any money in the whole Dominion ?

Hon. Mr. KIRCHHOFFER—I hope they have.

Hon. Mr. DEVER—The hon. gentleman from Brandon might ask the hon. gentleman from Hamilton how much he makes in his business.

Hon. Mr. KIRCHHOFFER—I do not think he would tell me.

Hon. Mr. McCALLUM—Will the hon. gentleman allow me to ask him one question ?

Hon. Mr. KIRCHHOFFER—With the greatest pleasure. I always like to hear the hon. gentleman's voice.

Hon. Mr. McCALLUM—If the company are losing money in Toronto, why did the governor in council refuse to increase the rates in 1897 ? I know the hon. gentleman wants to be accurate.

Hon. Mr. KIRCHHOFFER—Probably the hon. gentleman from Monck, the hon. gentleman from Hamilton, and Mr. Clarke, all got round him and prevented him doing so, as they want to do now. I have given notice of an amendment to the amendment, proposed by the hon. gentleman from Richmond, and it will stand on the order paper. I want hon. gentlemen to look it over and see if it is not a fair offer to meet these gentlemen more than half way. My instructions are that this company is most anxious to do everything it can to meet the opposition to this Bill more than half way. That amendment will come up on the third reading of the Bill to-morrow. We might allow the report of the committee to go, and on the third reading, when the two amendments are before us, we might see whether there is not an opportunity for assimilation whereby the rights of all parties can be preserved. I spoke to the hon. gentleman from Richmond, and told him I would be very glad to discuss my amendment with him and see whether we could not manage to assimilate our views so that we could perhaps unite on an amendment satisfactory to both parties. It will not do any harm to allow the report to be adopted and then, on the third reading, if the amendments of the hon. gentleman from Richmond are adopted, perhaps the company would desire to withdraw the Bill.

Hon. Sir MACKENZIE BOWELL—I have listened with some attention to the letters which were read, but I have failed to find that there was any letter in which a company was asked to go to the city of Toronto. All I could glean from the letter as read by the hon. gentleman, was, that Mr. Keating had corresponded with a number of companies in different parts of the United States to ascertain what their rates were. I failed to find one single sentence—perhaps I overlooked it—in which the charge made against the officials of Toronto was sustained, of having told a falsehood. What they denied was that they applied to any company to come to Toronto, and that they had failed to do so on account of the lower rates. All I could glean from the letters which were read was that an inquiry was made from the different companies on this continent asking their rates, and they pointed out that in some cases they were higher than they were charging in Toronto, and having a large wealthy company in Toronto, it would be useless to come there to fight them.

Hon. Mr. MACDONALD (B.C.)—At the third reading of this Bill to-morrow, it will not be possible for this House to come to a proper conclusion about the figures and the schedule of rates moved in amendment by the hon. gentleman from Brandon. I think it will require a special committee to dissect and go over that matter and see what the proposal of the company is, and we want to guard the rights of the public. I have no leanings to either side. I want fair play on both sides. A great deal has been said by many members, and the public have their rights, and some middle course should be arrived at which will satisfy both parties, and that cannot be done on the third reading

to-morrow. I would suggest to the House, to have a special committee appointed to deal with this matter, and to hear both sides, and then they could arrive at some conclusion to satisfy both parties.

The House divided on the amendment proposed by the Hon. Mr. Lougheed, which was rejected on the following votes :—

CONTENTS :

Honourables	Messieurs
Casgrain (de Lanaudière),	O'Brien,
Dever,	Scott,
Goudbout,	Shehyn,
Hingston (Sir William),	Snowball,
Kerr,	Sullivan,
Kirchhoffer.	Thibaudeau (de la Vallière),
Macdonald (Victoria).	Wark,
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McHugh,	Yeo,
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NON-CONTENTS :

Honourables	Messieurs
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Armand,	McDonald (C.B.),
Baker,	McKay (Truro),
Bernier,	McMillan,
Boucherville, de (C.M.G.)	Merner,
Bowell (Sir Mackenzie),	Miller,
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Casgrain (Windsor),	McLaren,
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King,	Templeman,
Landry,	Vidal.
Lovitt,	Wood (Westmoreland.—27.
Macdonald (P.E.I.),	

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Marshfield has not voted.

Hon. Mr. FERGUSON—I paired with Mr. Clemow.

Hon. Mr. MILLER—We might take the third reading now.

Hon. Mr. KIRCHHOFFER—I would rather not have it forced on me now. I would like to consult with the promoters of the Bill. They might wish to take some other course.

Hon. Mr. MILLS—I think it is only courteous to the gentleman promoting the Bill and those who are interested in a very important company to the country that the third reading of the Bill should be postponed and that they should have an opportunity of considering what course they will adopt.

DOMINION ELECTONS ACT AMENDMENT BILL.

POSTPONED.

The Order of the Day being called :

Committee of the Whole House, on Bill (64) 'An Act to amend the Dominion Elections Act.'

Hon. Mr. SCOTT said—I have been told by the government printer that there will be difficulty in printing the Bill in the form in which it appears.

Hon. Sir MACKENZIE BOWELL—Has that anything to do with the third reading of the Bill ?

Hon. Mr. SCOTT—Yes, because the form of the ballot is defined in the Bill. There is a quantity of matter which is printed on the ballot, and Mr. Dawson points out that the back of the ballot should be shown. Instructions were at the bottom, whereas it ought to be on the margin. It will only create confusion, and then he says there is too much to be printed—it should be made shorter.

Hon. Sir MACKENZIE BOWELL—I would suggest that if in preparing these ballots, they should be so printed that the black mark extends the full length of the paper, it would be an improvement. The ballot is the best I have seen.

Hon. Mr. SCOTT—The black mark is intended to extend the full length of the paper.

THE STANDING COMMITTEES.

Hon. Mr. MILLS—I understand that some members are about to leave, and some are not able to attend meetings of the committees, and I would suggest that Messrs. Watson and Young be appointed.

Hon. Sir MACKENZIE BOWELL—There is no necessity to depart from the rule at this stage of the session. No notice has been given, and I would take objection to it

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 15, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPLICATIONS FOR RAILWAY CHARTERS BILL.

WITHDRAWN.

Hon. Mr. BAKER, from the Committee on Railways, Telegraph and Harbours, to whom was referred Bill (J) 'An Act respecting application for Railway Charters,' reported that while they approved of the principle of the Bill, they recommended that owing to the late period of the session the promoter be allowed to withdraw it.

Hon. Mr. CASGRAIN (de Lanaudière) moved that the report be concurred in.

Hon. Mr. MACDONALD (P.E.I.)—I regret very much that the promoter of the Bill has decided to accept the report. Such a Bill as this is in the interest of the Dominion. We find many companies seeking incorporation, not with a view of constructing the railways, but for the purpose of selling the charters. The number of such applications is increasing rapidly, and it is only right and proper that the government should introduce a measure of this kind, and cause those who are applying for charters to pay into the public treasury a certain amount of money to show that they are bona fide able to go on with the enterprises for which they are seeking charters. The hon. member who moved this Bill, in speaking before the committee this morning, gave very good and sufficient reasons why such a measure should be introduced, and contended that it would be in the interest of the people of Canada generally. I believe that if a mesure of this kind had been introduced many years ago, it would have enured to the benefit of the people and would have prevented speculation in charters. Many of those charters would never have been applied for, or if they had been applied for, would have been sought for by people competent to carry on the work. As it is at present, we have many of these applications coming before us, and we really have no very good reason to reject them when applied for in a proper way in the parliament of Canada, but there is something coming after the application. As soon as these people get a charter of incorporation and the right to construct a road through any section of the country, if they cannot dispose of the charter to others to their own individual advantage without doing anything on it, they apply to parliament for a subsidy, and if they manage to get a subsidy, they will build the road on the subsidy from the Dominion, and possibly one in addition from the province. It is a wrong principle that parties should be able to apply to parliament in this way without some restriction on them to compel them to go on with the works that are approved of by the Dominion. Entertaining that view, I am sorry that the government have not taken hold of this Bill and made it a government measure and passed it through parliament.

Hon. Mr. ALLAN—I desire to add to what has been said by the hon. gentleman from Prince Edward Island my own expression of regret that the committee found it was too late in the session to take up and discuss the Bill which has now been reported upon. The principle of the Bill, I think I may say without contradiction, was universally approved of by all the members of the committee, but it was thought to be too late in the session to take it up now and discuss it thoroughly, and prepare a measure in complete and thorough shape to come before the House. One does not like to say unpleasant things of the legislation or politics of our own country, but there is no doubt a great deal of our legislation is really a scandal. Applications are brought in for charters of railways and grants and subsidies and so on, and the object of a great many of them is nothing more or less than to see how best they can afterwards dispose of those charters. There is no bona fides in the matter at all. There are a great many provisions in this Bill which I think, if carefully studied, will be found to be exceedingly practical. I hope the universal approval which the Bill met with in the committee to-day, will induce the mover of it not to fail to bring it forward at an early stage of next session. I hope he will in that have the entire backing of the government.

The motion was agreed to, and the Bill was withdrawn.

DAWSON CITY ELECTRIC COMPANY'S BILL.

REJECTED.

Hon. Mr. BAKER, from the Committee on Railways, Telegraph and Harbours, to whom was referred Bill (H) 'An Act respecting the Dawson City Electric Company, Limited,' reported that they had heard counsel in support of the Bill, and that no sufficient reasons had been furnished to change their decision in their former report.

Hon. Mr. MACDONALD (B.C.)—Having done my duty by this Bill, it only remains now to do the last duty, and move concurrence in the report.

The motion was agreed to, and the report was adopted.

COMPLAINTS FROM MICMAC INDIANS.

INQUIRY POSTPONED.

The Order of Day being called:

That he will call the attention of the government to an appeal to parliament from Chief Marchel, of the Indian reserve at Ste. Anne de Restigouche, P.Q.

And will inquire if the complaints made against the Indian agent of the Indian reserve of Ste. Anne de Restigouche have been investigated, and if so, what is the result of such an investigation?

If no investigation has yet been held, is it the intention of the government to hold one, and when?

If not, why?

Hon. Mr. MILLS—I may say to my hon. friend that I sent over to the Department of the Interior for the information which he seeks and the answer which I received was that the officer, Mr. McRae, I think it was, who was sent to investigate, had made his report, but the minister was away and returned only two days ago. Since then he has not had an opportunity to peruse the report and see whether he approves of it or not, but as soon as that is done, the information which my hon. friend seeks will be furnished. I pressed for a general summary of information that I might meet my hon. friend's wishes, but so far I have not obtained it. I did not know but it might be received while this matter was before us still, but it has not. I can promise the hon. gentleman that the moment it comes into my hands I shall bring the matter to the attention of the House in reply to his inquiry, but the reason for not submitting it earlier was the reason I have given. The minister was away in Winnipeg on account of the illness of his father, and he returned only two days ago, and has been so much occupied with the immediate business before the House of Commons, that he had not time to peruse the report which Mr. McRae had made.

The motion was allowed to stand.

CANADA NORTHERN RAILWAY COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (103) 'An Act respecting the Canada Northern Railway Company and the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Company, the Portage and North-western Railway Company and the Waskada and North Eastern Railway Company.'

The Bill was read the first time.

Hon. Mr. KIRCHHOFFER—I move the suspension of the 41st rule in so far as the same relates to this Bill. As the time at our disposal this session is very short, and as I am anxious to get away, and as I have sworn by the beard of the prophet that I would stay here till the Bill was through, I am going to ask the House if they will facilitate the matter, by suspending the 41st rule so as to enable the Bill to be read the second time this afternoon, that it may come before the committee on Friday morning, and be reported to the House in the afternoon.

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

BILLS INTRODUCED.

Bill (136) 'An Act to amend the Railway Act.'—(Hon. Mr. Mills.)

Bill (69) 'An Act to incorporate the St. Lawrence Power Company.'—(Hon. Mr Kirchhoffer.)

Bill (81) 'An Act respecting the Algoma Central Railway Company, and to change its name to the Algoma Central and Hudson Bay Railway Company.'—(Hon. Mr. Dandurand.)

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Is there any probability of my getting the return in reference to the surveys for the Trent Valley canal between Rice lake and Lake Ontario ?

Hon. Mr. SCOTT—I have already made several inquiries. I will inquire still further.

Hon. Sir MACKENZIE BOWELL—I hope there will be some more information in the return than there was in the return which my hon. friend laid on the Table yesterday.

Hon. Mr. SCOTT—Has that any reference to it ?

Hon. Sir MACKENZIE BOWELL—That is a reference to a contract and who was carrying the mail. The return says, the contract not having been given out it would be impolitic to give copies of the tenders. I want to know who is carrying the mail, and why the former mail-carrier has been dismissed. I will call attention again to it on Friday.

THE VISIT OF THE HEIR APPARENT.

INQUIRY.

Hon. Mr. LANDRY—I should like to know if an answer can be given to the inquiry I made on the 24th of April. I then asked if the government had any information as to the approximate date of the visit of the Duke of Cornwall and York at Quebec, Montreal and other cities of Canada, and in what order those cities would be visited by His Royal Highness. A telegraphic despatch published this morning in the Citizen says that Governor Jones has received information that His Royal Highness will not land at Halifax, but at Quebec, on September 15. I should think the government would be in a better position to give information on this subject than any one else in the Dominion.

Hon. Mr. SCOTT—On that subject, the public seem to have quite as much information as the government have. I first learned that His Royal Highness was to land at Quebec, and not at Halifax, from the public press, so the hon. gentleman is in possession of quite as much information as the government is.

Hon. Mr. LANDRY—That is not much.

BELL TELEPHONE COMPANY'S BILL.

WITHDRAWN.

The Order of the Day being called :

Third reading Bill (F) An Act respecting the Bell Telephone Company of Canada.

Hon. Mr. KIRCHHOFFER said : After the expression of opinion which we had yesterday afternoon, and in view of the lateness of the session which would make it impossible to get the Bill through the House this session, and my desire to get away, as my hon. friend near me says, I ask permission to withdraw this Bill. It seems to me the contending parties are not so far apart that, during the recess, they would not be able to meet and come under some arrangement whereby the interests of all involved would be practically secured. Our fight on this Bill has been a pretty heavy one, and though some severe thrusts have been given, no bones have been broken. As far as I am concerned, no hard feelings are entertained, and I take this opportunity of thanking those who favoured and those who opposed me for the courtesy they have shown. I therefore move that the Bill be withdrawn.

The motion was agreed to.

POST OFFICE ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (121) 'An Act further to amend the Post Office Act.'

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if he has any answer to give to the objection taken by the hon. gentleman from Marshfield, to the manner of opening letters ? I think it will strike every member of the Senate that the practice, which is carried out under the law, of opening letters immediately on their being sent to the dead letter office, when the direction is sufficiently plain to indicate the party to whom it is to be sent, is wrong, and that the party should be written to before the letter is opened. In the case to which the hon. gentleman referred, as I understand it, the letter was written by a young sister to a brother. The letter was opened immediately on its being sent to the dead letter office. Not being able to know who 'Flora' was, it was sent to the brother in British Columbia, in accordance with the directions

on the outside of the letter. What reason was there that it should not be sent to him before it was opened ? In the present case, it is a matter of very little consequence. It is simply a case of a child writing to her brother, but it might be a matter of importance. If the party to whom the letter is directed cannot be found or ascertained, then the opening of the letter, to ascertain by whom it is written, could be understood.

Hon. Mr. MILLS—The practice of the department is, that where there is any indication, on the outside of the letter, of the party from whom the letter has been received by the Post Office Department, the letter is sent without being opened.

Hon. Sir MACKENZIE BOWELL—In this case it was not.

Hon. Mr. MILLS—In this case there was no indication on the outside of the letter of the party from whom it came, and they were obliged to open the letter to ascertain from whom it came, because the practice is to return the letter to the writer, and not to forward it to the person to whom it is addressed. That is in conformity with the requirements of the law. I also learn that this practice has arisen from the fact that sometimes, with a view of annoying a person, letters were deposited in the post office addressed to him without being paid, so a man in that way might receive an immense number of letters. He might be engaged in important business and not know which of the letters are from parties with whom he has business, and therefore he will take them out and pay the postage. To prevent that sort of thing—and it is out of facts of that kind the practice of the department grew—the department ascertain, either from some printed endorsement on the outside of the letter, or by opening the letter where there is no printed endorsement, who the writer is, and return the letter to the writer. That is the practice. I learned from my hon. friend from Marshfield, personally, immediately after the House rose, that the letter which he said he had not received an answer to he had been carrying in his pocket until about time the House met yesterday, and so it not surprising that he did not receive a reply.

Hon. Sir MACKENZIE BOWELL—That is the letter he wrote to the acting Postmaster General ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Oh yes, he told me that.

Hon. Mr. MILLS—So the practice has long been in force, and has grown out of experience, acquired as I have explained.

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

JUDGES OF PROVINCIAL COURTS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (131) 'An Act to amend the Act respecting the judges of Provincial Courts.'

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—Before proceeding with this Bill it will be in the recollection of the Minister of Justice that I asked him if it was the intention to augment the salaries of the judges in the different parts of the country. I did not catch his answer, but I understood him to say that public opinion was not ripe on the question yet.

Hon. Mr. MILLS—I think I mentioned in the early part of the session that I had prepared a Bill for increasing or revising the salaries of the judges of the higher courts in all the provinces of the Dominion, with a view to the amount of work that is done at the present time, and with a view to meet the altered circumstances of the country, since the last revision took place, which, I think, was in 1873. In order to make that provision, there would be an addition of about ninety thousand dollars to the expenditure of the country on the administration of justice, so far as the judges' salaries are concerned, and that would represent the interest on about three millions dollars. That seemed to many a very formidable addition to the expenditure of the country, and so the matter of the increase of the judges' salaries has been permitted to stand over. In fact in British Columbia and in Manitoba, there is no doubt, with the rapid increase of population and the increase of public business, there must at no distant day be an increase in the salaries of the judges in those provinces of the Dominion, for the reason that an increase might be made without the salaries now paid in the province of Ontario or

in the province of Quebec being exceeded, and so it seems to me that there must, at an early day, in those two provinces at least, be an increase in the salaries of the judges,—that is, assuming that the progress of those provinces continues—so as to bring them up more nearly to the two most populous provinces of the Dominion. But it was felt that that could not be pressed at the present session, and more particularly as the session has been protracted beyond the period it was supposed it would be necessary to continue sitting in order to transact the public business.

Hon. Mr. MACDONALD (P.E.I.)—Would the hon. gentleman inform the House what additional amount of expenditure will be incurred by the passage of this Bill ?

Hon. Mr. MILLS—Fifteen thousand six hundred dollars as actual payment, ostensibly, but not in fact, because some of the judges of the outlying districts have been brought up to the city of Montreal, and the expenditure due to the fact of coming there for the transaction of public business, if I remember rightly, covers about half this sum, so that the increase will be about one-half of fifteen thousand six hundred.

Hon. Sir MACKENZIE BOWELL—Will the hon. minister explain how that is ?

Hon. Mr. MILLS—If this change is not made, and these judges are not added, the bringing up of the judges from the rural districts to Montreal necessitates an expenditure of about one-half this sum.

Hon. Sir MACKENZIE BOWELL—Seven thousand dollars ?

Hon. Mr. MILLS—Yes, for travelling expenses.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said at first $15,600. That would represent a capital of $520,000, according to the calculation just made by the hon. gentleman himself, so that it would be adding that much to the debt, $520,000 at 3 per cent, that is, accepting the hon. gentlman's calculation as to the increase of the debt which would be incurred if they increased the judges' salaries by the $90,000, of $3,000,000. When this question was under discussion last session, the question of the expense of bringing the judges from the rural districts, as I understood it, was not placed at anything like $7,000—nothing like that sum. But be that as it may, the appointment of three additional judges, according to the statement made by the Prime Minister and the Solicitor General and the late Attorney General of the province of Quebec, might be avoided if the whole system was changed in the province of Quebec, which system was declared by the Prime Minister himself to be an antiquated system, but owing to the prejudice which exists in that province as to any changes of this kind being made, neither party had the courage to grapple with it. I do not accuse one more than another.

Hon. Mr. DANDURAND—It is the Quebec government that should grapple with it—not this government.

Hon. Sir MACKENZIE BOWELL—They would be obliged to grapple with it if the Dominion government did not increase the number of judges ; so that they are both responsible. I do not lay it to this government more than to the other, but I do not remember the question as coming before the late government in the manner in which it is brought up now. I understand that under the constitution, the arrangement of the judicial districts is within the jurisdiction of the local government, and the admission made by the gentlemen to whom I have referred was certainly in the line and of the character which I have indicated. It is not my intention to oppose this Bill at the present time. It was defeated last session, and it was defeated for the reasons given by the premier, the late Attorney General, and the Solicitor General, as to the possibility of accomplishing the end which they had in view if they changed the system. However, they had not the courage to do that, at least they indicated they had not the courage by not doing it, and they have proposed a Bill very similar to that of last year, I regret to hear the reason given by the Minister of Justice for not grappling with that very important subject, the increase of the judges' salaries. I frankly confess I fully appreciate the difficulties that present themselves to any government in dealing with this question. I might give reasons why Sir John Thompson, when Minister of Justice, failed to carry out what he felt to be right in re-

ference to the judges of the different provinces, but public opinion is just as ripe today upon that question as it will be ten years hence. I am quite sure about that. I was one, speaking for myself, years ago who took the same view that many do now, but from experience I have come to the conclusion that, if the judiciary is to be kept to that standard which it has occupied in the past, and we are to secure the best men at the bar, we have to give them a remuneration commensurate with the position which they hold.

Hon. Mr. MILLS—And something to do.

Hon. Sir MACKENZIE BOWELL—And something to do. If there is nothing to do, I would suggest to the hon. gentleman to continue the policy they are carrying out in Ontario just now. There are two judgeships vacant and they can leave them vacant and not fill them, and that will leave the Ontario judges something to do, I know it to be the case with many of the district judges in the province of Quebec—that is, that they have little to do, if we are to accept the declaration made by the Solicitor General and the late Attorney General and the premier himself—but I am not aware that that insinuation, if I may so consider it, applies to the judges of the province of Ontario. There are two vacancies. One has been vacant for a long time, and the death of Judge Rose caused another vacancy, and if the others have nothing to do, let them leave those positions unfilled. I am very much inclined to express an opinion that that is not the reason why the vacancies have been filled.

Hon. Mr. MILLS—There is only one vacancy.

Hon. Sir MACKENZIE BOWELL—I thought Mr. Justice Burton was superannuated.

Hon. Mr. MILLS—Judge Armour took his place.

Hon. Sir MACKENZIE BOWELL—Has Judge Armour's position been filled ?

Hon. Mr. MILLS—Judge Falconbridge took his place.

Hon. Sir MACKENZIE BOWELL—He was promoted and it left a vacancy there.

Hon. Mr. MILLS—And that is the only vacancy.

Hon. Sir MACKENZIE BOWELL—Whose place was it that Mr. Foy was going to fill when he was offered the judgeship ?

Hon. Mr. MILLS—Mr. Foy would have filled this position. When Judge Rose died, of course his position was taken by Mr. Lount, so that there is only one vacancy.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is right. I had forgotten about Mr. Lount's appointment. As the other position has been vacant much longer than the position rendered vacant by the death of judge Rose, I suppose the government do not intend to fill it.

Hon. Mr. MILLS—Oh, yes we do.

Hon. Sir MACKENZIE BOWELL—I thought the hon. gentlemen said they had nothing to do.

Hon. Mr. MILLS—I did not say the Ontario judges had nothing to do, nor that any of the judges had nothing to do, but I merely mentioned that as being necessary—that they should have something to do.

Hon. Sir MACKENZIE BOWELL—And it was from that insinuation that it would be inferred the hon. gentleman thought they had nothing to do.

Hon. Mr. MILLS—The hon. leader of the opposition was speaking of Quebec.

Hon. Sir MACKENZIE BOWELL—That would imply that certain judges had nothing to do. I agree with him as far as Quebec goes. That is the statement made by the hon. gentleman's leader. I regret that the government have not taken a bold stand in the matter, and I am quite convinced that if they had done so they would have carried their measure through both Houses of parliament.

Hon. Mr. MILLS—I may say to my hon. friend that there is no want of boldness on the part of the government, and no want of courage in what is transpiring. The British North America Act places the constitution of the courts in the hands of the local government, and while we may advise the provinces, we have not the power to control them or bully them.

Hon. Sir MACKENZIE BOWELL—But the government have the power to refuse to appoint judges.

Hon. Mr. MILLS—My hon. friend had exactly the same views years ago as he has now, and he was in the government for eighteen years. There were three different Prime Ministers during that period before he became Prime Minister himself, and during the whole of those eighteen years there was no change in the constitution of the courts in the province of Quebec. We pressed upon the Quebec government the propriety of revising their judicial organization. We waited a year, and they did not seem disposed to acquiesce in our suggestions, and we admitted the matter was entirely in their control. It was a matter for which they were responsible, and when that year had gone by we proposed last year that same provision that we are proposing now, and we proposed it for the reasons that were put forward in this House some few years ago, very ably put forward by the then leader of the House, Sir Alex. Campbell, with respect to judicial appointments in British Columbia. He admitted that the system might be improved, but he denied altogether that there was any duty upon him to undertake to coerce the government of British Columbia to adopt his views, rather than to act upon their own, and I have no doubt that the view which he expressed, was a sound view, and my hon. friend will find the proper constitutional doctrine, it seems to me, applicable to our federal system most ably set forth on that occasion by Sir Alex. Campbell. My hon. friend says this Bill was rejected last year. That is so, but I think the most important reason for that rejection my hon. friend has not mentioned. There was an election to come off. The fortunes of war might have gone against the existing administration, and if they had, the judicial appointment might have been with my hon. friend, or with some of his party, rather than with the present administration, and my hon. friend felt on that occasion—and so did those who were associated with him—that it would be worth while to submit to the evils which then existed for the want of a judge.

Hon. Mr. LANDRY—I rise to a point of order. The hon. minister has no right to impute motives.

Hon. Mr. MILLS—I am not imputing motives.

Hon. Mr. LANDRY—Yes.

Hon. Mr. MILLS—I am discussing what my hon. friend has stated as the reasons for resisting the Bill of last year, and I am calling attention to one reason he omitted. He may correct me if he thinks I am in error on that point, but having had some experience in party warfare in the House of Commons and in this House, I think that sometimes the reasons which are not stated are more potent than those which are stated, and I have no doubt my hon. friend the leader of the opposition will acquiesce in that view.

Hon. Mr. LANDRY—That is the hon. minister's personal experience.

Hon. Sir MACKENZIE BOWELL—The only objection I have to the remarks and the principle which the hon. minister lays down is that he should measure other people's grain in his own bushel. I can assure him that that was not the feeling that actuated me or those who voted as I did, so far as I know, in connection with the rejection of that Bill. I know that the hon. gentleman did attribute that motive while it was under discussion. He then said the probabilities were there might have been a change. Now, any one who knows anything of the effect of appointing gentlemen to office, knows that the most prominent men of the party are generally selected by the party in power, and the longer a party remains in power the more of these gentlemen are appointed to positions and the weaker the party becomes. The hon. minister alluded to the long time I was in the government, and I know from experience that that is the result, and I know further that such a statement was made to me by a gentleman from Quebec, that there would be at least three of the most prominent politicians of the city of Montreal selected to fill those positions and it would be better that they should be removed from the political arena and thereby strengthen the Conservative party, rather than defeat the Bill. I told him that I did not think that was statesmanlike. I objected to the Bill on the principle that I have already indicated, and that was that a rearrangement of the judicial districts of the province of Quebec, if they had the courage to tackle it, would render it unnecessary to add the additional expense of three judges to the dis-

trict. That was the reason which actuated me at that time, and I believe it was the reason which actuated a large number of those who supported the motion which I made.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am glad to know that my hon. friend from Stadacona approves of the reason that I gave as the one which actuated him, I have no doubt, however, the hon. gentlemen who are sitting on the other side of the House would have acted differently had they been in our position. They would have looked forward, as they do now, to the time when they could fill those positions with gentlemen who could not earn as much at their own profession as they would get in these positions. I know one gentleman's history, who is being promoted under this Bill—I shall not refer to his past record, but I could give a reason why he is to be promoted, if I understand the object of the Bill. I do not say that he is not sufficiently talented for the position, or will not make a good judge, but sometimes there are reasons which are not given, as indicated by the hon. gentleman, for a policy which are more potent and effective, if they are known, than those which are given.

The clause was adopted.

On clause 3,

Hon. Mr. LANDRY—I thought the policy of the government was merely to increase the number of the judges, and not to increase the salaries—that that would come in another Bill.

Hon. Mr. MILLS—There is just this one judge whose salary is increased.

Hon. Mr. LANDRY—For what reason ?

Hon. Mr. MILLS—For the reason he is the senior judge—acting Chief Justice.

Hon. Mr. LANDRY—That is Mr. Champagne ?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—Is that the gentleman who was formerly a legislative councilor ?

Hon. Mr. CASGRAIN (de Lanaudière)—No.

Hon. Mr. LANDRY—Who says no ? A man that does not know. Mr. Champagne was a legislative councillor in the council of Quebec. For a reason which was not given at the time, because, I suppose the true reasons are not given at the proper time, he resigned his seat in the legislative council, and accepted a position as judge in Montreal, under an Act introduced by the Mercier government, an Act which was disallowed at Ottawa, because it was ultra vires, and I suppose that is the gentleman who to-day receives an additional reward—I beg pardon, an increase of $600. He accepted the position at that time for $3,000.

Hon. Mr. DANDURAND—I may add something to the knowledge of the hon. gentleman.

Hon. Mr. LANDRY—That might be.

Hon. Mr. DANDURAND—Hon. Judge Champagne was a legislative councillor, and had been for a number of years member for Two Mountains. After he had sat for some time in the Circuit Court created by the provincial government, that Act was declared unconstitutional. An Act was then passed by the Federal parliament, and a Conservative administration, which the hon. gentleman supported at the time, reappointed Mr. Champagne to that court as well as another judge. This goes to show that Mr. Justice Champagne was held in high esteem by both political parties. Now, a third judge has been appointed to that court. The business done in the Circuit Court of Montreal is greater than the business done throughout the whole province of Quebec in the Circuit Courts. Our Circuit Court has jurisdiction for cases which go up to a hundred dollars, and naturally there are thousands and thousands of writs taken before that court. In fact, when a third judge was appointed, there were thousands of cases in arrears, some of them cases that had been hanging for twenty-five months and more. There are three judges. One of them is the senior judge, and he has to see to the distribution of the work, and has a greater responsibility than the two other puisne judges. The government has thought proper, and I think justly so, to increase the salary of that judge. All our Chief Justices have higher salaries than the puisne judges, and I commend the Act of the government. Those

judges are doing harder work—at all events are doing as hard and important work as the Superior Court judges. The questions that come before them are as important in the solution, because they affect real estate, and sometimes they have to discuss and settle questions of as great importance, as to the law which must be applied, as the Superior Court judges do. Besides, they have the greater responsibility, in that there is no appeal from their judgments. I think the Circuit Court of Montreal is doing very important work, and it is but just that the salary, not only of that judge, but of the others, should be increased. As we are only asked to vote an increase to this judge, I approve of it.

Hon. Mr. LANDRY—Surely the hon. minister without portfolio—because it is he who defends the government measures here—is not serious when he says that because a judge has to give judgments from which there is no appeal, his salary should be increased.

Hon. Mr. DANDURAND—No, I was explaining his responsibility.

Hon. Mr. LANDRY—The hon. gentleman said his responsibility was so great, because his judgment could not be appealed from, that his salary should be increased. If that reason is a good one, why not increase the salaries of the others? I think that man should not get more than the others. He must be thankful to God to occupy that position now, and he should keep quiet. That is the best thing he could do.

Hon. Mr. MILLS—My hon. friend does not keep quiet.

Hon. Mr. LANDRY—I do not expect to be a judge—even of the Supreme Court, not to go to London. I have no expectation of the kind.

The CHAIRMAN—The question is on the 3rd section.

Hon. Mr. LANDRY—The hon. minister without portfolio is not serious, I am sure, and the reasons he has given, the government never thought of, because it is certain if the government had to defend that measure before the House, the hon. Minister of Justice, who is well known and whose standing in the Senate is of so high a character, would advance the best reasons to defend his measures and not leave it to the back benches to bring forward the absurd reasons that we have heard, except, as the hon. minister says, the reasons he gives are not always those he means—that something is behind.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. LANDRY—The facts bear me out in saying the reasons given in this instance are not the real reasons. The real reason is to be found in the change which took place in the legislative council some years ago, when the parties were nearly equal, and when the Liberals wanted to change the majority by buying out unscrupulous men and making them judges. I am against that reward.

The clause was adopted on a division.

Hon. Mr. MACDONALD (B.C.)—Before the committee rises, I wish to say that from the announcement made early this session by the Minister of Justice, this House fully expected, and the British Columbia judges expected also, that their salaries should be increased. It is most unfair to pick out, as this Bill does, some to be increased, and leave these men, who have very heavy expenses, without any increase. Their salaries are small, and their expenses heavy, and I think it is unfair to let the matter stand any longer. Public opinion has nothing whatever to do with this matter. It is one entirely for the government to decide. If some members of the cabinet had equal force with Mr. Tarte, things would be different. They would carry their point some time. If British Columbia had fifteen or twenty members in the House of Commons, this increase in the salaries of the British Columbia judges would be given. It is purely lack of force that prevents it being done. From what the minister said in the early part of the session, I hoped that justice would be done to the judges in all the provinces.

Hon. Mr. MILLS—My hon. friend will see that what he says is not perhaps a very sound reason. Ontario has ninety-two representatives in the House of Commons. There was the same difficulty with respect to Ontario. Some of the judges are admittedly inadequately paid. In my opinion,

all the judges of the higher courts receive less than they ought to receive. Rents are constantly increasing. The cost of living in the larger cities grows every year, and yet one of our difficulties is, not that there is not sufficient force in the representation of the provinces to secure what would be fair to the judges, but because that force is not directed in their favour. We have a large number of members from rural districts sitting in parliament, and to them a salary of $5,000 a year seems a very large sum, and they think that a judge ought not only to live on that, but in time to accumulate a fortune. That is the feeling that exists, and until there is a public opinion that will sustain a minister in pressing forward an increase of the salaries of the judges, it will be very difficult to secure that increase. My hon. friend knows that Sir John Thompson on two occasions at least brought forward a measure in parliament to secure an increase in the salaries of the judges, and he found such opposition amongst the supporters of the government in the House of Commons to his measure that he was obliged to abandon it. I do not know how strong the feeling is in the House of Commons at the present time, either for or against the measure. Not being a member of that House, I have no opportunity of coming personally in contact with members which would enable me to form a judgment in that particular. I trust, however, that the matter will not be left permanently in abeyance, and if my hon. friend, and others who are not in sympathy with the government would give their support outside of parliament and assist in forming public opinion in favour of such a measure, I have no doubt at an early date a Bill to improve the salaries of the judges could be passed. I do not adopt the view, I never have adopted the view that we should pay judges in this country the very large salaries that they receive in the United Kingdom, or that are paid in some of the Australian colonies. Salaries must have some relation to the amount that the profession earns, because if a man is receiving on the bench a sum not equal to that which he receives as a professional man, but somewhat approaching the average earned by men of prominence in the profession, you have not often much difficulty in securing the services of those in whom the public would have the greatest confidence as judges on the bench ; but if the salaries become altogether less than the average sum earned by prominent professional men at the bar, then of course there will be difficulty in securing the best men for the bench. In almost every one of the provinces we have prominent men at the bar who will not go on the bench. We have in the province from which my hon. friend comes several gentlemen occupying prominent positions at the bar, who could not be induced to go upon the bench, and if they expect to get as judges salaries at all equal to those that they earn in the practice of the profession at the present time, it is not likely they ever would go upon the bench, because my hon. friend knows that there are men making very large salaries in their practice in his province, as there are in some other provinces, and those men are engaged in less onerous duties than they would be in the discharge of the duties of a judge ; so they prefer the freedom of their position in practising their profession rather than the responsibilities which attach to the judicial office. I only regret myself that we have not been able to deal with the subject during the present session.

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

CRIMINAL CODE AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (Q) ' An Act further to amend the Criminal Code, 1892.'

(In the Committee.)

Hon. Mr. DANDURAND moved that section 205 of the Criminal Code be amended by dropping the last subsection (c) which exempts from the operation of the Act the Crédit Foncier Franco-Canadien and the Crédit Foncier du Bas-Canada, which had up to this time the right to hold lotteries. He said : The Crédit Foncier Franco-Canadien is the only one doing business now. The Crédit Foncier du Bas-Canada has not been doing business for about fifteen years. As the Crédit Foncier Franco-Canadien has stated it did not need that exemption, I think it better that the clause be struck out.

Hon. Sir MACKENZIE BOWELL—I am sorry the hon. gentleman did not go further and repeal the whole of those exemptions.

Hon. Mr. DANDURAND—It is too late in the session to attempt anything more. I shall be quite willing to go further next session.

Hon. Sir MACKENZIE BOWELL—That will be in accordance with the principle laid down in dealing with the Bill the other day—that is, giving a right to one which we refuse to give to another.

Hon. Sir ALPHONSE PELLETIER, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time, and passed under a suspension of rule 41.

NORTH-WEST TERRITORIES REPRESENTATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. PERLEY moved the second reading of Bill (R) 'An Act further to amend the North-west Territories Representation Act.'

Hon. Mr. SCOTT—I presume my hon. friend's intention and object is to remedy what is an apparent inconsistency in the Act as it now stands.

Hon. Mr. PERLEY—That is all.

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

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

Hon. Mr. MILLS moved the second reading of Bill (No. 127) 'An Act to amend the Animal Contagious Diseases Act.'

He said: This is a very brief Bill. It provides for the exemption, by the minister, in certain cases, of the skin, horns and hoofs of an animal which has been pronounced, affected by contagious disease where these can be used without spreading the infection, and there is also provision in the next section for the amendment of the law in respect to the use of the flesh of the animal itself.

Hon. Mr. SULLIVAN—I have to thank the hon. leader of the House for the amiable disposition he exhibited to me in postponing this Bill for a couple of days in order to give me a chance to study it. It is not quite so bad as I thought it was, and I trust that the few remarks which I shall make may not be considered by the House irrelevant. We all know that there are a great many contagious diseases in cattle. But there is one which is of far more interest, and which is far more important than all the others. I allude to tuberculosis. The relation of this to humanity, in whose cause I make these remarks, is shown in the terrible ravages which it commits on the human race. No less than one-fifth of the whole death rate is caused by this disease; in 50,825 deaths, no less than 11,350 were caused by tuberculosis. So that that will give hon. gentlemen some idea of the importance of it. There are certain facts established connected with this which the Senate might be reminded of. The cause of it is a low form of vegetable life called the bacillus of tuberculosis discovered by the most brilliant bacteriologist of the present day, Dr. Kock. Another point is that this bacillus is propagated by spores. The remarkable property of spores is that they are exceedingly difficult to destroy. This bacillus will withstand a very low temperature. It may be frozen solid and kept thus indefinitely and when thawed be as lively as ever. It is destroyed by heat, but that heat must be great—far higher than the heat of the blood; it is also capable of rapid propagation. It has favourite sites in the human body. I will not dwell on this further than to say it is acknowledged to be the essential cause. The second point is that it is exactly the same in cattle as in man. Cattle can be inoculated from man, and man from animals. These tubercles are capable of being increased by thousands in the body. Although the juices of the stomach and intestinal canals are antiseptic, they do not destroy these germs; further, they are not destroyed by cooking. This is the most important point of all. Such being the case, hon. gentlemen will see the importance of carefully studying this disease, and the means of avoiding it. The first step to cause its removal, or to counteract its influence, is by inspection, to separate those animals which are contaminated from those which are pure. I will not dwell on this only to say that this requires very skilled men, not ordinary laymen, but men who are trained specially for this. I will remind hon. gentlemen of how important this inspection is by one fact. That is, in reference to the Jews. The Jews are remarkable

for the care which they show in inspecting the carcases furnishing the meat for their sustenance. The blood is entirely drained off, the lungs are inflated, and if there is the slightest lump, pustule or adhesion to the wall of the chest, the meat is rejected. Animals are rejected in quantities, and what is the result of it? The result is that the Jews are the healthiest race in the world. I could read a great many statistics in connection with this to show that from gestation onwards to old age the Jews are healthy, and there are less deaths among them than any other race in the world. Notwithstanding the fact that they have been dispersed and subjected to vicissitudes, adversities and persecutions, still their longevity and vitality are remarkable. Insurance companies will take risks on them in preference to any other race. It shows the singular wisdom and prophetic vision of the great lawgiver of Israel, for our advanced science cannot improve, or even equal the inspection of food ordained by Moses thousands of years ago. I state this merely to prove to the House the benefits of inspection and the necessity for a thorough inspection. Anything which would interefere with the stringency of this inspection I would be strongly opposed to. In different countries, of course, they have different methods. Germany, with its scientific predilection, perhaps gives the most attention to this. There are 136 inspectors in the city of Berlin, and the meat passes through three hands. First, one man separates the meat, then any suspected is put in tin boxes and examined carefully by experts, and finally given to a third expert, if there is any doubt, whose decision is final. Giving the bodies of cattle to be examined by men who might report to the Minister of Agriculture would, in my mind, be a very careless way of inspecting them, and I think that this Bill confers too much power in that respect to the minister. It gives the power of pronouncing whether meat shall be sold or not. I am only speaking in the interests of humanity and for the poorest portion of humanity, and therefore, I think this Bill should either be withdrawn or very carefully considered. I will later submit to the House the mode in which I think it should be treated without offending the minister. I suppose it emanates from the Department of Agriculture, and I hope they will not be offended, because, I am sure they can have no object in view but the public welfare. This question may be considered from a scientific, economic or sanitary standpoint. I only consider it from a sanitary one, and I propose to submit to the minister that, instead of sending this Bill to a Committee of the Whole House, he should submit it to a committee composed of physicians of this House, of whom I happen to be the smallest, in size, at any rate. We can go over it carefully and much better than could be done by a committee of the Whole House. The Governor General, ever anxious for the welfare and improvement of the people of Canada, convened a tuberculosis conference a short time ago, and elicited a great deal of useful information. I had not the honour of being there. It did a great deal of good, and still greater results are expected to follow. If we, in the Senate, would do anything in the world that would tend to increase and propagate, instead of diminish tuberculosis, we would commit a fatal mistake and would deserve to have tuberculosis ourselves. I might say a good deal more. I had a long statement prepared, but I think I have put the gist of the matter before the Senate, and they may possibly agree with me. Whether they do or not, I have done my duty. Herbert Spencer says it is the first requisite of life to be a good animal, and a nation of good animals is in the best condition of national prosperity. My idea is to improve such a race as the hon. gentleman for Monck wished to have in this country, and I am sure I will get his assistance to help me to bring that about. I think we should pay great attention to this Bill. I submit that if it is not out of order, and if it meets with the wishes of the minister, we who belong to the medical profession, will be very happy to consult with him and render the government any assistance in our power.

Hon. Mr. PRIMROSE—I think if the proposition which has been made by the hon. gentleman from Kingston, could be followed it would be very desirable indeed. I have not given any particular study to this Bill, but there is a provision in the last clause, 12-A, with regard to inspected meat pronounced to be safe by proper medical authority. To what extent immunity would be secured by the certificate of that authority

is a question. I should not, myself, desire to put any person in a position that I was not willing to occupy myself, and I am very sure that I should not purchase meat, under the conditions that are specified here, for use in my family.

Hon. Mr. MILLS—I may say to my hon. friend that this is only the stage of the second reading. The Bill may be read the second time. The committee stage may be deferred until Monday or Tuesday, and I shall be very glad to confer with my hon. friend and any doctors who may be in the Senate, or any one that he may suggest to bring here for the purpose of discussing the subject. I do not know that it is possible for the Minister of Agriculture to be here, because he is leaving the city, but some one from his department might come, and I am sure every hon. gentleman will agree with the observation of my hon. friend opposite, that we wish, as far as we can, to preserve the health of the community and to see that they are not injured by the food afforded by the use of animals affected with contagious diseases. The very idea of consuming such would be repulsive to the vast majority of the community, and so I think the sympathy will be with the views expressed by my hon. friend, and as far as it is thought proper to go to meet those views I shall be most happy to go. The Bill can be read a second time and the committee stage deferred till Tuesday, and in the meantime I will be ready to meet and confer with my hon. friend and any persons he may suggest.

Hon. Mr. SULLIVAN—Would the clerk of the Senate be allowed to notify us of the meeting ?

Hon. Mr. MILLS—I would be prepared to confer with any medical gentleman on Friday at eleven o'clock. The hon. gentleman can give the clerk a list of the names.

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

COOK COMMITTEE INVESTIGATION.

REPORT ADOPTED.

The Order of the Day being called :

Consideration of the report of the special committee appointed to inquire into the statements and allegations contained in certain telegrams and letters and in an affidavit made by Mr. Herman Henry Cook, which reflected upon the privileges and dignity of the Senate.

Hon. Sir MACKENZIE BOWELL—I move the reception of this report. The wording of the motion standing upon the Notice paper is not exactly in the form in which I intended to have it. With the permission of the House I will strike out the words 'Consideration of' and substitute the word 'That.' Then at the end of the motion I will add the words 'be received.'

It will be observed by hon. members that the committee have reported the evidence and the speeches of the legal gentlemen who were acting for the different parties interested before the committee, allowing the House and the country to judge for themselves of the merits, without making any finding.

The motion was agreed to.

DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (64) An Act to amend the Dominion Elections Act.

Hon. Mr. MILLS moved that this Order of the Day be discharged and placed on the Orders for Friday next.

Hon. Sir MACKENZIE BOWELL—I am quite sure all wish to make this Bill as perfect as possible, and when we go into committee I propose to move an amendment to the Bill. I will read it to the House now. I do not say that I will divide the House upon it. My object is to prevent, as much as possible, the exchanging by any returning officer of one ballot for another. From the exposures which have taken place in the past, we have had the very best evidence that in many cases the returning officers have in some legerdemain way or another, after they have got the ballots in their hands, substituted another ballot and put it in the box. I suggest the repeal of section 72 of the Dominion Election Act, and will move that the following be substituted therefor :

72. The electors on receiving the ballot paper shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross with a blacklead pencil within the white space containing the

name of the candidate, or of each of the candidates, for whom he intends to vote, and shall fold up the ballot paper in the manner shown him by the deputy returning officer ; he shall then return to the place where the ballot box is kept and there hold up his ballot firmly in his hand without ever parting with it, or unfolding it, but in such a way that the deputy returning officer and the agents of the candidates will be able to ascertain, by examining the initials and the stamp mark on the back of the ballot paper, and by comparing the number on the counterfoil with the corresponding number written opposite his name in the poll book, that it is the same ballot paper which was furnished to him by the deputy returning officer ; after which the latter will take hold of the counterfoil only, detach it from the ballot paper and destroy it, and the elector in full view of those present will then place his ballot in the ballot box.

Hon. gentlemen will see that the voter keeps the ballot paper in his hand instead of giving it to the returning officer. The endeavour in this class of legislation, of course, is to legislate against the dishonest returning officers. This proposed amendment will relieve the returning officers of all responsibility in connection with the substitution of one ballot for another, the voter keeping it in his hand the whole time. He holds it up in such a way that the returning officer can tear off the counterfoil, which he destroys, and then the elector deposits it in the ballot box. I do not know whether hon. gentlemen have considered this question, but I ask the hon. Minister of Justice to consider it, and if he thinks it advisable we can adopt it, as the desire is to make the Act as perfect as possible.

The motion was agreed to.

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (122) 'An Act to amend the General Inspection Act.' He said : Hon. gentlemen are aware that about a month or two ago certain experts were appointed by the government to inquire into the working of the Inspection Act, and they made a report, which I think was laid before parliament, and this Bill professes to embody their suggestions. They are not very numerous, and probably would be better explained when the Bill is in committee. The amendment to the first clause is, that the inspector will be paid by salary instead of by fee. It was thought he would become more under the control of the proper officer. The changes in the other clauses are more verbal than real, and, therefore, I shall be glad to explain them when the House is in committee.

Hon. Mr. YOUNG—I should like to ask the hon. Secretary of State if I clearly understand that this measure does not effect the Manitoba inspection district at all ?

Hon. Mr. SCOTT—No, there is a Bill coming down—I do not know whether it has passed the other House yet or not—which rearranges the standards in Manitoba, making them conform with the standards in Dakota and Minnesota. That Bill will be brought down on Monday or Tuesday, but this does not touch that question.

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

PENSIONS TO OFFICERS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (133) 'An Act respecting pensions to officers of the permanent staff and officers and men of the permanent militia, and for other purposes.' He said : Hon. gentlemen who have taken an interest in this subject are aware that a new departure has been made by the present Minister of Militia in proposing to grant, with the approval of parliament, pensions to officers after having served the period of years named in the Bill. The Bill will apply only to the permanent force, which is, as hon. gentlemen know, composed of the schools of infantry, the two batteries of artillery, and the Royal Canadian Dragoons, together with the staff officers and the officers in common of the twelve different districts, and of those in charge of the stores in the different districts. It is limited to that. The proposal is to place the officers, and I may say the men, on a plan similar to those who are now granted pensions in the North-west mounted police, and it is proposed that, so far as the officers are concerned, five per cent of their pay shall be deducted to form a fund, which is to be used in payment of the pension. In regard to the non-commissioned officers there will be no deduction.

Hon. Sir MACKENZIE BOWELL—The 5 per cent is only a proportion of the amount.

Hon. Mr. SCOTT—The 5 per cent would not pay the amount, but it is believed the actual charge on the public exchequer will not be greater than it is at present. As hon. gentlemen are aware, at present, if an officer serves a number of years, he is entitled to a gratuity of 10 per cent, I think it is, for every year that he may have served.

Hon. Sir MACKENZIE BOWELL—One year's salary for every ten years' service.

Hon. Mr. MILLS—That makes 10 per cent.

Hon. Mr. SCOTT—It is the same, only a different way of expressing it. I shall be very glad to discuss the Bill clause by clause when it goes to the committee.

Hon. Sir MACKENZIE BOWELL. I think the proposition is a very good one.

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

BILLS INTRODUCED.

Bill (105) 'An Act to incorporate the Kamloops and Atlin Railway Company.'—(Hon. Mr. Templeman.)

Bill (111) 'An Act to incorporate the Interprovincial and James Bay Railway Company.'—(Hon. Mr. Jones, in the absence of Hon. Mr. Landerkin.)

Bill (120) 'An Act respecting the subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.'—(Hon. Sir Mackenzie Bowell.)

PUBLIC PRINTING AND STATIONERY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (137) 'An Act to amend the Act respecting the Department of Public Printing and Stationery.'

The Bill was read the first time.

Hon. Sir MACKENZIE BOWELL—Explain.

Hon. Mr. SCOTT—As hon. gentlemen are aware, the Printing Bureau is a purchasing department without any capital, and while the Auditor General has for the last eight or ten years honoured their drafts on the returns being made, he sometimes objects and some short time ago, he insisted they should have a credit authorized by parliament, and this is for the purpose of giving the King's Printer, under certain conditions, a credit in order to overcome the scruples of the Auditor General.

THE FRANCHISE ACT.

Hon. Mr. MILLS moved that the House do now adjourn.

Hon. Sir MACKENZIE BOWELL. Before the adjournment of the House, I wish to inform hon. gentlemen that I had another amendment to the Franchise Act placed in my hands by the hon. gentleman from Marshfield. With the consent of the House, I will hand it to the hon. gentleman opposite, in order that he may consider it. It is to amend subsection (A) of clause 41.

If you will refer to the 3rd clause of that section you will find that the form 'I' prevents the possibility of enacting that portion which refers to Prince Edward Island, and it has evidently been a displacement of the two lines which refer to Prince Edward Island. The hon. gentleman from Marshfield suggested the addition of these words to the clause when the Act was under consideration, but it is evident they placed the amendment in the wrong place. What he suggests is that it should read :

> And in Prince Edward Island he shall cause to be placarded at the same time and place such notice or advertisement regarding the qualification of voters as is required to be posted under the provincial law.

It will suggest itself to any one reading this closely that if the words referring to Prince Edward Island were inclosed in brackets or parentheses, it might possibly convey the correct idea, but by transposing those words and placing them as indicated in this motion, it will avoid all difficulty. Then, if my hon. friend will look at the 43rd section of the Elections Act of 1893, he will find the duties which are imposed upon the returning officer by the 41st section of the Elections Act, and it says it shall be included in form (I), which, as I have pointed out, it is impossible to do. During the last election in Prince Edward Island the returning officer was in a quandary as to what to do, but he did the best he could under the circumstances. He posted up all the information required in the 41st clause, and put up another poster giving the provisions of the Prince Edward Island Elections

Act, and posted them together. If the suggestions made by the hon. gentleman from Marshfield are carried out, it will avoid all trouble of the kind in future. It just repeals the clause and re-enacts it by transposing the words to which I have referred.

INCORRECT RETURNS.

Hon. Sir MACKENZIE BOWELL—The Secretary of State will notice, if he refers to the return he brought down yesterday, that I asked for a return of tenders received by the Post Office Department for carrying the mails from Coe Hill Mines to Apsley. The return I got is :

As the contract for which the tenders in this case were invited has not yet been awarded, it would be inadvisable to make public the information asked for herein at present.

Without finding any further fault with it, I want further information which the hon. gentleman can possibly get for me, so I give notice that I shall inquire of the government who is the person now carrying the mails from Coe Hill Mines to Apsley, the sum paid for such service, and if a change in the person who formerly carried the mails has been made, why was it made. I hope it will not take long to get that much information.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 17, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (103) 'An Act respecting the Canada Northern Railway Company, the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Company, the Portage and North Western Railway Company, the Weskada North Eastern Railway Company.'—(Hon. Mr. Kirchhoffer.)

Bill (85) 'An Act to incorporate the Alberta Central Railway Company.'—(Hon. Mr. Watson.)

Bill (S) 'An Act to amend an Act passed during the present session intituled : 'An Act to incorporate the Fort Qu'Appelle Railway Company.'—(Hon. Mr. Perley.)

Bill (R) 'An Act further to amend the North-west Territories Representation Act.'—(Hon. Mr. Perley.)

FIRST AND SECOND READINGS.

Bill (T) 'An Act to confer on the Commissioner of Patents certain powers for the relief of Eudora Sibbald.'—(Hon. Mr. Baker.)

Bill (89) 'An Act respecting the Grand Falls Water Power and Boom Company.'—(Hon. Mr. Wood, Westmoreland.)

SECOND READINGS.

Bill (120) 'An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.'—(Hon. Sir Mackenzie Bowell.)

Bill (81) 'An Act respecting the Algoma Central Railway Company and to change its name to the Algoma Central and Hudson Bay Railway Company.'—(Hon. Sir Alphonse Pelletier, in the absence of Hon. Mr. Dandurand.)

THE MICMAC INDIANS.

INQUIRY.

Hon. Mr. LANDRY called :

The attention of the government to the following document sent to the members of the Senate and of the House of Commons :—

An Appeal to Parliament.

Indian Reserve,
St. Anne de Restigouche, P.Q.,
9th February, 1901.

To the Members of the Senate
And the Members of the House of Commons.

Gentlemen,—As chief of the band of Micmac Indians residing here, with the full approval of the members of the council of the band and of all the men of the band, with very few exceptions, I desire to appeal to you to secure for the band that justice and fair treatment which the Department of Indian Affairs has refused to grant to it.

I ask for no favours for the band, I merely ask that you have brought before you for examination the petition and letters which I have during the last few months, sent to the department in regard to the Indian agent for the band, and the replies of the department to the same, and if, after an examination of the same, you consider that the band is entitled, as wards of government, to have the complaints made against the agent investigated, I ask that you insist upon a fair and impartial inquiry into the matter by some competent person.

That you may thoroughly understand the situation, I beg leave to direct your attention to the following facts :—

1. The agent lives twenty miles from the reserve and seldom visits it, and when he does visit it he fails to give attention to the affairs of the band in a satisfactory manner, and in my opinion he does not possess that education

or business ability which would enable him to give those affairs the attention they properly should receive.

2. About two years ago the band was given the right to elect a chief and council for the purpose of managing its affairs, and an election was held, and a chief and councillors were then elected, but although often requested so to do the agent has never called a meeting of the council.

3. Owing to the incapacity of the agent or his neglect of duty and his refusal to call a meeting of the council to enact such regulations as are necessary for preserving peace and good order, there is often much unruly and disgraceful conduct on the reserve.

Although the members of the band cannot vote in Dominion elections, I do not think that for that reason they should be refused that fair treatment which is the right of all British subjects, even if by granting it the government may be compelled to remove from office one of its active supporters.

Gentlemen, on behalf of the band, I appeal to you to see that, putting aside all political considerations, the government administers the affairs of the band with due regard to the rights of the people.

I have the honour to remain,
Your faithful and obedient servant,
ALEX. MARCHEL,
Chief.

And inquired if the complaints made against the Indian agent of the Indian reserve of Ste. Anne de Restigouche have been invstigated, and if so, what is the result of such an investigation?

If no investigation has yet been held, is it the intention of the government to hold one, and when?

If not, why?

Hon. Mr. MILLS—It appears from the memo. placed in my hands that the agent lives too far away from the reservation to promptly and efficiently perform the duties of the office, and the Minister of the Interior has under consideration the taking of such steps as will remedy the difficulty.

DISALLOWANCE OF QUEBEC LEGISLATION.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government received any petition asking, under the form of a petition to the Governor General, the disallowance of the Quebec Bill (No. 162), which suppresses, at one stroke, the contestations of elections and all the penal actions arising out of the last provincial elections in December, 1900?

By whom was this demand of disallowance made?

Upon what is it based, and what are the motives invoked to obtain the disallowance of this law?

Hon. Mr. MILLS—I do not know what the rule is in this House, but in the House of Commons it is not usual to put in a question any statement that may be contested as a matter of fact. I suppose that the same rule prevails here. I might say, however, to my hon. friend that I have not had before me any such petition as yet, and the petition for disallowance of course would come to me, as Minister of Justice. If it has come into my department, it has not yet been submitted to me.

Hon. Mr. LANDRY—I do not think the hon. minister quite understands the question as I put it. I do not inquire if the Minister of Justice has received, or has had before him, any petition ; I am inquiring whether any petition to the Governor General has been received. I suppose if the petition were received by the Governor General it would be sent to the Secretary of State.

Hon. Mr. MILLS—It would come to me.

Hon. Mr. LANDRY—The Secretary of State may have been too busy, and may not have sent it to the minister. I know that a petition was sent, and I am astonished that the Minister of Justice does not know it. Yesterday I was told that I knew as much as the government about the Duke of Cornwall's visit ; in this case I can state I know more than the government.

Hon. Mr. MILLS—I am not responsible for the extent of my hon. friend's knowledge.

Hon. Mr. LANDRY—No, but the hon. gentleman is responsible for not knowing.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman answer the question whether any such petition has been received by the government ? It might have been received and not yet referred to the Minister of Justice.

Hon. Mr. MILLS—There is very little delay in transmitting them to me.

Hon. Sir MACKENZIE BOWELL—And the hon. gentleman asks a further question.

Hon. Mr. MILLS—Not having seen any petition yet, I am unable to state by whom the demand has been made, and I did not know, up to this moment, of the existence of such a petition, except from the statement in this question. I will make inquiry, and if the petition has got into any department, it would first be addressed to the Secretary of State in regular form, and be forwarded, as a matter of course, from the Secretary of State's office to mine. Everything of that sort could only be acted upon on a report by myself, or some one acting

on my behalf, to the Governor in Council. I have had no such petition before me. If it has come to the Secretary of State's office, it may not have been forwarded, or if it has been forwarded to my office, it may still be in the hands of my deputy, as there are many things which are not brought under my attention until I have an opportunity of dealing with them. There are some matters, for instance, petitions relating to the commutation of sentences. I am not able to keep up with the work during the session. I dispose, whenever I get an opportunity, of as many as it is possible, but there is always some accumulation that is not dealt with, such as petitions of this sort, disallowance of statutes, that requires a very considerable attention. They go first to my deputy, who gives careful consideration to the subject, and then to myself, and then from me to council to be recommended, by order in council, to the consideration of His Excellency. Now, none of these steps have been taken, so far as I know, with regard to a matter recently dealt with in the province of Quebec.

Hon. Mr. LANDRY—I understand very well the reasons given by the minister. I suppose it is the usual way in which he deals with his departmental affairs, but when a question is put on the Orders of the Day, and his attention is called to a certain fact, I do not see why he should not make special inquiries and, in the present case, inquire of the Secretary of State if he has received such a petition, or of his deputy if such a petition has reached his department.

Hon. Mr. MILLS—When these questions are put upon the paper, they are read over every day by an officer in the department, and any information which they have that may be conveyed to me is brought before me, and the same practice, I presume, prevails in every other department. Now, I tell my hon. friend, this question of his has been before the officer of the department and no report has been made to me.

Hon. Mr. LANDRY—Does the officer say he did not receive it ?

Hon. Mr. MILLS—I have already given my hon. friend my answer, which he thinks is not satisfactory.

Hon. Mr. LANDRY—It is not satisfactory.

THE PROVINCIAL FISHERIES.

INQUIRY.

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

To call attention to the conflicting claims of the Dominion and provinces to exercise control of the fisheries, and will inquire if the Dominion government intends giving effect to the judgment of the Judicial Committee of the Privy Council—by arranging and settling the question of separate jurisdiction, Dominion and provincial—or will the Dominion contest the right of the provinces to assume control of the fisheries under legislation and regulations based on the judgment of the Privy Council, which is in the following language :—

'That the beds of all rivers and lakes (which had not been granted) were the property of the province in which they were situated;

'That the waters of such rivers and lakes, and the fish therein, were also provincial property ;

'That the sole right to issue fishery leases, licenses and permits to fish, and to receive fees for such leases, licenses and permits, was vested in the province exclusively;

'That a provincial legislature is not empowered to enact fishery regulations and restrictions, either generally or unless and until the Dominion parliament sees fit to deal with the subject. That a provincial legislature is not empowered to deal with fisheries in so far as they fall within the description of property and civil rights, or within the description of any subject assigned to provincial legislatures; and

'That a provincial legislature may impose a license duty on fishing in order to raise a revenue for provincial purposes.'

He said : I am sure the minister and the government attach as much importance to this question as I do. I am bringing this matter forward now to hurry the government. The fishing season is coming on in British Columbia, and it is important that it should be known who has to issue the licenses this year. The province, acting under the judgment of the Privy Council, has passed a Bill dealing with the fisheries question, but does not wish to be out of harmony with the Dominion government. It is an extraordinary decision after all. The provinces have the right to issue licenses, and the Dominion the right to make the regulations. The judgment is something like that which was rendered in the Manitoba school question—partly in favour of the local and partly in favour of the Dominion authority. There can be no question of the jurisdiction of the province in the lakes and rivers ; but the territorial waters, I suppose, for three miles out from low water on the coast would be under the jurisdiction of the Dominion. A great deal of fishing is done in the rivers, and I think still more is done in the brackish waters outside of the rivers. I only hope

that the government will, without waiting for the matter to be referred to the courts for decision, arrange a modus vivendi for this year, so that the department could continue their present regulations, and perhaps eventually divide the fees with the province. I am not instructed by the province in this matter, but I know there is a great deal of anxiety prevailing until the thing is settled. A modus vivendi would be the best way to arrange it for this year, so that both parties might share in the license fees and fishing go on smoothly.

Hon. Mr. MILLS—Under the decision of the Judicial Committee of the Privy Council, the province is declared to be the proprietor of the fisheries, and its rights are proprietary rights, and any jurisdiction it has is not as a legislative body, but as proprietor, and it stands towards the government of the Dominion, with respect to the fisheries, exactly in the same position that a private individual in any ordinary case stands towards the government. My hon. friend knows that the rights in the fish in a stream that runs through a man's property are his. He is regarded as the proprietor, so far as the rights to take the fish upon his own property is concerned, but he could not take them out of season—he could not disregard the regulations that the legislature makes with a view to protecting the fish. Now, that would be exactly the relation the province stands in, as proprietor of the fisheries, towards the Dominion government. What season shall be a close season—what kind of fish may be caught—how they may be caught, and everything of that sort is under the control of the parliament of Canada ; but everything relating to the proprietary interest in the fish, after the regulations are made, and after the close season is determined, belongs to the province as proprietor of these fisheries. The principle upon which the judicial committee have proceeded is very clear. To my mind, there ought to be very little difficulty in understanding that decision. I cannot say whether the Minister of Marine and Fisheries has reached any understanding with the provinces in respect to the administration of the law for the time being or or not, what regulations he may think proper to enforce with a view of charging against the fisheries the expense of the work of regulation I cannot say, but the licensing of the fishermen, the profits derived from those licenses, whatever they may be, belong to the provinces of the Dominion, and it will be for the provinces to exercise that jurisdiction with regard to the fisheries —at all events so far as the catching of the fish is concerned, and the licensing of those engaged in fishing—which has hitherto been under the charge of the Marine and Fisheries Department.

Hon. Mr. McCALLUM—Will the hon. minister tell us who pays the expense of the protection of the fisheries? The Dominion government pays the expense I understand, and the local governments collect the money for fees.

Hon. Mr. MILLS—With regard to the protection of the fish, we have hitherto made protective regulations, and licensed persons to engage in the fisheries, on the assumption that the fisheries were under the control and jurisdiction of the parliament of Canada as the proprietor, as well as for the purpose of regulation. That has ceased, because the judicial committee have decided that the proprietary interest is in the province.

Hon. Mr. McCALLUM—Still we pay for the protection ?

Hon. Mr. MILLS—To a small extent.

Hon. Mr. MILLER—Do the government here not keep up the same staff as they did before that decision ?

Hon. Mr. MILLS—I think not.

Hon. Mr. MILLER—I think they do in the province of Nova Scotia.

Hon. Mr. MILLS—It may be that the province of Nova Scotia has not taken over its proprietary interests in the matter. That may be, and it may be also that some other provinces have not done so.

Hon. Mr. MILLER—What about British Columbia ?

Hon. Mr. MILLS—That is just the question my hon. friend raises. Whether British Columbia has done so or not, I cannot say, but I think they are undertaking to take charge of the fisheries. Of course, the decision was to some extent unlooked for in some of the provinces. They never made any claim, and were quite content that mat-

ters should have gone on as before, but the judicial committee, having decided that the provinces have jurisdiction in respect to the proprietary interests, have the rights of proprietors.

Hon. Mr. MILLER—The riparian interests.

Hon. Mr. MILLS—All the rivers and the lake shore and sea shore. How far the department have succeeded in handing over the administration to the provinces I cannot say, as the work is in process of being changed.

Hon. Mr. McCALLUM—My object in asking for information is, on looking over the returns from the fisheries, I notice it costs a good deal more than we receive.

Hon. Mr. MILLS—A great deal more.

Hon. Mr. McCALLUM—I would say this, we are paying a large amount for the protection of the fisheries, and we are not half protecting them. That is the trouble on Lake Erie, and the sturgeon and such fish will soon be run out. I am aware this is not the time to raise the question, but I know the Dominion is losing money, and I do not know if the other governments are making much.

Hon. Sir MACKENZIE BOWELL—The question put by the hon. gentleman from Monck is a very pertinent one, from the fact that fisheries inspectors have been appointed since the last election, who were paid, according to the answer given by the Secretary of State, at $1,200 a year. In the locality where I reside, we have one or two fisheries inspectors appointed by the Ontario government to look after the interests given to them by the decision of the Privy Council, and lately we have had a commissioner appointed at $1,200 a year, who the Secretary of State informed us, had a district ranging from Muskoka down to the eastern portion of the province ; and when I asked what his duties were, I got no satisfactory answer further than it was to look after the fisheries. If the power of the Dominion is only to make regulations, and to see that there is no fishing through the prohibited season, it seems to me we are paying a good deal for it. All the back lakes contain, as we know, a large quantity of choice fish, and the fisheries inspectors of the province of Ontario are looking to see that the regulations of the province are not violated. What in the world is there for a Dominion inspector to do other than to walk round—and that it is utterly impossible for him to do, considering the extent of the territory over which he has to travel—to ascertain whether the Dominion regulations are being enforced. We have no knowledge yet that any regulations have been promulgated with reference to the inland waters. To my mind, we are making an unnecessary expenditure, or, in other words, furnishing places for some people with a tolerably good salary and nothing to do.

Hon. Mr. MILLS—My hon. friend can hardly contend, in the face of the decision of the Judicial Committee of the Privy Council, that the Dominion government have not the duty devolving upon them to see to the protection of the fisheries.

Hon. Sir MACKENZIE BOWELL—I did not say so.

Hon. Mr. MILLS—Well, if there are no officers appointed to look after them, it is very difficult to see how any disregard of the regulations, or any violation of what is considered necessary for the preservation of the fisheries, can be carried into effect.

Hon. Mr. McCALLUM—Who makes the regulations ?

Hon. Mr. MILLS—They are made by order in council.

Hon. Mr. McCALLUM—Here ?

Hon. Mr. MILLS—Yes. We have here the duty of making the regulations. As I said at the outset, the power of the local government, as proprietors, is that of an ordinary proprietor. There is no legislative authority accompanying that proprietory interest. The legislative authority is wholly here, and so the regulations are made here, and it is important, as a logical consequence of making those regulations, the work of administering them, to see that the regulations made by the authority of the parliament of Canada should be carried into effect under an officer appointed by the Governor General, and not under an officer appointed by the Lieutenant Governor under the advice of his ministry. That is the position. A regulation may be made that fish may be caught at a certain portion of a lake shore,

and that no license for fishing shall be granted for certain other space. A regulation of that sort may be made in order that there may be a protection to a certain portion of shore, as a spawning ground. All those regulations may be regarded as necessary for the preservation of fish. If that were left entirely to the local authorities, it is very difficult to say how far they would be able to carry them into effective operation. Take, for instance, along the Detroit river, where you have the United States people fishing at all seasons of the year on their shore, and where we have a close season ; our people who reside there are very seriously influenced by what they see every day. They say that if the fisheries in the lakes are to be exhausted, if the United States people will make no regulations corresponding to those made by us, we may just as well assist in carrying on the work of extinction as leave it to be carried on by people on the other side alone.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. MILLS—Our officers believe that we do protect the fish to no inconsiderable extent by protecting our own shore, notwithstanding what the United States people are doing on their own shore, because it is said that fish, just like birds, go back to the same breeding ground every year. Just as a bird may go thousands of miles away and come back to its nest again, so the fish that come to our coast return there every season, and although our neighbours may not observe the close season, you do, nevertheless, succeed in protecting the fisheries on the Canadian side of the border, although the United States are doing nothing. I cannot say how that may be, but this much we know very well, that over an extensive Dominion, the parliament, many of whose members come from districts that are not affected by these local considerations, exercise a much more effective power in maintaining the law, notwithstanding what is being done in the United States, than the government of any province could possibly do, and if we are to give effect to the decision of the Judicial Committee of the Privy Council, it seems to me that the work of inspection must, in no small degree, be left to the administration here, as it has been from the beginning. That is the view taken at the present time. It has been suggested by some members of the local legislature that the inland fisheries in a large degree should be entirely under their control, and that we should have nothing to do with them, and in their opinion the British North America Act should be amended in that particular so as to give them legislative authority as well as the proprietorship of the fish in all inland waters.

Hon. Mr. McCALLUM—I do not wish to prolong this discussion, and I know I am out of order, but I think this discussion has done some good, because I did not really know to whom I should look to protect the fisheries of this country. Now I know from the statement of the Minister of Justice that this is the proper place to come, and hereafter I shall look to the Dominion government. I know that along the Lake Erie shore the licenses are violated very much, and we will have to call on the government to protect the fish, if it is their duty to do it. It will be a great cost to this country, but at the same time if we do not have better protection than we have now, the fish will soon be extinct.

Hon. Mr. MACDONALD (B.C.)—With reference to the fishing by the people from the United States, it is very injurious to our fish. They use traps and catch the fish in great numbers, and prevent them going up our rivers, the Fraser river especially, and I think it is a question that might be taken up by the two governments to see if the United States government would not prevent the using of traps to catch fish near our rivers. It is very injurious to the fisheries in our rivers, I hope the minister will give consideration to my suggestion about the modus vivendi. It will be a long time before a decision of the courts can be obtained, and as matters stand now, there will be two classes of licenses, and there will be a conflict between the two authorities. It will not work well, besides being an extra expense to the fishermen. My hon. friend said the rights of the province were just the same as the rights of the private individual. There is a difference in this way, that the province can charge a license according to the decision of the Privy Council.

Hon. Mr. MILLS—So can a private individual.

Hon. Mr. MACDONALD (B.C.)—He can charge a rent, but not a license.

Hon. Mr. MILLS—It would amount to the same thing.

Hon. Mr. MACDONALD (B.C.)—I want to impress upon the government the necessity of prompt action in this matter, as fishing will soon commence in our province.

ANSWERS TO INQUIRIES.

INQUIRY WITHDRAWN.

The Order of the Day being called :

By the Hon. Mr. LANDRY :

That he will inquire of the government whether it intends soon to put an end to the grief which the hon. Minister of Justice manifests daily at not being able to answer the inquiry of which the hon. member representing the Stadaccna division gave notice on 22nd April last, on the subject of the Indian agent of the reserve of St. Anne de Restigouche?

Hon. Mr. LANDRY—As the Department of the Interior has furnished the information called for by my inquiry, which gave rise to this motion, this motion is inopportune, and I ask to have it dropped.

The motion was allowed to drop.

MAIL SERVICE BETWEEN COE HILL MINES AND APSLEY.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to

Inquire of the government who is now carrying the mails from Coe Hill Mines, in North Hastings, to Apsley, and the sum paid for such service? And if a change in the person who has been carrying the mail has been made, why was the change made?

Hon. Mr. MILLS—Charles W. Gunther is now carrying the mail between Apsley and Coe Hill Mines. The former contractor having refused to carry on the service at a reasonable rate, a temporary agreement was made with Gunther at a lower rate than that asked for by the former contractor.

Hon. Sir MACKENZIE BOWELL—That is directly contrary to the information I have. However, I daresay the hon. gentleman is right.

Hon. Mr. MILLS—That is the answer sent me from the department.

BILLS INTRODUCED.

Bill (47) 'An Act to amend the Act to Restrict the Importation and Employment of Aliens.'—(Hon. Mr. Mills.)

FIRST AND SECOND READINGS.

The following Bills were received from the House of Commons and read the first and second time under a suspension of the rules :

Bill (80) 'An Act to incorporate the St. Mary River Bridge Company.'—(Hon. Mr. Baker.)

Bill (95) 'An Act respecting the Ontario, Hudson Bay and Western Railway Company.'—(Hon. Mr. Baker.)

Bill (98) 'An Act incorporating the Kettle River Valley Railway Company.'—(Hon. Mr. Templeman.)

Bill (104) 'An Act to incorporate the Nova Scotia Eastern Railway Company, Limited.' —(Hon. Sir Mackenzie Bowell.)

Bill (108) 'An Act respecting the Manitoulin and North Shore Railway Company.' —(Hon. Mr. Baker.)

A QUESTION OF PRIVILEGE.

Hon. Mr. KIRCHHOFFER—Before the orders of the day are called, I rise to a question of privilege. Any gentleman who was here on Wednesday afternoon, when I moved the second reading of the Manitoba Railway Bill, will remember that, when introducing it, I explained that this was the celebrated Manitoba Railway Bill, which had been debated in the House of Commons for nearly two months, before it succeeded in getting its final passage, and had been eventually carried through that House on a vote of 109 to 5, and in moving the passage of that Bill, I, as a personal favour, asked this House to allow it to go through the stages it was put through at that time, in order that I, myself, who had in charge the Bill, and had promised to remain until it passed, could go away on Saturday, and the House very kindly assented to the proposal, and allowed it to go through. My motion was seconded by my hon. friend Mr. Perley. I was very much astounded on reading the following paragraph in the Globe :

The joke is on Senator Perley. Senator Kirchhoffer stole a march on the Senate this afternoon and managed to get the rules suspended and to obtain first and second reading for the Manitoba Railway Bill without his colleagues realizing the nature of the transaction. It seems that the title of the Bill was changed

at the last moment in the Commons, and when it appeared in the Senate nobody except the mover recognized it under the new name. Moreover, Mr. Kirchhoffer said the Bill was a very simple one, and lulled any suspicions which may have existed with regard to it. Senator Perley seconded the motions for the first and second readings, but not until to-night did he learn that he had given his support to the Roblin deal. Then he became very wrathy.

Now, it is not a laughing matter when a Bill has gone through this House that such a deliberate, not distortion of facts, but entire misrepresentation of what occurred, takes place, and is put in a paper of the standing of the Globe, and I think we are entitled to ask for the protection of the House against such misrepresentation. I call attention to the fact to prevent the statement going to the world, that I in any way attempted to deceive the House, as stated in the Globe. Anybody who heard me introduce the Bill will ratify what I have stated. I was inclined to think that the reporter of the Globe must have got his information from some one who was stuffing him, but I learn from another newspaperman that he was present while I was speaking, and, therefore, he must have deliberately distorted what I said. The Globe, which has attempted to bring my name into disrepute, as having sought to put a Bill through the House under false pretenses, should give my explanation as wide a circulation as it has given the original misstatement.

CREDIT FONCIER DU BAS CANADA BILL.

Hon. Mr. MILLS—Before the Orders of the Day are called, I wish to state that I received a note from a member of the House of Commons, Mr. Geoffrion, with regard to a Bill which was allowed to drop here, a Bill relating to the Credit Foncier du Bas Canada. Objection was taken to the Bill on the ground that there were provisions in it permitting lotteries. This hon. gentleman said that he was quite willing that anything of that sort should be eliminated from the Bill, but he was very anxious that it should receive its second reading and should go for consideration to a committee of the House, where we would have an opportunity of eliminating anything of that sort that was objectionable. That being so, it would be nothing more than proper that the Bill should be restored to the Order Paper, so that those who are promoting it will have an opportunity of submitting it to the committee. My only objection to the Bill, so far as I knew it, was the facilities afforded for lotteries, and I should be very sorry to see a Bill carried through parliament with these provisions in it. If this was eliminated, I have no objection whatever to give the promoters of the Bill an opportunity of dealing with it in the way they think proper.

Hon. Sir MACKENZIE BOWELL—It will be remembered that when that question came up, I made at once the same statement the hon. gentleman has made. If I recollect right, it was on the motion of the hon. Secretary of State the Bill was dropped.

Hon. Mr. SCOTT—No, of the hon. gentleman from deLanaudiere (Mr. Casgrain).

Hon. Sir MACKENZIE BOWELL—The objection was the recognition of the principle of lotteries, and if that feature of the Bill is dropped, I see no reason why the gentlemen should not have their Bill. If the hon. minister will move to have it restored to the Order paper I will have no objection.

The SPEAKER—My recollection of what took place is that the hon. gentleman from deLanaudiere, who had charge of the Bill, moved that it be dropped.

Hon. Mr. SCOTT—He declined to take responsibility for the Bill.

The SPEAKER—My recollection is the House struck it directly from the Order Paper.

Hon. Mr. LANDRY—I took charge of the Bill when it was introduced, because Mr. Casgrain was absent. When the Bill came up for its second reading, the hon. Minister of Justice opposed certain of its clauses, and I asked that the Bill be allowed to stand so that Mr. Casgrain, when he came back, would have an opportunity to say what he should do with it. Mr. Casgrain came back, and I was absent at the funeral of the late Senator Ross when the Bill was up again for second reading. Mr. Casgrain declined to promote the Bill, and it was allowed a second time to stand awaiting my return. On my return I stated the facts, as I state them now, and

the hon. Secretary of State moved that the Bill be dropped. Those are the facts as I remember them.

Hon. Mr. MILLER—It cannot be put on the order paper now without a regular notice of motion.

The SPEAKER—As the Bill was not got rid of in the regular way, I think it is still open for the minister to give notice to have it replaced on the orders to-day. The question of order can be considered. There is some doubt about it. Then the hon. gentleman from DeLanaudière and the Hon. Mr. Dandurand will be here, and the matter can be discussed.

JUDGES OF PROVINCIAL COURTS BILL.

THIRD READING.

Hon. Mr. MILLS (Minister of Justice) moved the third reading of Bill (131) 'An Act to amend the Act respecting the Judges of Provincial Courts.'

Hon. Mr. LANDRY moved :

That the Bill be not now read the third time, but that it be referred to a Committee of the Whole House, with instructions to strike out Clause 3.

He said : Clause three is the one which increases the salary of one judge in the province of Quebec. The salaries, up to the present time, have been $3,000 for each of the judges, and this clause gives an increase of $600 for the senior judge of the court. I thought, and every hon. gentleman was of the same opinion, that if the salaries of the judges were to be increased, all the increases should be contained in one Bill, which should be presented to this House, and as the government, as a matter of policy, has decided not to submit a Bill dealing with the salaries of judges throughout the Dominion, I do not think they are consistent in increasing the salary of one judge in the province of Quebec. That increase should be left for another year and come under the general system which the government are considering, and that they will be prepared, we hope, to submit a Bill for the purpose to the House next session.

Hon. Mr. MILLS (Minister of Justice)—I trust hon. gentlemen will not comply with the motion of my hon. friend opposite. The judge my hon. friend names is the senior judge of the court—practically the Chief Justice, although not so called. If we were to call him Chief Justice, he would be entitled to be put on a footing of equality relatively to the other judges of the court by an increase of $1,000 instead of $600. Under this same Bill we have proposed to appoint a Chief Justice in the North-west Territories, and if we name the senior judge there, as I have no doubt we shall, as Chief Justice of the Territories, he will be receiving a thousand dollars in addition to what he has heretofore received. We are not increasing the salaries of any court generally. We are not undertaking to deal with that subject. We have allowed the salaries to stand as they were, but here is a court where all the judges, just as in the North-west Territories, have stood on a footing of equality, because there is no one having nominally the name of Chief Justice. This judge is the senior judge of the court, and we are not giving him $1,000, but $600, more than he has received heretofore. I do not think that the proposition is an unreasonable one. I understand, this court in the district of Montreal has a very great deal to do, as all the judges in that district have, and we are dealing with him, not in a way to specially favour him, but as we are dealing with a senior judge or Chief Justice in all the provinces ; but not being called a Chief Justice, we fix his salary a little below the salary of one who is designated a Chief Justice. In this court and in the High Court of the North-west Territories, the judges all stand on a footing of equality. No one is named Chief Justice. Here we designate the officer who is to receive that increased sum in this court the senior judge, as he is, and we propose to increase his salary and the salary of the one who is to be made Chief Justice in the North-west Territories.

Hon. Mr. LANDRY—Do I understand the hon. gentleman to say that these judges in the Circuit Court have the same jurisdiction as the judges of the North-west Territories.

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—They have not the same jurisdiction ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—I do not see why then there should be a comparison. If on the other hand the contention that the senior

judge of a court should be better paid, and if the hon. Minister claims that as a rule such an increase is generally of a thousand dollars, then, if the hon. gentleman's argument is good, the senior judge in this Montreal Circuit Court has a right to a thousand dollars more. I do not see why he puts it at $600.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. LANDRY—I was under the impression that that was the meaning of the hon. gentleman's speech—that he was doing a very reasonable thing when he was putting it at $600 instead of $1,000. If it is done in the other provinces, why does he not ask $1,000? That senior judge of the Circuit Court has no more right to an increase of $600 than he has to an increase of $1,000. It is simply a reward given to that judge—the hon. gentleman knows why—because one time he saw fit to leave his place in the legislative council, when the Mercier government wanted a majority in that body, to accept a reward of $3,000 a year. That reward having been given him, I do not see why it should be increased today. If he is entitled to it he should have it as a right; if he has no right to it, why give it to him as a reward?

Hon. Mr. MILLS—No judge has a right in that respect. We give an increased salary to the Chief Justice and to this judge who has a rank—I think he is called the doyen of the court—a rank similar to Chief Justice. He has a right to it when we vote it, not before. I am not asking it as a right. I am simply asking it as a just and equitable proceeding. The judges of the North-west Territories are all on a footing of equality. Judge Richards was a long time acting in the Territories before we had any organized government there, and he is now becoming an old man. If we give him the rank of Chief Justice, we would also, if this Bill carries, be enabled to pay him $1,000 more than we have paid him up to the present time. It is not an improper thing. It is not a matter of favouritism; it is a matter of justice that a man who has been a long time on the bench, and has practically the position of president of his court, should receive some recognition.

Hon. Sir MACKENZIE BOWELL—How many years has he been on the bench?

Hon. Mr. MILLS—I cannot say.

Hon. Mr. LANDRY—He was appointed about 1892. There are two of them, and he is the oldest.

Hon. Mr. MACDONALD (B.C.)—That sort of thing ought to go round.

Hon. Mr. BAKER—If my mouth had not been closed, when this Bill was in committee, where I was chairman, I would have made some observations upon the merits of clause 3, and I now support the proposition of my hon. friend who has moved that this Bill be referred back to committee for the purpose of expunging this clause. In my opinion, the judge who is named therein is not entitled to this increase of salary, either from his length of service or from the position he occupies in the Circuit Court of Montreal. A misapprehension exists in the minds of hon. gentlemen in this House as to the jurisdiction of this court. It was stated here, quite inadvertently, I have no doubt, that the court had jurisdiction over matters affecting real estate. That is a mistake. It is vested with a petty jurisdiction, and was created for the purpose of relieving the pressure that was previously brought on the judges of the Superior Court of the district of Montreal who were formerly charged with the duty of sitting as judges in the Circuit Court to dispose of matters within its jurisdiction. The business was in a state of congestion and two new judges were appointed for the purpose of taking from the judges of the Superior Court the work of disposing of petty cases, and by a subsequent statute the number was increased to three, of which the senior by appointment is the one referred to by the Hon. Senator for Stadacona and whose salary is to be increased by $600 per annum by the present Bill. I am not going to be drawn into any discussion or controversy as to the circumstances under which this judge received his appointment. They are matters of history and are well-known. Apart from that, he is one of a small number of judges of a small court. Why should he be singled out for this additional salary while the judges of the Superior Court, residing in the city of Montreal, are left in a position which every one has acknowledged for years is an injustice to them? I should have remonstrated most strongly against touching the salaries—any change at all, until the

judges residing in the cities had justice done to them. The Minister of Justice came down here at the beginning of the session and said the government, of which he is the leader in this House, was impressed with the importance of readjusting the salaries of the judges and that he actually had in his hand a Bill for doing justice to them. He wavered and wobbled and the Bill disappeared. It did not disappear, for it had not been presented. I think it is the duty of this House to strike out clause three and leave the salaries, so far as the judges of the province of Quebec are concerned, until the government has moral courage to come before parliament with what they admit would be an act of justice to the judges of the land.

Hon. Mr. MACDONALD (B.C.)—Or to reject the whole Bill.

Hon. Mr. BAKER—No, no. So far as the other provisions of the Bill are concerned, so far as the provision for the salaries of three additional judges is concerned, while I think that no necessity existed for it since that measure was before the Senate last year, when it was properly rejected, there has been a general election, and the present government has come back to power with a new lease, and under the circumstances, I do not think that the Senate would be justified in rejecting that portion of the Bill.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. BAKER—While the question is open for discussion as to the necessity, the government is responsible for the appointment of the additional judges if the Bill is passed, but so far as this judge of the Circuit Court is concerned, I do not think the increase should be made, for he is not, in any sense, chief justice of the court. He has no status above that of his fellows. It is not even pretended that there is any desire to make him a chief justice. Taking all these things into consideration, I most cordially support the motion of the hon. gentleman, that the Bill be recommitted to the committee to reconsider clause 3.

The amendment was lost on the following division :

Yeas, 16 ; nays, 17.

The SPEAKER. The motion is lost.

Hon. Mr. LANDRY—I do not think the vote has been taken in a proper way. I raise a point of order. We are not in committee. We should take the names.

The SPEAKER—No hon. gentleman asked that the members be called in, and no hon. gentleman asked that the yeas and nays be taken. I took the division in the way that is usual when the yeas and nays are not asked for.

Hon. Mr. LANDRY—I do not know if it is the practice, but I never saw it done before.

Hon. Mr. McCALLUM—The hon. gentleman can make his motion on the third reading.

The SPEAKER—The question is now on the third reading of the Bill.

Hon. Mr. LANDRY—I move that the Bill be read the third time this day six months.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will not persist in that motion. I fully agree with him in the objection which he took to the mode of taking the vote. The practice in both Houses in the past has been that the Speaker calls for the contents and non-contents, and he usually decides according to the noise that is made. Then, the usual practice is to ask for the yeas and nays, and my hon. friend behind me (Mr. Baker) did ask for the yeas and nays, for I heard him. I do not think, however, that the Speaker heard him.

The SPEAKER—I did not hear it, but, at any rate, it should be asked for by two members.

Hon. Sir MACKENZIE BOWELL—Yes. The six months' hoist will defeat the whole Bill, and there are some clauses of it that should be passed, I think, particularly in reference to the North-west and the Yukon territory. But, I quite agree with the hon. gentleman who spoke a few moment's ago, that the Bill for the appointment of the three additional judges in the province of Quebec was not necessary, for the reason I gave the other day. But, that is not the question to be decided now. The motion, if carried, would defeat the whole Bill. That is the difficulty. I think the departure, in giving an increase of $600 to this one judge, under the circumstances, after having declined to deal with the question of the judges' salaries as a whole, was

a mistake. However, the majority of the House decided the other way, and we are bound by it. The only difficulty is, that we have no record of that vote, and I should like to have that record.

Hon. Mr. LANDRY—The Speaker generally says 'In my opinion the yeas or nays have it,' and then we ask for the yeas and nays, but such a thing as the present proceeding has never been adopted. We were just waiting for the decision of the Speaker on that division to see if we were going to call for the yeas and nays, because he might have declared my motion carried, and I would have been contented. But, he did not say 'In my opinion the yeas have it,' or 'the nays have it.'

Hon. Mr. WOOD (Hamilton)—I think the hon. gentleman is out of order. The Speaker has given his decision, and he should either abide by it, or, if he is not satisfied, appeal to the House.

Hon. Sir MACKENZIE BOWELL—That is all very well when we are discussing the decision of the Speaker, but the hon. gentleman from Stadacona has moved the six months' hoist. My hon. friend from Hamilton has been in parliament long enough to know that any motion in the House is a substantive motion, and any one has a right to discuss it whether he is out of order or not.

The SPEAKER—It is possible that I did not adopt the proper procedure in putting the question; although I humbly submit that I did. I stated what was a fact, that I was unable to decide, from the sounds pro and con. I said that I was unable to decide, and I said 'hon. gentlemen in favour of the amendment will please rise,' and then I expected that some hon. gentlemen would ask for the yeas and nays. I did not hear the hon. gentleman from Bedford ask for the yeas and nays. However, that does not substantially affect the result.

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

NOVA SCOTIA EASTERN RAILWAY COMPANY BILL.

REFERRED TO COMMITTEE ON STANDING ORDERS.

Hon. Sir MACKENZIE BOWELL—My attention has been called to the proceedings which we have taken on this Bill. I moved the suspension of the rule, which was agreed to, and the Bill was read the second time. My attention has since been called to the fact that no petition was presented praying to incorporate the Nova Scotia Railway Company Limited, and therefore, before proceeding further, it should be referred to the Committee on Standing Orders. With the consent of the House I make that motion.

Hon. Mr. McKAY—The motion is that it be sent to the Committee on Standing Orders under rule 59.

Hon. Sir MACKENZIE BOWELL—It would be better to strike out the former proceedings with reference to this Bill. I move that it be referred to the Committee on Standing Orders under the 59th rule.

The motion was agreed to.

DEBATES AND REPORTING OF THE SENATE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BERNIER moved the adoption of the report of the Standing Committee on Debates and Reporting of the Senate. He said: This report refers to two subjects only. The first one is the engagement of the gentleman who prepares the report of the debates of this House for the press. The committee has gone over the matter again, and after careful consideration, it has been deemed advisable to renew this engagement which is exactly the same as the one of last year and for the previous year—no change at all. The second subject relates to the translation of the Senate debates. For years it has been contended that this translation could be made by one man, and we have tried it, and it has been found impossible. The committee has inquired, and I myself have inquired from the translator and from outside parties who know something of translation, and the committee after going carefully into the matter have come to the same conclusion, and have agreed to engage two temporary men to translate the arrears of those debates. There is, however, one small change which has been suggested to me. The last line of the report reads as follows:

That each be allowed $1.50 for each page of such translation.

It would seem that this might be construed as meaning $1.50 for each translator, which

would mean $3.00 for each page, and I suggest that the words 'made by him' should be added at the end of the report. As that is a clerical error I do not think there is any necessity for a formal motion.

The motion was agreed to.

PRINTING OF PARLIAMENT.

REPORT OF JOINT COMMITTEE ADOPTED.

Hon. Sir JOHN CARLING moved the adoption of the fifth report of the Joint Committee on the Printing of Parliament. He said: I move that this report be amended by striking out clause 2, and inserting in lieu thereof the following clause:

That the report of each department should be, as much as possible, translated by the same translator, whose duty it should be to translate from the English copy as fast as it is prepared, so that the English and French copies might go to the Printing Bureau concurrently.

Hon Mr. LANDRY—Is that the amendment which was moved in the House of Commons?

Hon. Sir JOHN CARLING—Yes.

Hon. Mr. PRIMROSE—The change proposed embraces only a word or two, but while that is the case, it promises to secure much more efficiency in the discharge of the work, and we trust that, as the Printing Committee met this morning for the last meeting of the session, having concluded all their work, that the House will accept this without any formal motion, so as to prevent calling the committee together again.

Hon. Mr. BERNIER—I do not propose to object to this amendment; still I may be permitted to say that I do not think it is an improvement on the old report. What is recommended in this amendment is impossible in practice, because the reports of the departments do not always come on the same day. For instance, it is recommended that the same kind of work be always given to the same man. Well, take for instance, the report of the Department of Public Works; it will come on a certain day and be distributed amongst the translators. Next year the same report will perhaps come two months later, so that it will be impossible to give that report to the same man, because that man will be engaged in some other translation. The difficulties come from the departments. If I am correctly informed, it appears that in some departments the reports are sent by piecemeal to the Printing Bureau without any order at all. They take a bundle of documents and send them to the Printing Bureau, and the officers of the Printing Bureau arrange the whole thing according to their views. It would be considerable improvement if in all the departments they had a man specially appointed to prepare the reports. Thus the reports could be curtailed a good deal. A good deal that appears in those reports is of no use at all. If the departmental reports were reduced by ten or twenty pages only, that would mean forty pages less of printing and twenty pages less of translation. There are a good many matters which could be dispensed with and thereby the report would be made more interesting and less costly and the whole community and parliament would be benefited by it. So that if there was a secretary specially appointed, with literary qualifications, to consider the reports and put them in proper shape, it would be a considerable improvement. I would say again that although I do not object to the amendment, still it seems to me that it is not an improvement on the original recommendations by the committee.

Hon. Mr. PRIMROSE—If I understand the proposition right it is, so far as is practicable or possible, that this should be done, and notwithstanding the remarks which have fallen from the hon. gentleman opposite, I hold the opinion I expressed in the first instance. This matter has been discussed to a very considerable extent in the lower House, and the conclusion arrived at and embraced in that change seems to be the consensus of opinion there, and taking this into view I hope it will be accepted.

Hon. Mr. MACDONALD (P.E.I.)—As the hon. gentleman from St. Boniface (Mr. Bernier) says, great economy could be affected in this matter of printing the reports of parliament. We know that many things are repeated in several of the reports coming from the departments, repeated over and over again, and the number of those reports issued, I think, is in excess of what is required by the people to whom they are sent. I know myself that some members of the Senate and House of Commons who have been here for a number of years have their places lumbered up with

departmental reports. A much smaller number would be sufficient to supply all that are required. If an officer was appointed to supervise the whole of the departmental reports and eliminate from a second and third report what appears in one, it would lessen the bulk of those reports very materially, and they would at the same time convey all the information that is necessary for the public to receive.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (136) 'An Act to amend the Railway Act.' He said: This is to make provision for an amendment to the Railway Act in the case of certain railways that are unable to meet their pecuniary liabilities and carry on their operations. The provisions are taken from an Imperial statute—in fact, there is no change except a few verbal phrases for the purpose of adapting it to the circumstances of this country. It was possible to make these provisions in one of two ways—either by an amendment to the Railway Act or an amendment to the Exchequer Court Act, and it was thought more convenient that these powers should be given to the Exchequer Court and provision made for the carrying on of the railway operations where the company itself had failed, by an amendment to the Railway Act rather than by an amendment to the Exchequer Court Act. There is nothing in the Bill which is not found in the English Act.

Hon. Mr. BOLDUC—I do not rise to oppose the second reading of this Bill, for I do not see why railway corporations should not enjoy the same privileges as all other corporations. By the Winding-Up Act of 1896, all the corporations are dealt with according to the provisions of that law. After a short perusal of this Bill, it seems to be about the same thing. It is, in fact, an insolvency Act under which the corporations are to be dealt with. I am not going to discuss to-day why big corporations are dealt with under Insolvency Acts, while private individuals are denied that privilege. In this Bill, however, there are some changes which should be made. By the Act in the Revised Statutes of 1886 all these questions have to be tried, in the province of Quebec, before the Superior Court; in Ontario, before the Hight Court of Justice, and in all the other provinces before the Supreme Court, but under this Bill these questions will have to be tried before the Exchequer Court. I do not see why the change is made, because the aim of the present Bill must be to save time and expense, and to try and settle the estate of a railway corporation, which is not able to pay its indebtedness as quickly as possible; and if you force corporations or private parties interested in these corporations to come before the Exchequer Court, I believe the expense will be a great deal more, and a poor man who has any claim against the company will be forced to incur the expense of long travelling, and it will be a hardship for him. It would be better to adopt the same principle in this Bill as has been adopted in the Winding-Up Act. Clause 8 provides that mortgage, bonds, debenture and all other creditors when the scheme is prepared, are considered to have assented to it when three-fourths of them have given written acknowledgment of their approval of that scheme. That is to say, that when three-fourths of the claimants accept the scheme it is settled for all purposes. But by clause 8, in the case of ordinary shareholders, the scheme can be assented to by the majority at a general meeting called for the purpose. I do not think the clause is complete. Do I understand that the majority of all the shareholders must assent, or is it to be a majority of those present at the meeting? Sometimes at those meetings only a few shareholders are present. Are we to infer from that clause that in a great corporation if only a few of the shareholders are present at a meeting a majority of them can by their assent bind all the shareholders? I think an amendment should be made to that clause.

Hon. Mr. MILLS—If my hon. friend will look at clause 5 he will see the provision for that.

Hon. Mr. BOLDUC—I am speaking now of the ordinary shareholders. This is a different matter. In that clause only a majority is necessary. Is it a majority of those present or a majority in value of the shares,

or a majority of the shareholders ? I submit these suggestions to the hon. Minister of Justice, and especially the one giving jurisdiction to the Superior Court of the province of Quebec, in order to save expense and delay.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice has called attention to the 5th clause.

Hon. Mr. MILLS—The 5th and 7th clauses.

Hon. Sir MACKENZIE BOWELL—To my mind there is a great deal of force in what the hon. gentleman from Beauce (Hon. Mr. Bolduc) says, and if the 8th clause overrides the provisions of the Railway Act, then the protection which is suggested by the hon. gentleman should be included in that clause.

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

ST. LAWRENCE POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (69) 'An Act to incorporate the St. Lawrence Power Company.' He said : This is a company which, when the Bill was first introduced, sought for very large powers indeed. At that time it was thought they wanted to go all the way down the river from Dickinson's Landing to Gaspé ; but since the Bill was introduced it has been shorn of most of the objectionable provisions it contained at that time, and in the shape in which it comes before us now, it is one we can reasonably pass. If there are any questions in regard to it by any members, I shall be very happy to answer them.

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

YUKON TERRITORY ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. MILLS moved concurrence in the amendments made by the House of Commons to Bill (D) An Act to amend the Yukon Territory Act and to make further provision for the administration of justice in the said Territory.

Hon. Sir MACKENZIE BOWELL—What are the amendments ?

Hon. Mr. MILLS—When we introduced the Bill here for the purpose of making provision for the appointment of two stipendiary magistrates in the Yukon country, of course the salaries could not be provided for here. They were provided for in the House of Commons. We also provided here for the practice, to a limited extent, on their part at the bars. I discussed the matter with the Minister of the Interior, and we agreed that the salaries might be fixed at $2,400, which is the salary of a junior judge in Ontario, with a living allowance, and that if we allowed them that, we ought to get competent men to discharge the duties without any permission to practice. I knew my hon. friends opposite and many here thought in that distant country the privilege to practice might be open to abuse, and I thought myself if the House of Commons would agree to a liberal salary, it would be better that the liberty to practise should not exist. The Bill was amended in the House of Commons on those lines. The right to practise was taken away and an adequate salary allowed.

The motion was agreed to.

GENERAL INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (122) An Act further to amend the General Inspection Act.

(In the Committee.)

On the first clause.

Hon. Mr. SCOTT—I explained, on the second reading of the Bill, that its principal object was to bring the law into harmony with the report of the experts who recently sat in Montreal to consider what amendments were necessary. In the first amendment, the only change is payment by salary instead of fees.

Hon. Sir MACKENZIE BOWELL—I see that under the old law, as I understand it, the inspectors were paid by fees. The change is made so that the Governor in Council may appoint chief inspectors who are to be paid by salary. Could the hon. gentleman inform the House what additional expense this will impose upon the revenues of the country, or whether any

fees are to be paid, and if these fees are to become part of the revenue.

Hon. Mr. SCOTT—I cannot tell. I think the fees will be continued, only they will be funded. It was found the fee was very deficient in the past, and the board reported it would be much more satisfactory to pay them by salary instead of by fees. At the next meeting of the House I will be in a position to inform the committee whether the fees are funded. I think they are.

Hon. Sir MACKENZIE BOWELL—It seems to me the hon. gentleman might at the same time ascertain the amount of fees received and what is the probable salary supposed to be paid to inspectors, so that we can ascertain what the expenditure is likely to be out of the general revenue, and the fees likely to be paid into the consolidated revenue.

Hon. Mr. SCOTT—I fancy the salary would depend entirely on the position the man occupied. The position at Montreal would, of course, be more highly paid than a position at a country place, but I cannot give you any idea of the salary.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should try and find out and inform the House.

Hon. Mr. SCOTT—Unless the matter was discussed by Council, I could not.

Hon. Sir MACKENZIE BOWELL—But the minister who has control of this subject should be in a position to inform us. However, I shall not press the matter now, but the minister ought to be in a position to say more than that he knows nothing about it.

The clause was adopted.

On the 2nd clause.

Hon. Sir MACKENZIE BOWELL—It seems extraordinary that the government are going to impose on the inspector the payment of the deputy inspector's salary.

Hon. Mr. SCOTT—If he has to employ a deputy inspector, it is proper that he should be paid out of whatever the fees are.

Hon. Sir MACKENZIE BOWELL—But by the fourth section it is optional. The inspectors and deputy inspectors may be paid by salary or fees as determined in each case by the Governor in Council.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—Where the inspector is paid by fees it is only reasonable and proper, if he wants a deputy, to pay him out of his own allowance.

Hon. Mr. POWER—This clause is unlimited. If the inspector were paid by salary it is clear that it would be the interest of the inspector not to appoint any deputy inspectors, or to appoint as few as possible. It would be a serious inconvenience to the public. The minister might let that clause stand until he has an opportunity of consulting with the Minister of Inland Revenue.

Hon Sir MACKENZIE BOWELL—It looks very much like a jumble.

Hon. Mr. SCOTT—My experience of the General Inspection Act is that for the last twelve years it has been a puzzle. There is scarcely a session that it has not been amended.

Hon. Mr. POWER—In the case of the inspection of fish, which is one of the articles inspected, if this Bill passes and the government carry out the intention which the hon. Secretary of State has indicated, they will now have to appoint only chief inspectors and to pay them by salary.

Hon. Mr. SCOTT—No, it is still optional.

Hon. Mr. POWER—The deputy inspectors of fish should not be paid by the inspector who is paid by salary.

Hon. Mr. SCOTT—No, only in case he is paid by fee. The explanation of the department, the new subsection empowering the government to increase or diminish the fees, is that the inspection shall not be a charge on the revenue.

Hon. Mr. POWER—That refers to grain. I am speaking of fish.

Hon. Mr. SCOTT—The clause does not refer to fish.

Hon. Mr. POWER—We should not legislate in the dark.

Hon. Sir MACKENZIE BOWELL—In that very clause there is an exception made of the deputy inspectors of grain, so this clause can have no reference whatever to the deputy inspectors of grain.

Hon. Mr. SCOTT—It is quite evident, where the inspector has a right to appoint

his deputies, they must be paid by fee, because an inspector could not pay his deputy out of his salary.

Hon. Mr. POWER—I must say I am rather surprised that the Secretary of State will not allow the clause to stand over, because the subject is an important one, and it is desirable that the law should be made clear. You leave out the deputy inspectors of grain. The interest of the public is—I speak of the inspection of fish especially—that there should be a good many deputy inspectors. If the inspector pays them out of his own pocket, it is his interest that there should be as few as possible, and that the fish should be brought where he can himself inspect them. It ought to be made clear that the deputy inspectors are to be paid by fees, and then no question can arise out of it. Nothing will happen this Bill if this clause is allowed to stand over.

Hon. Mr. SCOTT—It is permissible for the Governor in Council to order them to be paid by fees or by salary. If the deputy is to be paid it must be by fees.

Hon. Mr. POWER—Why should not the language of this clause be qualified, and say except where the inspector is paid by fees ?

Hon. Mr. SCOTT—The clause is general.

Hon. Mr. BAKER—Stand.

Clause 3 was allowed to stand.

Hon. Mr. TEMPLEMAN, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday next.

PENSION OF OFFICERS OF PERMANENT STAFF BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole House on (Bill 133) an Act respecting pensions of officers of the permanent staff and officers and men of the permanent militia, and for other purposes.

(In the Committee.)

On clause 3,

Hon. Mr. SCOTT—I may say, taking this clause as a sample, an officer receiving $2,000 a year who had served 20 years, receives one-fiftieth of $2,000, which would be $40, and twenty years would make up $800. It would be proportionately greater if he served 25 or 30 years.

Hon. Sir MACKENZIE BOWELL—It is just one half of his pay.

Hon. Mr. SCOTT—No, $800, half of his pay, would be a thousand dollars. Thirty years would give him $1,200. Sub-clause 2 is the same in principle only for a different term. There are no pensions to be granted to any persons under this clause unless he has served 20 years.

Hon. Sir MACKENZIE BOWELL—How does that affect the present officers who have been in the service ten or fifteen years and would require only two or three years more service before they could retire ? Because there is a provision, as I understand it, that he is to pay 5 per cent of his salary from the time he enters the service until he is pensioned. Would he have to submit to a rebate from the salary for the 15 years that he has served?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—In order to entitle him to a pension.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Would the interest be added to that ?

Hon. Mr. SCOTT—It is provided for in sub-clause 2 of section 5.

The clause was adopted.

On clause 5.

Sub-clause 2.

Hon. Sir MACKENZIE BOWELL—What is the meaning of the word 'gratuity ?'

Hon. Mr. POWER—A man who has not served long enough to get a pension is entitled to a gratuity.

Hon. Sir MACKENZIE BOWELL—Is there a clause providing for retiring an officer on gratuity ?

Hon. Mr. SCOTT—Really I am not able to say. There is no deduction after a man has served 35 years. He is paying his 5 per cent up to 35 years, but after that he is not. I presume there would be no interest charged, the way sub-clause 2 reads.

Hon. Sir MACKENZIE BOWELL—The officer can pay it all at once if he likes ?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 6,

Hon. Sir MACKENZIE BOWELL—That clause does not provide for obtaining the consent of the Governor in Council. It leaves it exclusively with the minister.

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 7,

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. minister has the sole power to place the retiring officers upon the superannuation list. To retire officers and give them pensions and gratuities without reference to his colleagues ?

Hon. Mr. SCOTT—No pensions are provided absolutely by the statutes wholly irrespective of the minister, but clause 6 allows the minister, on the report of officers of certain rank, to give a gratuity.

Hon. Sir MACKENZIE BOWELL—Is it the intention of this Act to place the sole power and authority in the minister to retire upon a pension any one who has been so recommended by this board, without going to the Governor in Council ? If I understand it correctly, that is the power given to him.

Hon. Mr. SCOTT—So far as pensions are concerned, it seems to be confined absolutely.

Hon. Sir MACKENZIE BOWELL—And the gratuity the same ?

Hon. Mr. SCOTT—No, certain conditions have to be performed. If a man has been injured through no fault of his own, and has to be retired, then, on the recommendation of a board, the minister may grant him a gratuity which is fixed by the clause, not exceeding one months' pay for a year.

Hon. Sir MACKENZIE BOWELL—That is not the question. Does this place the sole power in the hands of the minister to act under this clause, or would he have to obtain the consent and approval of the Governor in Council before he could act ?

Hon. Mr. SCOTT—No, I think not. It is so hedged in by the direct language of the statute that I do not think the minister has any discretion at all.

Hon. Sir MACKENZIE BOWELL—It seems to me he has all the discretion. They use the word 'may.'

Hon. Mr. SCOTT—We always say 'may' in the statutes.

Hon. Sir MACKENZIE BOWELL—I think all the acts of all the ministers upon any questions affecting the general welfare of the country should be subject to the approval of the Governor in Council. That is the only point. Experience taught me that a minister would be glad to be relieved in the first place of the responsibility devolving upon him when he has to decide solely without the authority of the Governor in Council, and, on the other hand, there are ministers who might take advantage of the power which is given him under the law, and do that which the Governor in Council, if a report was made, would not consent to do.

The clause was adopted.

On clause 8,

Hon. Mr. POWER—These clauses are all taken from the North-west Mounted Police Act.

Hon. Sir MACKENZIE BOWELL—And some of the other clauses from the Superannuation Act, to a great extent.

The clause was adopted.

On clause 9.

Hon. Mr. SCOTT—The pay is 40 to 50 cents a day, and in that case it would amount to $150. He served twenty years and he would get $60 a year. One-fiftieth of the $150 would be $3, and for each year he served he would get the multiple of it. For twenty years he would get $60. It is based on that principle throughout.

The clause was adopted.

On clause 14.

Hon. Mr. POWER—I think that in line 13 of this clause the expression 'Governor in Council' is used where it should be 'minister.'

Hon. Mr. SCOTT—Under section 13 the Governor in Council is also referred to. I am not familiar with the working of it, and I do not know whether it is right or not. The Governor in Council is a much higher authority, according to the remarks of the hon. leader of the opposition.

Hon. Sir MACKENZIE BOWELL—The hon. Speaker wants to leave all the power in the minister; while I would sooner see it in the hands of the Governor in Council. The power given him in these two clauses might be abused by a minister—I do not say it would be—but something might be done for favouritism which otherwise would not be done.

The clause was adopted.

On clause 17.

Hon. Mr. POWER—The term 'Governor in Council' I think is a mistake for 'minister' in this clause. The minister gives the pension to the officer, gives him the retiring allowance, and if you will look at the next clause you will find that the pension shall not be granted if the applicant, in the opinion of the minister, is unworthy, or if she is wealthy, and I think it should be left to the discretion of the minister. In England it is left to the Secretary of State for War.

Hon. Mr. MILLS—The Governor in Council represents the Crown, and the Crown is giving the pension.

The clause was adopted.

On clause 22.

Hon. Mr. SCOTT—That is a wise provision. I think I read recently that some of the widows of the soldiers in the revolutionary war are still drawing pensions. Old soldiers, eighty and ninety years of age, married young girls, who have survived them and are still drawing the pensions.

Hon. Sir MACKENZIE BOWELL—Nothing promotes longevity as much as the giving of a pension.

The clause was adopted.

Hon. Mr. MACDONALD (P.E.I.)—Before the report is received, I regret to say that I have not observed any provision in this Bill for any of those who suffered in the South African war. Many of our young men went out there and returned with wounds which will incapacitate them from carrying on the business they were engaged in before the war, and during the time they were there also, the pay they received was totally inadequate to the services they performed and not at all such pay as was received by those who volunteered and went out from Australia and other places. I think that is a matter that the government should have taken into consideration, and that they should have done something to give these men, who went abroad in the service of the Queen, some remuneration adequate to the position which they took and something that would compare favourably at least with what those from other countries similarly situated to the Dominion of Canada received. We know their pay was a very small pittance, compared with what was received by those who volunteered from other colonies, and although the different sections and local societies here made up some small amount to assist these men or to maintain their families during their absence, still I think the government should come to their aid and give them some equivalent for the services which they performed. I anticipated that some such provision would be made in this Bill, and I am sorry to see that it is not.

Hon. Mr. SCOTT—The observations of the hon. gentleman from Charlottetown are very just and appropriate, and I presume it will form the subject of further inquiry. It will be necessary to examine into all those cases. No doubt they will be examined into and proper action taken.

Hon. Mr. POWER—If the hon. gentleman will turn to the Militia Act, chap. 41 of the Revised Statutes, sections 86 and 87, he will see that when a man is killed under these circumstances, provision shall be made for his family out of the public money, and any case of permanent disability shall be reported upon by a medical board, and compensation awarded under such regulations as are made from time to time by the Governor in Council, and then there is a penalty of $400 on any medical practitioner who falsely certifies, etc. The Governor in Council made regulations based on those two sections, and these are the regulations referred to in

clause 25 of the Bill, which reads as follows :—

Nothing herein contained shall affect the provisions of articles 342 to 356, both included, of Part III of the Regulations and Orders for the Militia of Canada issued in 1898, with respect to pensions and allowances to members of the families of officers or soldiers killed in action or dying from wounds received in action.

This Bill deals only with the permanent force, and those regulations deal with the whole of the militia force, and the last clause of the Bill provides that nothing herein shall interfere with the operation of those regulations.

Hon. Mr. MACDONALD (P.E.I.)—I am aware that that is the case. What I wished to call attention to was that the government has not taken any action in this matter up to the present time, and that they have not taken into consideration the services of those who returned from the war and given them adequate pay for the time during which they were abroad.

Hon. Sir MACKENZIE BOWELL—I am not speaking positively, but from what I have read, I was under the impression that any of the soldiers wounded or disabled in the late war would be provided for by the Imperial government under the pension act of Great Britain.

Hon. Mr. SCOTT—That is the original arrangement.

Hon. Sir MACKENZIE BOWELL—I suppose that would be one reason why it is not provided for in this Bill. I remember in the discussion the hon. gentleman for Halifax called attention to what he thought an omission in the Bill, fearing that the Bill itself might interfere with the regulations which the Speaker has referred to, and had this clause inserted to protect those who might be disabled, but whether that would apply to volunteers who were wounded in Canada or in service in any other place, is a question for the Minister of Justice. He would be better able to give an opinion on that point than myself. There is another matter which I would like to see included in this Bill, and that is that the old officers who have served twenty or thirty years who retired on a gratuity. I can understand the difficulties that would arise in a matter of the kind, but I think it could be equitably met by considering the amount of the gratuity which he had been paid upon retirement and deduct that from the pension which he would otherwise receive. However, from the discussion in the other House I noticed the Minister of Militia thought it was impracticable or difficult to arrive at an equitable solution of the question. I do not think, myself, that there would be any difficulty in arriving at a conclusion. We know some men have retired upon a couple of thousand, or a little more, who are still alive. They are not fit for the ordinary vocations of life, and as soon as the amount of gratuity has been expended, they are thrown upon the world, or the charity of their friends. Unfortunately, gentlemen who serve, particularly in this country, as officers of volunteers for a great many years in the service are not paid sufficiently to enable them to retire on anything like a competency, and hence the provisions of this Act. If it could be made to apply to those who are still alive, old men who retired upon a gratuity, upon the principles which I have indicated, I think it would be a graceful act on the part of the country.

Hon. Sir ALPHONSE PELLETIER, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

SECOND READINGS.

Bill (111) 'An Act to incorporate the Interprovincial and James Bay Railway Company.'—(Hon. Mr. Jones.)

Bill (137) 'An Act to amend the Act respecting the Department of Public Printing and Stationery.'—(Hon. Mr. Scott.)

Bill (105) 'An Act to incorporate the Kamloops and Atlin Railway Company.'—(Hon. Mr. Templeman.)

A SATURDAY SESSION.

MOTION.

Hon. Mr. MILLS—I move that when the House adjourns to-day, it do stand adjourned until to-morrow afternoon at 3 o'clock. Some Bills have been sent up from the Commons which I have not had time to look over, and one or two Bills have been sent up without any memo. or notes with refer-

ence to the statutes that are amended, and it will require two or three hours to look into the matter. I hope by to-morrow afternoon that the minister in charge will have an opportunity of furnishing me with a memo.

Hon. Mr. LANDRY—Before the motion is put, will the hon. minister inquire of his colleagues, and particularly of the hon. Secretary of State, if they have not received a petition with reference to the disallowance of an Act of the Quebec legislature, and let me know by to-morrow?

Hon. Mr. MILLS—Yes.

The motion was agreed to.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—I should like to know whether I am to get a report of the surveys of the Trent Valley Canal.

Hon. Mr. SCOTT—I have made inquiries.

Hon. Sir MACKENZIE BOWELL—I should be inclined to ask the House to sit until I get it.

Hon. Mr. SCOTT—I could not help that.

Hon. Sir MACKENZIE BOWELL—We may discuss the supply Bill for a week or two in order to enable the hon. Secretary of State to obtain the report.

The Senate adjourned.

THE SENATE.

Ottawa, Saturday, May 18, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE COOK CHARGES.

FINAL REPORT OF COMMITTEE.

Hon. Sir MACKENZIE BOWELL, from the Special Committee appointed to inquire into the statements and allegations contained in certain telegrams and letters, and in an affidavit made by Mr. Herman Henry Cook, which reflect upon the privileges and dignity of the Senate, presented their final report, recommending the payment of $1,000 to Mr. C. H. Ritchie, K.C., for his services as counsel for the committee, and moved its adoption. He said: The sum mentioned in the report was agreed upon by all the members who were sitting at the time it was passed. It was thought, under certain circumstances, which perhaps it is not necessary for me to mention now, that that would be a fair remuneration for the time occupied—some eight or ten days.

Hon. Mr. MILLS—Does my hon. friend include the counsel appointed on behalf of the government?

Hon. Sir MACKENZIE BOWELL—No. All they had power to do was to recommend the payment of the legal gentleman who was employed by the committee under the instruction of the House. They could not go beyond that.

Hon. Mr. MILLS—Are the witness fees included?

Hon. Sir MACKENZIE BOWELL—No. There are certain fees and summonses which Mr. Ritchie had served which are included in that sum.

Hon. Mr. MILLS—I think my hon. friend had better let it stand, not that I take exception to the payment of Mr. Ritchie, because I have no doubt that is proper enough, but to see if the expense of any other counsel ought not to be included.

Hon. Sir MACKENZIE BOWELL—I have no objection to let it stand. Certainly we had no power or authority to recommend the payment of Mr. Marsh or Mr. Blake, and I understood Mr. Blake had rendered his account to the government, fifty per cent more than the sum mentioned in our report. It was discussed by those of the committee who were present at the time, and not having any authority, or power even, to consider that question, we did not deem it our duty to do so. That is a matter exclusively for the government.

The report was allowed to stand.

DISALLOWANCE OF PROVINCIAL ACTS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I beg leave to inquire of one of the hon. ministers if the government can give me an answer to the inquiry made yesterday, whether it has received any petition, asking, under the form of a petition to the Governor in Council to disallow a Bill of the Quebec legislature, No. 162. I suppose the Secretary of State is in a position to give me information on the subject?

Hon. Mr. SCOTT—A petition was sent in from Mr. Nantel. It was acknowledged at the time and transferred to the Governor in Council. It would necessarily go to the Minister of Justice for an opinion and report. I have not heard what has been done since, but it was received and attended to promptly.

Hon. Mr. LANDRY—When was it received ?

Hon. Mr. SCOTT—I think it was Monday or Tuesday, and it was answered the same day.

Hon. Mr. LANDRY—Could the hon. gentleman say what is the basis of demand for disallowance ?

Hon. Mr. SCOTT—The petition alleged that the Act referred to amends the election law, which had not counted the time during the sitting of the legislature, practically shortening the limitation of time by including the period while the legislature was sitting. The hon. gentleman probably knows the point. Under the law, in the province of Quebec, a period of say three months was allowed for filing petitions, such three months not to count if the legislature was sitting.

Hon. Mr. LANDRY—Not for the filing of petitions ?

Hon. Mr. SCOTT—The filing of the petition was limited to a certain time. Is not that correct ?

Hon. Mr. LANDRY—Yes.

Hon. Mr. SCOTT—That time was not to include the period while the legislature was sitting. Is not that correct ?

Hon. Mr. LANDRY—I think that is not correct.

Hon. Mr. SCOTT—That is what I understood. I read over the petition very hastily, and of course did not give it much thought. The time within which a party is allowed to contest an election was shortened by the Act of last session. It was against that feature of the Act that the protest was made, and the appeal made to the Governor in Council to disallow it.

Hon. Mr. LANDRY—I think the hon. gentleman mixes up the period for the bringing in of a petition and the time for the ultimate investigation before a court of justice. Those who filed the petition had a certain date—I think it was forty days from the date of election, and during that forty days were obliged to file a petition. The petition was filed. There was a law of the land stating that during the sitting of parliament all proceedings must be stopped, and members will not be obliged to go before the courts during the sitting of the legislature. In defiance of that law, a new Bill was presented, wiping out the petitioner's rights, because they were obeying the law.

Hon. Mr. SCOTT—That is what I explained.

Hon. Mr. LANDRY—It is not the bringing of the petition.

Hon. Mr. SCOTT—The law as it stood had been interfered with in favour of members who happened to be returned at the session after the general election.

Hon. Mr. LANDRY—Is there anything in the petition complaining of penal actions ? Some parties were accused of having rendered themselves liable for offences against the election law, and under the law, they could have been sued within one year. I think if I am not mistaken, the law passed by the local legislature wiped out all those cases also.

Hon. Mr. MILLS—That petition I have not yet seen. My hon. friend the Secretary of State says it has come to his office, and he has sent it to Council. I cannot enter into the subject of what should be done on a given petition, and whether the Act ought or ought not to be disallowed, because I have not yet seen the Act. So far as my department is concerned, the petition to which my hon. friend refers has not been brought before our notice yet.

Hon. Mr. LANDRY—Would the hon. gentleman be kind enough to examine that petition as soon as possible, for this reason : if the government comes to a decision to disallow the Act, that disallowance must take effect as soon as possible. It must be within three months of the prorogation of the local legislature, under the old law which the new one sets aside. Parties would have had at least three months from the prorogation of the local legislature within which to proceed with their petitions, and if any disallowance is to take place, it must be within that date, so that the parties may

benefit in due time of the restoration of the old law. I then ask if the hon. minister would look at the petition as soon as possible, as it is now in his possession, if the information given by the hon. Secretary of State is true, and I have no doubt it is, he will only be doing his duty.

Hon. Mr. SCOTT—I said the petition was addressed to the Governor in Council. In the natural course it went to the Governor in Council, and from there it would be referred to the Minister of Justice for a report, but as hon. gentlemen must realize, at the end of a session, when ministers in the other House are in the House twice a day, there is scarcely time to look after matters in Council.

Hon. Mr. LANDRY—A minister always—has time to do his duty.

Hon. Mr. SCOTT—Perhaps if the hon. gentleman were a minister he would not say so.

Hon. Sir MACKENZIE BOWELL—This question is not only applicable to Quebec, but also to Ontario. We had in the province of Ontario the length of the period of the sitting of the legislature extended in order to meet the convenience or wishes of the ministers. This Act to which the hon. gentleman from Stadacona has referred wipes out all proceedings in cases of contested elections. An Act was passed by which all protests and all contestations in the courts were wiped out of existence after a certain date. It is only the other day a judge in the province of Quebec, where the question was tested as to whether the case should be proceeded with—that is the case of Stanstead—those contesting the election declared that the law did not apply to that particular case, and the judge decided that it did, and consequently the contestation started against Mr. Lovitt, who was elected, was thrown out of court. So far as I understand, the question put by the hon. gentleman is a very pertinent one, to ascertain whether that law goes so far as to relieve parties against whom contestations were going on, who had been guilty of bribery and corruption. That would be condoning and legalizing criminal offences, as well as any other informality in conducting an election, and it is a very grave question as to how far the local legislature should be permitted to go. However, I suppose they have a right to say what shall be the law in their province as to elections and the mode of conducting them.

Hon. Mr. SCOTT. I understand that both sides approved of it.

Hon. Mr. LANDRY. I beg the hon. gentleman's pardon. As a matter of fact that is not the case.

Hon. Sir MACKENZIE BOWELL. Supposing both sides did agree to relieve a criminal from the penalties imposed by the law, that is no reason why the government should accept it.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL. I should like to know from the hon. Secretary of State whether he has made any inquiry or whether there is any probability of my getting the return with reference to the surveys on the Trent Canal.

Hon. Mr. SCOTT. I have made every endeavour to obtain them. I think that is the only report that is behind this year, and I do not think in the annals of the history of the Senate——

Hon. Sir MACKENZIE BOWELL. I did not want a lecture about it.

Hon. Mr. SCOTT—When I was on the other side of the House the government declined to furnish returns to me, and my hon. friend and I pointed out that returns moved for ten years previous were not forthcoming.

Hon. Sir MACKENZIE BOWELL—Does that justify the government in not producing the returns ?

Hon. Mr. SCOTT—No, but there is no use lecturing me when I have done my duty.

Hon. Sir MACKENZIE BOWELL—The hon. minister is lecturing me.

Hon. Mr. SCOTT—No, I am not.

Hon. Sir MACKENZIE BOWELL—Then, we will take a lecture from each other ; we will have reciprocity in that respect. I should like to call the attention of the Minister of Justice to a motion I made for tenders, and for information as to what had been done in reference to carrying the mail from Coe Hill in the north riding of Hastings

to Apsley, in the county of Peterborough. The Secretary of State laid the return upon the table and gave half the information. One statement was that, no tenders having been accepted, it was not deemed advisable to lay the tenders before the House. With that I perfectly agree ; that was quite right. Then the next question was, who was the party now carrying the mail, and how much had been paid to the person carrying it now. The answer given me yesterday was that no tenders having been accepted, Mr. Gunther was carrying the mail at a lower rate than had been paid to the former carrier.

Hon. Mr. MILLS—That is the answer I received.

Hon. Sir MACKENZIE BOWELL—That is not an answer to the question I put. Is it not possible that the department can tell the House how much they are paying Mr. Gunther for carrying that mail ? We would then be able to judge whether it is a smaller or larger amount than was paid to the other man, and no reason has yet been given why the other man was removed or the contract taken from him. Would my hon. friend ask that question without my putting a notice upon the paper—as to the amount which is being paid to Gunther for carrying the mail from Coe Hill in the north riding of Hastings to Apsley, in the county of Peterborough ?

Hon. Mr. MILLS—I think my hon. friend will also understand—and I have no doubt that was the motive which operated on the Acting Postmaster General—that while the contracts are still pending it might not be desirable to state what private arrangement had been made. I gave the information to my hon. friend that it was less than the amount of the tender, but I can well understand why the Acting Postmaster General would not want to state the precise amount, while the subject of tendering for the carriage of mail over that route was yet undisposed of. That is what struck me as the reason for withholding the precise amount in the answer which was sent to me, and which I conveyed to my hon. friend across the House yesterday. I do not know just how soon the tenders will be let. I cannot say. I will ask for the information which my hon. friend seeks to obtain, but my impression is that the reason for withholding the information was as I have stated, and if that be the reason, it would continue to operate while the tenders are unaccepted, and it might not be desirable, or in the public interest, to state precisely the sum for which the mail is now being carried.

Hon. Sir MACKENZIE BOWELL—If my hon. friend will inquire, I shall be satisfied. If that excuse had been given before, it would have been a reason for it, but the cursory manner in which the questions are answered is not satisfactory, and I do not think the answers are courteous. My information is that they are paying Mr. Gunther more than they paid the contractor. The question as to why the original contractor has been removed has not been answered.

Hon. Mr. MILLS—No, but I gave my hon. friend all the information I received.

Hon. Sir MACKENZIE BOWELL—I am not finding fault with the hon. gentleman. It is with the department.

Hon. Mr. McCALLUM—This man has been dismissed from his contract, and they are carrying the mail by private arrangement. How long a time has expired since this gentleman was dismissed ?

Hon. Sir MACKENZIE BOWELL—It would not take long to make a contract, unless the Postmaster General has something behind which he desires to hide in the meantime. There must be something else besides the contract behind it all.

THE VISIT OF THE HEIR APPARENT.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I ask permission to read, for the information of the government, the following paragraph from the Quebec Chronicle :

> The announcement that the Duke and Duchess of York will make their first Canadian landing at Quebec has already caused much pleasure and satisfaction among the citizens of this the Ancient Capital of Canada. Much speculation has arisen also as to the nature of the reception that will be tendered to the Royal visitors. It was believed that the occasion would be seized by the Dominion government for a brilliant pageant, but that this will be of an unprecedented character was learned last evening. It was stated in the city by the Hon. Charles Fitzpatrick, that when the SS. Ophir with the Royal party on board drops anchor in the harbour of Quebec there will be a military

display here that will far outshine anything that this country has ever before attempted. It is the intention of the government, says Mr. Fitzpatrick, that for that auspicious occasion all the troops in the province will be mobilized here and take part in the reception. Furthermore, while the royal party are here the government intends that the corner stone will be laid of a national monument to commemorate the Canadians who fought in the South African war. This monument will be erected on the Plains of Abraham, the battlefield where British Canada had its birth. This is a piece of news that will be received with the liveliest interest by all the citizens of this ancient British military stronghold.

I should like to know from the government if we could get any information as to the arrival of the Duke of York in Quebec, and if it is true, as Mr. Fitzpatrick says, that the Dominion government will take up the matter, and that the troops will be called and mobilized to give a grand show in the city of Quebec.

Hon. Mr. MILLS—Does my hon. friend put the question?

Hon. Mr. LANDRY—Yes, I want to know if it is true.

Hon. Mr. MILLS—I thought my hon. friend was reading a piece of news for the information of the House; I may say I do not know whether it is true or not; I have no information upon the subject.

Hon. Mr. LANDRY—Has the hon. gentleman had any conference with the Solicitor General on the subject?

Hon. Mr. MILLS—The Solicitor General, I have no doubt, has made a statement upon information which he had in the newspaper.

Hon. Mr. LANDRY—I think it is a pity that the public in general should get information from one of the members of the administration, and that the members of this House and of the House of Commons cannot get a single word from the government. A member of the administration goes down to Quebec and gives information which we cannot get here.

Hon. Mr. DANDURAND—That is no reason why my hon. friend should sleep over it.

Hon. Mr. LANDRY—If the Minister of Justice cannot give the information, why cannot the minister behind the Throne give it? I suppose he is as well posted as the Solicitor General.

Hon. Mr. SCOTT—I have been extremely frank with the House. I have said that all the information the government had was given to the public. Those newspaper reports may not be well founded. They may get from the Colonial Office advance information; but the public and hon. gentlemen have all the official information which the government has received. There is nothing really kept back. I read the extract in the Quebec Chronicle, and was rather amused at the information given there. But those sources of information are open, I suppose, to foreign correspondents. As a rule, the despatches are by mail, and it is quite impossible to say whether those reports are true or otherwise. One cannot form any opinion about it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is begging the question. The hon. gentleman from Stadacona did not say that offensively. What he wants to know is, whether a statement made by a member of the administration is correct. He said nothing about reports coming from England. The statement he read was a statement made in the Quebec Chronicle, saying that Mr. Fitzpatrick, the Solicitor General, had made certain statements, and the hon. gentleman simply asks if that is correct. If the hon. gentleman does not know, that is an end of it.

Hon. Mr. SCOTT—Neither myself nor any member of the Privy Council knows anything about it.

Hon. Sir MACKENZIE BOWELL—He is an outside member and seems to know more about it. I frankly admit that the hon. Secretary of State has been very frank in giving all the information he had, particularly in reference to the visit of the Duke of York. Have they any information to give us as to what has become of the delegate, if I may so term him, or the ambassador that was sent from Canada to Australia to take part in the inauguration of the new commonwealth? The Australian parliament has met. The session was opened with great éclat by the Duke of York, our prospective king, and the representative from Canada has not been heard from directly or indirectly. Has he gone astray? Is he looking after that fifty pounds he lost somewhere in France?

Have the government any information they can give the country as to whether the Postmaster General, Mr. Mulock, has arrived in Australia? Did he arrive in Australia in time for the inauguration of the Commonwealth? Was he there, and if there, what part did he take? This Dominion was supposed to be represented by a delegate sent from this country, and we have not heard anything at all about him.

Hon. Mr. WOOD (Hamilton)—Did the hon. gentleman see the Toronto Telegram the other day?

Hon. Mr. LANDRY—Give the minister a chance to answer.

Hon. Sir MACKENZIE BOWELL—No, I did not, but I read the answer given by the Premier the other day in the Commons, and he had just as much information as I had. The government have taken a vote for ten thousand dollars to pay the expenses of the delegate. It is a small sum, I admit, for so important a person, as 'I, William.' The government has a large surplus, but I think we ought to know, if he did not take part on behalf of Canada in that celebration, what has become of him and why he did not take part?

Hon. Mr. MILLS—I am unable to give my hon. friend the information he so ardently desires. I do not know anything except what I have seen in the newspapers with regard to the arrival of the Postmaster General in Australia. I do not know whether any of my colleagues have had a communication from him since he reached Australia or not. At all events, if any colleague has, it has not been communicated to Council while I was present.

Hon. Sir MACKENZIE BOWELL—It would be the Premier who would receive that.

Hon. Mr. MILLS—If any hon. gentleman or member of the Council has received a communication from the Postmaster General on the subject, we have been busy with matters of more immediate and pressing necessity in respect of the business of parliament than what might have transpired in Australia. We are all interested in the creation of the new federation there, but I suppose any information we may have with regard to it, while it would be extremely interesting, would not be a matter that we can affect in any way by its communication. So, if any of my colleagues has received a communication from the Postmaster General, it has not, to my knowledge, been communicated to Council. Whether the Postmaster General has written to any member or not since he has reached Australia, I cannot say.

Hon. Mr. SCOTT—There would not be time.

Hon. Sir MACKENZIE BOWELL—I could not conceive it possible he would communicate information except to the Premier——

Hon. Mr. MILLS—He might communicate with his acting minister.

Hon. Mr. LANDRY—Where was he when he was last heard from? We should have another Postmaster General if he cannot write himself.

PACKING AND SALE OF STAPLE COMMODITIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (117)—'An Act respecting the Packing and Sale of certain Staple Commodities.' He said: There is nothing at all that is specially new in the Bill, unless it be the marking of bags of salt. The Bill is intended to separate the provisions here contained from the general Act on Weights and Measures. I went over this morning to the Minister of Inland Revenue for information as to the changes effected in the law by this measure, and I was informed that there was no important change in it—in fact that the principal provision that is new is the extension of the time at which certain provisions of the law are brought into operation. With regard to baskets of fruit, clause 5 makes some provision. The subject was brought to the notice of the department. It was found that the baskets complained of were after all rather over than undersized. This provision is to make some verbal corrections.

Hon. Mr. BERNIER—I understand that clause 5 of the new Bill is about the same as clauses one and two of the former Bill (No. 10) which, I understand, has been dropped. I should like to call the attention of the government to some representations which were made by the Board of Trade of

Winnipeg, and the Produce Exchange. They represent that this clause 5 will put the traders in small fruits in a bad position. This is what the secretary of the Board of Trade of Winnipeg says :

Winnipeg, April 4, 1901.

Hon. Senator Bernier, Ottawa.

Dear Sir,—I have the honour, by direction, to write you with reference to Bill No. 102 : 'An Act to amend the Weights and Measures Act' now before parliament.

This board while agreeing fully with the principle of the Bill, recognizes that if it becomes law, it will practically prohibit the people of Manitoba from importing or enjoying berries and small fruits grown in the United States. That means in effect all the berries now used in the Manitoba market until late in the season, when a limited quantity may be had from British Columbia.

If every box containing stawberries, for example, must be handled after arrival here, and stamped 'Short,' it would mean that the ordinary importation by express of fifty crates (each containing 24 boxes) could not possibly be delivered to retailers on the day of arrival, as all express trains from the United States arrive after noon, and the breaking of the crates and handling and stamping of each box would certainly injure the berries.

Several attempts have been made to bring strawberries here from Ontario, and in each case a heavy loss has resulted, and in any case the eastern berries do not ripen till months after we commence to receive small fruits and berries from the Southern States.

From your personal knowledge of our situation in Manitoba you will readily understand that the enforcement of the Act would be a very great hardship to impose on people here.

I enclose for your information a letter received from the Winnipeg Produce and Fruit Exchange.

Yours truly,

C. N. BELL,
Secretary.

The letter to which reference is made is as follows :—

Regarding the conversation which took place yesterday between several members of our exchange and the council of the board of trade in reference to a bill to come before the Dominion Parliament :

Re the marking of all packages of small fruit.

We beg to state the Winnipeg produce exchange are satisfied that the bill is all right as far as Canadian small fruits are concerned. The small fruits handled in this province are principally imported from the United States, and the different states, say Oregon, Kansas, Texas and Wisconsin, all use different size boxes, for the small amount of business done with Canada the exporters in those states would not consider it worth while to mark the boxes accordingly to this bill, and it would be impossible to have the boxes marked after they arrive at their destination as the fruit would suffer in so doing.

All small fruits imported from the United States are sold on their merits ; there is no guarantee of weight or size of package ; they are not sold by quantity, but simply sold on sight. This business with the States does not clash or come into competition with Canadian fruits as the former are off the market when Canadian fruits are ready to come in.

While endorsing the bill as far as Canadian grown fruits are concerned, we would consider it a hardship and detrimental to the trade of this North West if the bill was made to cover importations from the United States. Trusting that our views on this matter may receive favourable consideration.

If the clause remains as it is, it will be the cause of serious loss to our traders. I mention this so that the hon. gentleman might look into it before the Bill goes to the Committee of the Whole.

Hon. Mr. MILLS—I will move the second reading now, and before the Bill comes up on Monday, I shall have an opportunity of considering the suggestion made by the hon. gentleman. I might say that there are further provisions intended to be put into force by this Bill. There are penalties. Under the law as it stands, there is no penalty for disregarding the provisions of the law. There is here ; also the provision relating to the measurement of binder twine, and the enforcement of that law, for which there was no provision in the statutes. It is made to go into operation on or after the first day of October next.

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

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (136)—'An Act to amend the Railway Act.'

(In the Committee.)

Hon. Mr. MILLS—All the provisions of this Bill are taken from the English law, and decisions under that law.

Hon. Mr. BOLDUC—In accordance with the remarks I made yesterday at the second reading of this Bill, I propose to move an amendment to the first clause. As I said yesterday, to prevent delays and expense, instead of trying these cases before the Exchequer Court, it would be better to have them tried before the High Courts in each of the provinces. Therefore, I move that the clause be amended by substituting for the words 'Exchequer Court of Canada' the words 'the court, as defined by this Act.'

If that amendment carries, I suppose another amendment would be necessary. We would have to say before which court the cases would have to be tried, and if the House is in favour of adopting it, I shall move another amendment to say before what courts these cases shall be tried.

Hon. Mr. MILLS—I hope my hon. friend will not persist in his amendments. The Exchequer Court judge goes to every part of the country where a case is to tried. He does so as a matter of convenience, on account of the examining of witnesses, and for other reasons, and we have hitherto treated this as part of the work of the Exchequer Court judge. We have but the one Exchequer Court judge. He has ample time and opportunity to engage in this work, and there will be uniformity in the proceedings in these railway cases throughout the entire Dominion, which is a matter of no inconsiderable importance. Then if any one is dissatisfied with his judgment, there may be an appeal to the Supreme Court ? If we were to refer it to any other court there might be a number of proceedings in the province before the matter could come before the Supreme Court. I have no doubt in my own mind that this will be found, on the whole, the most expeditious, convenient and satisfactory way of proceeding. The Railway Department has given a good deal of attention to the subject, and I trust my hon. friend will not persist in his amendment.

Hon. Mr. BOLDUC—I would be glad to accept the suggestion of the hon. gentleman, but I see in the Winding-Up Act these cases are tried before the courts I have mentioned, and I never heard any complaints of the working of the Act. I see no reason why we should depart from the principle adopted when the Winding-Up Act was passed. I insist on putting my amendment.

Hon. Mr. LANDRY—This Act has two results. The first is to bring all the cases under the operation of the Winding-Up Act. Is that so ?

Hon. Mr. SCOTT—No. A railway once established is a public franchise, not like an ordinary business.

Hon. Mr. LANDRY—I am speaking of the effect of this Bill. Is not the effect to bring railways under the operation of the Winding-Up Act ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—It will not have the same effect ?

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—What is the difference ?

Hon. Mr. MILLS—My hon. friend will see in winding up any ordinary business where a man goes into bankruptcy, or say an insurance company, that is an end of the institution. There is no difficulty in winding it up and distributing the assets amongst the creditors. That is not the position of a railway. A railway is a public institution. You give it a number of franchises because of its public character. You enable it to expropriate property, to exercise one of the functions of the Crown, for the purpose of coming into existence, and it continues to exist as a railway, and you make provision for its management and operation, not under a court of a province, but under the Exchequer Court, because we are not dealing with railways generally, we are dealing with the railways of the country that are incorporated by the Dominion, the only class with which we have power to deal. We have no power to interfere with or deal with the railways of a province for instance ; but with the railways of the Dominion we have. We give the jurisdiction to a Dominion court, in order that there may be uniformity in dealing with bodies which are incorporated by the Dominion parliament, and so establish a system that will operate in the same way in all the provinces of the Dominion.

Hon. Mr. BOLDUC—But they will have to do with the assets of the company. It is only in case where a company is not able to fulfil its obligations and pay its indebtedness. If it was true that we would have to confine all these cases to a special court, all the laws we pass here to incorporate any corporation, whether a railway corporation or a trade corporation, would have to be tried before a special court, and as all the laws we pass here are executed by the courts in each of the provinces, I see no reason why there should be a departure in this case. It is exactly the same thing.

Hon. Mr. LANDRY—The Exchequer Court only goes down to the provinces for the purpose of taking evidence. All the rest of the work is done here in Ottawa.

Hon. Sir MACKENZIE BOWELL—The remarks of the hon. gentleman from Beauce led me to believe that it would be better to relegate all these cases to the Superior Courts of the provinces, but there is a great deal of force in the remarks made by the Minister of Justice, particularly if we desire uniformity of decisions in all the provinces. If it be understood that the Exchequer Court Judge is to visit each province where the difficulties may arise with the railways, to take the evidence and adjudicate upon the evidence, it is a question whether that course would be any more expensive than it would be to leave it to the Supreme Court or higher courts of the provinces.

Hon. Mr. MILLS—It would not be as expensive.

Hon. Sir MACKENZIE BOWELL—What I feared in reading the Bill casually this morning was that in referring it to the Exchequer Court you would have to bring all your witnesses and lawyers to Ottawa. If that had to be done I should certainly be strongly in favour of the amendment offered by the hon. gentleman from Beauce. But if it is understood that the Exchequer Court Judge visits the provinces, and that there will be uniformity in the decisions affecting the closing up of railway corporations of this kind, would it not be better to leave it to one judge? I have since looked at the Bill more carefully, and it seems to me, as we have been informed, it is a counterpart of the law now in existence in England, so far as it could be made applicable to this country, and I find that every class interested, whether it be the original shareholders, the bondholders, the mortgagees, or any one else, is protected under this Bill, and no procedure can be commenced or carried through without the consent of three-fourths of all those interested, except the original shareholders. A majority of the original shareholders will be sufficient to justify action being taken.

Hon. Mr. BOLDUC—With a majority? A majority in numbers?

Hon. Sir MACKENZIE BOWELL—A majority in numbers, if I read it right, three-fourths of the bondholders and mortgagees must consent before you can do it.

Hon. Mr. BOLDUC—The idea of centralizing everything at Ottawa is exactly the principle against which I am strongly opposed. If we adopt that principle once, I am afraid it would be the insertion of the thin edge of the wedge, and if we adopt the principle of centralizing everything in Ottawa, we are exposed to the danger of seeing all cases tried hereafter before the Exchequer Court. I never heard any complaint of the way the Winding-Up Act is working in the different provinces. We know very well that where a judgment is rendered it is well known throughout all the Dominion, and the judges generally agree upon the principles on which they act. I still insist that my amendment ought to be carried.

Hon. Mr. MILLS—My hon. friend is under a misapprehension. There is no attempt at centralization. We do not touch, nor can we touch, a railway that is incorporated by a province. We are dealing only with railways incorporated by the Dominion, and we are giving to one judge, precisely as is done in England, the special function of regulating the terms on which a road is to be managed and the creditors are to be provided for. The judge goes to the place for the purpose of taking evidence, and whether it is argued here or will be argued in the place where the evidence is taken will, no doubt, depend upon the convenience of counsel largely, so that there will be no attempt at centralization. It is simply a matter of convenience that one judge—and that is the practice in England where they have far more to deal with than we would have in this Bill—that one particular judge is indicated as the judge who has the right to deal with all these cases. My hon. friend will see that in the case of a bankrupt, the property passes out of the hands of the bankrupt altogether. It is sold and distributed amongst the creditors. Here the railway must continue to exist after the settlement, the same as it did before.

Hon. Mr. DeBOUCHERVILLE—Is not this Bill really a bankruptcy law for railways?

Hon. Mr. MILLS—It is not exactly a bankruptcy law, but it bears a certain analogy to a bankruptcy law. In bankruptcy the property would be sold, and disposed of, but in the case of a railway that is unable to meet its liability, and perhaps to efficiently equip its road and carry on operations, there is provision made here that the road must still be carried on, and it must be carried on in the interests of those to whom the road is indebted and that, so far as it is possible to make provision for their compensation, provision will be made out of the earnings of the road.

Hon. Mr. DeBOUCHERVILLE—I put the question, not because I am opposed to the Bill, but to ascertain the fact. If a railway is in debt it is very difficult for an individual to sue a railway, and it would be much better to have this law, if it is as I understand it.

Hon. Mr. BERNIER—If the Bill provided that the judge would go to the locality of the railway, perhaps that would meet the objection of the hon. gentleman.

Hon. Mr. MILLS—In the nature of things, where there is evidence to be taken, that must be done.

Hon. Mr. LANDRY—But where there is no evidence to be taken, the judge need not go.

Hon. Mr. McCALLUM—After the explanation of the hon. Minister of Justice, I do not regard this as a bankruptcy law. It is a compromise between the creditor and debtors of the institution, and the people of this country having so much interest in railways, they are allowed to continue business. If that is the object, of course it is very desirable that that should be done. The public should not be deprived of the use of these railways, because they are behind in their payments, and if the property is divided fairly, giving them time to pay, it would be an advantage to the people generally, the same as when a man went into bankruptcy under the old bankruptcy law, he was allowed to compromise with his creditors. I look upon this as just the same, with only this difference: under the old compromise it was honestly carried out; in this case, as I understand, the measure will be a benefit to the public, because the railways will be continued in operation, and will accommodate the public.

Hon. Mr. BOLDUC—Why?

Hon. Mr. McCALLUM—Because if the bondholders and all these people who are pressing the railway company, come under this law, and agree to a compromise, and accept so much on the dollar for their indebtedness, the railway will be able to continue. At the first blush, I was inclined to go with my hon. friend, but after the explanation of the hon. Minister of Justice, and knowing it is in the interest of the people that the railways should be operated, I would advise my hon. friend to let his amendment go.

Hon. Sir MACKENZIE BOWELL—If hon. gentlemen will read carefully the first clause I think they will see what the object of the Bill is. I presume it is the result of a great deal of experience in Great Britain. It says:—

1. Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors (with or without provisions for settling and defining any rights of shareholders of the company as among themselves, and for raising, if necessary, additional shares and loan capital, or either of them.

That is, in order to accomplish what the hon. gentleman (Mr. Mulock) has mentioned—to enable them to continue the operation of the road. Then it provides that they

—may file it in the Exchequer Court of Canada (hereinafter called 'the court') with a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors, and with an affidavit of the truth of such declaration made by the president and directors, or by a majority of the president and directors, of the company to the best of their respective judgment and belief.

It is really a Bill to enable bankrupt railway companies, with the consent of their bondholders, shareholders and mortgagees, to act upon some course to continue the operation of the roads. Or, if the court thinks proper, after the investigation, if I understand it correctly, they might sell the road and divide the proceeds, if there are any proceeds to divide. That seems to be the object of the Bill. They discussed this question a number of sessions ago, and at that time came to the conclusion it was absolutely necessary that some such proposition as is combined in this Bill should be made the law in this country in order to meet these particular cases.

Hon. Mr. LANDRY—The amendment does not in any way destroy that part of the Bill.

Hon. Mr. MILLS—Oh, yes it does.

Hon. Mr. LANDRY—All the procedures may go on. The only difference is it will be before the other courts. We want to have such cases brought before our local courts, and not to have to come to Ottawa.

Hon. Mr. BOLDUC—I should like to have my amendment put.

The amendment was declared lost.

On clause 3,

Hon. Mr. LANDRY—Is that all ? Why not give notice also in a local paper ?

Hon Mr. MILLS—That is all. The Canada Gazette is the official gazette, and stockholders and bondholders of the road would know exactly where to look for the information required.

Hon. Mr. LANDRY—Are not the creditors interested also ?

Hon. Mr. MILLS—And the creditors also.

Hon. Mr. LANDRY—The creditors in any locality should receive notice, and notice should be given in the locality where the railway is.

Hon. Mr. MILLS—That would not always be practicable. Take the case of the Canadian Pacific Railway, which extends across the continent. I think the best way is to give notice to the Official Gazette. Everybody interested will know where to look for the notice, and I think that will be sufficient.

Hon. Mr. LANDRY—When I say locality, I mean one of the leading cities in the locality.

Hon. Mr. SCOTT—Hon. gentlemen will remember this : When a railway becomes embarrassed, it is a matter of public notoriety. No proceedings of this kind will be taken until things have reached an extreme point.

Hon. Mr. LANDRY—The hon. Minister has accustomed us not to believe in the papers.

Hon. Mr. BERNIER—The publication in the Canada Gazette is practically no publication at all.

Hon. Mr. SCOTT—Quite true, only it is the official way of giving notice.

The clause was adopted.

On clause 8,

Hon. Mr. LANDRY—Why is there a difference between clauses 7 and 8? Clause 7 enacts that the consent of the stockholders and the preference shareholders must be given by at least three-quarters of their number, while a simple majority is required from the common shareholders, in clause 8. Why is there a difference ?

Hon. Mr. MILLS—My hon. friend will know that in a bankrupt company any shareholders', except the preference shareholders', interests are not worth a very great deal, and so those who are preference shareholders are specially protected, and in that respect we simply follow the English Act. These sections are pretty much all from the English Act. I took the trouble of looking up the cases where the provisions of that Act have been brought into controversy. and I find that all the parties have been carefully safeguarded, just as they have been under the English statute, and the difference between the preference shareholders and the others is due to the fact that the preference shareholders may have a very considerable interest in a bankrupt institution, and in case of a sale, their stock or bonds may be worth very nearly their face, whatever it may be ; but in the case of the other shareholders, it would be worth very little.

Hon. Mr. LANDRY—But it is the same interest—the same class of interest.

Hon. Mr. SCOTT—Oh no, the shareholders have a road that is embarrassed, and know that their shares are gone. The ordinary shares are only valuable for their voting quality.

Hon. Sir MACKENZIE BOWELL—And these bonds are never issued without the consent of the original shareholders under the law.

Hon. Mr. SCOTT—Quite so.

The clause was adopted.

On clause 9,

Hon. Mr. LANDRY—How is that special meeting called?

Hon. Mr. MILLS—Called under the by-laws of the company.

Hon. Sir MACKENZIE BOWELL—Or under the Act by which they were incorporated.

The clause was adopted.

On clause 11.

Hon. Mr. LANDRY—This clause says that the notice of such application shall be published in the Gazette. There is no delay spoken of. How is that determined?

Hon. Mr. MILLS—The court will see that the parties are not cheated out of their rights.

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

The Bill was then read the third time and passed.

DOMINION ELECTIONS ACT AMENDMENT BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (64) An Act to amend the Dominion Elections Act.

(In the Committee.)

On clause 2,

Hon. Mr. MILLS—The words in this clause 'a cheque for that sum drawn upon and accepted by any such bank' are new.

Hon. Mr. McCALLUM—I know that they are new, and I wish they had been old, because it is a strange thing to me that a constituency in this country should be disfranchised by the act of a returning officer after the money had been paid in. He accepted the cheque, as I understand it, and placed it to his own credit, and one of the candidates was returned by 14 of a majority, and still the county goes unrepresented in the parliament of Canada. It is strange that a gentleman should take advantage of a thing of that kind.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McCALLUM—Taking advantage of his own mistake, and the government of the country say that it is all right.

Hon. Mr. MILLS—No.

Hon. Mr. McCALLUM—What is the object of making a deposit at all? It is to keep men from being nominated who do not intend to go to the polls. When a man polls a certain number of votes, his money is refunded; but in this case the man paid the money, and the returning officer accepted a cheque, put it to his own credit in the bank, and when the time came to make a return, he says that he cannot make a return. He is taking advantage of his own act. Has the government reprimanded him? I never heard that they had. They must have approved of it. He is doing an unjust act to the people of West Durham. No man who has a standing in this country will take advantage of a matter of that kind. When a majority of the people are against one candidate, he should allow the other man to go to parliament, and should use his influence to get him there.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McCALLUM—And it is an unfortunate thing for the people of this country that we adopted the local franchise for this Dominion. Look at Nipissing—I will deal with that when we come to the Franchise Bill. Look at Prince Edward Island, where the poll-books were scattered. There is legislation in Prince Edward Island now to try and do justice to the people that were properly returned in that province. We should be careful. We have made a mistake. Something has been said this afternoon about disallowance. The local legislature of Ontario has passed an Act to extend the life of that legislature. What kind of a franchise are they going to give us? If they can extend the life of the legislature for a month, they can extend it twelve months, then they can extend it twelve years, and if they can extend it twelve years, they can extend it sixty years, so that after a while we will want no election at all. The people will say that we elect ourselves, and I ask the government of the country and the Minister of Justice especially, to see that that Act is disallowed when it comes here. The people of this country will hold him responsible. Think of a local legislature extending its own life. No doubt, any action of theirs after they extend the life of that legislature, and any legislation on their part will be abortive. I am not a lawyer, but

common sense teaches me that. They cannot extend their term a day; but if they could extend it a day, they could extend it sixty years. Had nothing been said about disallowance, I would not have said anything about it now. As the West Durham case stands, I say it is a most extraordinary case that the officers of the government of this country should deprive the choice of the people of his seat; and, instead of being reprimanded, it seems that the more illegally and corruptly they act, the more they are appreciated at headquarters. I have not seen anything in the press from the ministers about it, and we find that when an appeal is made in the House of Commons to do justice, the majority are opposed to retroactive legislation. They could, if they wished to do what is right, pass an Act which would take effect from a certain date, and West Durham would be represented. But they will not do it, and the government are taking advantage of the improper action of the returning officer in West Durham. They certainly have majority enough in the Lower House, and I do not see why they should act in this way. One vote would not make any difference. Time will tell, and all secrets will come out by and by.

Hon. Mr. MILLS—I may say, in reply to the hon. gentleman from Monk, that there is no responsibility attaching to the government for what happened in the county of West Durham, except in so far as they are responsible for the appointment of the returning officer who held the election. In that case the returning officer received the cheque that was handed to him, and granted a poll. He gave the party a receipt, and, in my opinion, as I read the law, the granting of that receipt, so far as he was concerned, was a judgment as to its sufficiency, and, having decided that the receipt of that cheque was sufficient, and having ordered an election upon the receipt, he was bound in duty to have returned the candidate who had the majority of votes. I have no hesitation in giving that as my view of the law. That view was very clearly stated in the case of Pritchard v. the Mayor of Bangor, in England, that came before the Court of Appeals there, and the court held that the returning officer was exercising a judicial function when he decided on the sufficiency of a qualification, and in this case there was no deposit of money required—the same principle. He exercised a judicial function in saying that that cheque, for which he gave a receipt for $200, was a sufficient compliance with the Act which required the placing in his hands of $200 by the candidate or his agent. Having accepted that cheque as a sufficient payment, he was bound to return the candidate who had polled a majority of votes. It may be that the court would have held that that was not a sufficient compliance with the law, but he had no power to hold that. He had already pronounced a judgment, and he had no power to recall or review the judgment he had pronounced, and it was his duty, in my opinion—I have no doubt of it, and have not hesitated to say so—to return the candidate having a majority of votes. Well, he did not so do. He did not comply with the law in that particular. He returned nobody as elected, and he consulted counsel, and acted upon the advice of counsel. The law makes provision that where there is no return, a party may claim the seat, and he may charge corrupt practices against his opponent. He may institute judicial proceedings for the purpose of ascertaining who is entitled to the seat, and all those proceedings were taken under the authority of the law, which has been the law, at all events, since 1886, and I forget how long before. Those proceedings have been taken, and that case is still pending in the court. I am not going to enter into a discussion as to whether the act of the returning officer, in accepting that receipt as sufficient, is one that the courts are certain to uphold. It would be presumption on my part to express any opinion on that subject while it is under judicial cognizance. I have no hesitation in predicting that the court will say that the returning officer ought to have returned the man having the majority of votes, leaving the other party to contest the question as to the validity of the cheque, as a deposit of $200, in the courts in a controverted election trial if they saw proper to do so. The doctrine in this case is well stated in the judgment of the Court of Appeals in that case of Pritchard v. Bangor, and the same case went to the House of Lords, and the view taken by the Court of Appeals was there upheld. Any hon. gentleman who will take the trouble to read over Lord Watson's judgment in that

case will see precisely the doctrine that I state is there laid down, and Lord Watson says that it may be that the election might be upset on the validity of the nomination, but it ought not to be upset or questioned by the returning officer calling in question his own act or his own judgment. That must be left to the courts, and that ought to have been done here. However, practically there may be no great difference between proceeding to judgment before a return was made or proceeding to judgment afterwards. If the court should take the view that the deposit was sufficient, and in that case the party ought not only to have been returned, but would have been entitled to retain his seat, then Mr. Thornton has been kept out perhaps during the present session, which he ought not to have been. I have no hesitation in saying that the returning officers ought to have as little discretion as possible. There are certain duties devolving upon them. I questioned, with a good deal of feeling, myself the course that was taken in the case of the Queen's county election, when Mr. King was kept out of his seat, and when the returning officer there, after receiving a deposit of $20, and after having granted the poll and after Mr. King had been returned, said that he had no right to grant a poll under the circumstances, that the deposit was paid by King himself, instead of having been paid by his agent, that the statute did not authorize him to consider it at all, and that he returned Mr. King's opponent, who had polled a minority of votes. I think that was a most outrageous proceeding, and I do not agree with the course taken by the returning officer in that instance any more than in this case. I may say that in two or three cases the returning officers wrote to me with regard to the course that they ought to adopt. In another case—I need not mention the name of the party, but I may say that he is a political opponent of the government, and he had polled a majority of votes—the returning officer had given him a receipt for a cheque and accepted it as sufficient. When he applied to me for advice, I told him he had already pronounced judgment on the sufficiency of the deposit, and that it was his duty to return the man having the majority of votes. His duty was simply an arithmetical duty, to add up the votes and give the seat to the man who had the majority. That election has not been questioned. If the opposite view had been taken, there would have been an election trial just as in this case.

Hon. Sir MACKENZIE BOWELL—That was East Northumberland ?

Hon. Mr. MILLS—Yes.

Hon. Mr. McCALLUM—I do not think the Minister of Justice individually would sanction any such course as was taken in West Durham. In the other case, in King's Co., N.B., there was a difference. What took place there ? They brought the returning officer to the Bar of the House.

Hon. Mr. MILLS—But they did not give the man the seat.

Hon. Mr. McCALLUM—There is one officer in West Durham and one in Nipissing who are outside the law altogether, and the government do not reprove them. I do not think the Minister of Justice would advise them to do anything that was illegal. The trouble is that those who act illegally and corruptly are not punished. That is what I complain of and nothing more.

Hon. Mr. BERNIER—It seems to me that in such cases the law should provide very clearly, whether it is in the nomination or in connection with the contestation, that the receipt for the deposit from the proper officer should be sufficient evidence of compliance with the law. What is the object of the law ? Not to put difficulties in the way of the choice of the people. The deposit is only to be evidence of good faith and a certain guarantee for the expenses. Whether it is a marked cheque or a sum of money in certain denominations of bills, there is no object in refusing it. No officer will refuse to accept money of a bank or a marked cheque, and the receipt of that officer should be a sufficient evidence of compliance with the law. The moment the officer gives this receipt he takes the responsibility of the genuineness of the money or of the cheque, and it is for him then to look for his own safety.

Hon. Mr. POWER—I do not agree with the hon. member for St. Boniface. I think his proposal might lead to very serious frauds. As it is now, it is provided that

the money shall be paid in on behalf of the candidate, and that that may be paid in the shape of a certified cheque. If the suggestion made by the hon. gentleman from St. Boniface were acted upon, and a receipt signed by the returning officer were sufficient, we can imagine a returning officer, whose political friend had failed to pay the money, might give a receipt in order that his friend should not be shut out from the election ; and I think we had better not undertake to interfere with this provision, as it comes to us. It comes from the House of Commons, where they are more especially interested in elections than we are, and I think the proposal of the hon. gentleman might open the door to very serious fraud.

Hon. Sir MACKENZIE BOWELL—I did not understand the hon. gentleman from St. Boniface to make any such suggestion. He merely gave his opinion as to what he thought ought to be the law, and made no such suggestion. I am very glad the amendment was made, and I think every one who listened to the hon. Minister of Justice will be gratified at the fairness with which he stated the question to the House, and will be still further gratified in hearing from him that he gave advice to a returning officer not to exercise any power beyond performing his duty simply. In that case it was nothing like as bad as the one under discussion. The case in East Northumberland was one in which the candidate simply gave his cheque, and it was accepted by the returning officer. There are two gentlemen sitting in the House of Commons to-day in precisely the same position. The Conservative member from East Northumberland is in precisely the same position as the gentleman who has been deprived of his seat in West Durham. I forget the case in the west. It was a party supporting the government, but those parties, on the advice of the hon. Minister of Justice, returned these men and allowed them to fight the battle in court. While I have a very strong objection to retroactive legislation, for such this would be called, in view of the decided opinions the government hold, especially the hon. Minister of Justice, I do not know why they did not make this clause so far as it affects West Durham, retroactive, to give Thornton his seat, and then, if he had committed an infringement of the Elections Act, let his opponent go into court and fight the battle with him. There is no use discussing the matter now. I know a case of my own where innocently—I certainly should not have taken advantage of it—the gentleman running against me was a banker where I lived, and he presented his cheque to the returning officer. That is 20 years ago. The returning officer said : 'I will not take that,' and I said, 'why bless you, that man's cheque is good for more than $200. I would certainly take his cheque for $200.' But the returning officer said no, and I think if he had been ten minutes later with his deposit, I would have been declared elected, but I did not want to be elected that way. A boy was sent, as if he had somebody after him, down to the bank to get the money, and got it just in time. The case in Queen's N.B., is not directly analogous to the present case. The courts decided that the returning officer in that case performed his duty within the law, and that Mr. Baird was entitled to the seat, though he obtained it by a technicality, and the returning officer was summoned before the Bar of the House to explain his conduct. Immediately after the close of that session of parliament, Mr. Baird resigned his seat and went back to the electors, and was re-elected by a large majority. However, the fact of his resigning and being re-elected does not affect the point made by the hon. Minister of Justice. This case of West Durham is one of the worst cases we can conceive of. The officer accepted the cheque and put the money to his own credit, and allowed the election to proceed, and when Mr. Thornton was elected by a majority of a little over 40, his opponent got the ear of the returning officer through political influence, and no return was made. I am glad this amendment has been made ; it meets the case, and I think it will be scarcely advisable to make it the law that the returning officer should accept any cheque given by anybody—although I agree with the hon. gentleman from St. Boniface that if the returning officer accepts the cheque and exceeds his duty, he ought to be made responsible for it, and be made to pay the money himself.

Hon. Mr. MILLS—I do not agree with my hon. friend that the case of Queen's County

is not a worse case than the case of West Durham.

Hon. Sir MACKENZIE BOWELL—I said it was not analogous.

Hon. Mr. MILLS—It is analogous in this sense, that there the returning officer had accepted not a cheque, but money. He accepted money, which was paid in by Mr. King himself, if I remember rightly. He granted a poll. An election was held, Mr. King had a majority of 61 polled for him. He refused to return Mr. King on the ground that Mr. King had paid the money directly himself instead of having paid it by an agent, and then, when Mr. King asked for a recount before the County Judge, the Judge of the Supreme Court intervened and prohibited him from making a recount. I objected in the House of Commons, not only to the proceeding of the returning officer, which was all wrong, but I objected to the interference of the Supreme Court Judge, because the County Court Judge, in making a recount, is not acting in his capacity simply as judge, but is acting as an officer of parliament, under the express authority of parliament, to discharge the duty that pertains to parliament that the House of Commons could have discharged itself if it had not delegated its power to do so to a judge who was acting, not as judge, but as an officer of parliament for that purpose. The case of Ashby vs. White in England settled that long ago. In a case in Ontario, Mr. Justice Robertson intervened to prevent a recount. There was a motion made to arrest the judge and also Mr. McCarthy, who was acting on behalf of the party.

Hon. Sir MACKENZIE BOWELL—That was the case of North Ontario ?

Hon. Mr. MILLS—Yes. The doctrine which I contended for in the House of Commons in the Queen's case was there upheld in the Court of Appeals, that is, that a judge in making a recount is not acting as a judge subordinate to the Supreme Court judge, but is acting as an officer of parliament specially designed for the discharge of that duty, and therefore responsible only to parliament and not to any higher court for the manner in which that duty was discharged. That was maintained. It is an old doctrine. Any one who will take the trouble to read over the discussion in the state trials in the case of Ashby and White will find the whole matter threshed out, first in the House of Commons by the most eminent lawyers, and ultimately by the House of Lords as a final court of appeal, where they decided that the party discharging the duty in such a case is acting as an officer of parliament and is responsible to parliament for the discharge of that duty.

Hon. Sir MACKENZIE BOWELL—In the North Ontario case, one judge interfered with another, and a grosser act of injustice was never perpetrated than that, as evidenced by the fact that when Mr. McLeod went back for election he was returned by five or six hundred of a majority.

Hon. Mr. JONES—The desire of the government evidently is, by this clause, to so widen the law as to take in the case which has been prominently brought before the House—the case under discussion. My own view is that possibly, under the law as it will be changed, there will be more likely to be difficulties than there would have been if there had been no effort to widen the law to the extent which returning officers sometimes have gone. The clause we are reading, I believe, only differs from the other by adding 'or a cheque for that sum drawn upon and accepted by any such bank.' My own view is that if the law had been left, and it had been necessary to tender the bills of a chartered bank, and not cheques, possibly the difficulty which might arise would be more likely to be obviated. I do not know that the law defines what an accepted cheque is. The ordinary term used I think in business circles is a marked cheque.

Hon. Mr. SCOTT—The term accepted cheque is stronger.

Hon. Mr. JONES—An accepted cheque, I suppose, must be, as a matter of course, a marked cheque. It is not unusual in the case of a marked or accepted cheque for payment to be stopped.

Hon. Sir MACKENZIE BOWELL—What is usually put on a cheque when it is marked ?

Hon. Mr. JONES—The initials of the ledger keeper. The word 'accepted' is used by some banks. Possibly it is used now by

all banks, but my impression is that it is not used by all.

Hon. Mr. BERNIER—Accepted is a stronger term than marked.

Hon. Mr. JONES—I think every hon. gentleman will agree that it is not unusual for payment of marked cheques to be stopped. What effect would that have ? It is not desirable that there should be any possibility of technicalities arising which would be likely to bring about more difficulties than we have at the present time. My own view is that it is as easy for a candidate to get the money as to get a cheque marked, and then there can be no possible doubt, and it is the usual way of doing business. The country was getting accustomed to that, and if the law had been left unchanged, and the returning officer had instructions that nothing else should be accepted by them, I think there would be less liability to have technicalities growing out of the law in future.

Hon. Mr. LANDERKIN—If you take into consideration the changes which have been made in the law in the last thirty years, you will find it was in the best interests of public morality to have stringent regulations surrounding the Election Act. I remember, years ago, there was no deposit made and none was required. I remember then that returning officers did precisely as this returning officer did, and very little exception was taken to it. One of the first votes I gave in parliament was in a case of this kind, where a member for West Peterborough was elected by a majority of 57, and the man who had the minority vote was returned, and was kept in his seat by a majority in the House. The argument used was, that his opponent had not put in his form of qualification in time, although it was proved he had done so. These things went on until the government—I think the government of which the hon. member from Hastings was a member——

Hon. Sir MACKENZIE BOWELL—That was before my time.

Hon. Mr. LANDERKIN—That was making the deposit in legal tender.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. LANDERKIN—I think it is better than the cheque system, and more likely to prevent fraud. If you do not have some regulations, and they do not comply with them, who is to blame but those who neglect to do their duty ? If a public man undertakes to discharge a duty, and will not comply with the law in these particulars, it is not to be expected that he will in any other particular. This case in West Durham does not stand alone ; others have lost their seats for the same thing. If I had not made the deposit in legal tender in several elections, I would have lost my seat, and if I had lost it, I do not know that I could blame anybody but myself. I do not know that this candidate can blame anybody but himself, and particularly when the judges have decided that he neglected his duty and was not entitled to the seat. When the judges of the Supreme Court of Canada make a decision like that, I do not think there should be any strong desire felt by any member of parliament to have a retroactive Act passed by this parliament, because he clearly neglected a very important duty. This instance shows to public men the imperative necessity which exists of complying with the law, and it should be the duty of the Senate to regard and observe the law, and if they regard and observe the law, then these grievances will not arise. It is very much better to have the Senate to take a stand and have the courage of its convictions and say that those who offend against the law shall suffer for their offence. There is no use of shedding sympathetic tears for those who have neglected their duty. It should not be a question whether it is on the Liberal or Conservative side. The same things have happened on the other side in an intensified form, compared with this. We should take it on a broad line ; we should surround the election law with strong and definite regulations, and then the candidates for election must comply with the law. If they do not do so, are the people likely to expect they will get wise, beneficent or well-guarded laws from those who neglect to comply with the laws themselves? To teach a proper regard for the law should be a function of the Senate ; to observe the laws laid down by parliament should be one of the things we should strive to enforce, and I do not approve of shedding sympathetic tears for those who neglect the law and suffer for it, when the Supreme Court of Canada says that this can-

didate who neglected to comply with the law in this particular should forfeit the seat. I understand this is not nearly as grievous a case as many others. It is not as bad as the very first case I referred to, West Peterborough. It is not as severe as Queen's or Prince Edward Island, but that is no justification for this. In those cases, the candidates had not neglected their duty. They had complied with the law and obtained a majority, and yet were deprived of their seats. I think the suggested deposit of an accepted cheque is no better than the legal tender. I would always see that the legal tender was provided, and I think it is just as good that way as a deposit in any other form.

The clause was adopted.

On clause 3.

Hon. Sir MACKENZIE BOWELL—Has the Minister of Justice considered the motion of which I have given notice? It should come in here, because it affects clause 41 of the election law. I pointed out, when giving notice of the amendment, what the difficulty was. What I propose to do is to repeal subsection 'a' of section 41 and substitute the following :—

(a) Cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers hereinafter mentioned ; which notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up, and shall be in the form (I), and in Prince Edward Island he shall cause to be placarded at the same time and places such notice or advertisement regarding the qualification of voters as is required to be posted under the provincial law.

Hon. gentlemen will remember that the election law imposes certain duties upon the returning officers in giving certain information. If you look at the form I, and then turn to the law of Prince Edward Island, you will find it impossible to comply with the Act, for the reason that that which is necessary to post in Prince Edward Island is not required in other sections of the Dominion, and that there is not room in the form referred to for the notice. It will be observed that it compels the returning officer to place all this information also in that form 'I'. What I propose—and it is done at the instance of the hon. gentleman from Prince Edward Island (Mr. Ferguson)—is simply to authorize the returning officer to post the information that is provided under the general Act in form 'I,' and then add :

In Prince Edward Island he should cause to be placarded at the same time and place such notice or advertisement regarding the qualifications of voters as is required to be posted by the provincial law.

It is simply transposing the words 'and in Prince Edward Island,' etc., from the middle of the section to the end, so that he can post them separately, as was done in the last election. The returning officer came to Mr. Ferguson and asked him what he should do under the circumstances ; that he found it impossible to put all that information in Form 'I'. The hon. senator said : 'You will carry out the spirit of the law, if not the wording of it, by giving the additional information in another poster.' It was done and nobody objected to it.

Hon. Mr. MILLS—I have not time to examine the clause with care. If the House will permit the rest of the Bill to go through, we will report progress and ask leave to sit again, and in the meantime I will have an opportunity of examining the proposed amendments with care, and will give the hon. gentleman an opportunity of bringing it up again.

Hon. Sir MACKENZIE BOWELL—The reference is to chapter one of the Prince Edward Island statutes of 1893.

The clause was allowed to stand.

On clause 4,

Hon. Mr. POWER—The object of this clause is to enable the agent and officers who have a right to be present in the polling station to have the ballot papers counted, 'and shall be entitled to inspect such ballot papers, and all other papers, forms and documents,' and so on. That is a proper provision, but I think it needs some limitation. There may be 300 ballots to be counted and inspected, and all that work may not be concluded at the hour for opening the polls. I think there should be some proviso at the end of this clause to hinder the work which is done inside the poll from being protracted beyond the hour of opening. There is nothing providing that the voters shall be allowed to come in at a certain hour.

Hon. Mr. MILLS—Yes, the opening must be at a particular hour, and the work must be done before that.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—Reference was made the other day to the fact that this provision allows a man who has been disfranchised under the local law to swear himself on to the voters' list; and it was stated that the provision might apply to the case of Chinese. I wish to ask whether the minister has given his attention to that. I do not know whether, under the circumstances, there is anything in the Franchise Act which provides that no Chinaman shall be allowed to vote, but under the provision in the Franchise Act, and also under this sub clause, now under consideration, in the province of British Columbia, we might get a number of Chinese on the voters' list, and I think some provision should be inserted to prevent that.

Hon. Mr. MILLS—I do not think so. The intention is that every British subject should have the right to vote, and if a man coming from Hong Kong happens to be of the Chinese race and has the proper qualifications under the Dominion law, I do not know why he should not vote.

Hon. Sir MACKENZIE BOWELL—I fully agree with the remarks of the hon. gentleman. The law prohibiting Chinamen coming into this country used the word 'Mongolian race,' and it makes no difference whether he is born in England or anywhere else, if he is of the Chinese race he has to pay the capitation tax.

The clause was adopted.

On clause 6,

Hon. Mr. MILLS—I have struck out a few words in this clause, and substituted other words, simply to make it more explicit.

Hon. Sir MACKENZIE BOWELL—This does not apply to the case where a voter has removed from one riding to another.

Hon. Mr. MILLS—No, only to cities and towns.

The clause was adopted.

On clause 7,

Hon. Sir MACKENZIE BOWELL—Has my hon. friend taken into consideration my proposed amendment—that is, making different provision for the depositing of the ballot in the ballot box, an arrangement by which the voter holds the ballot himself?

Hon. Mr. MILLS—I think it is safer and better that the returning officer should be responsible for everything that is in the box, and he is more likely to be responsible if he deposits it himself. By that clause we would take away the responsibility of the returning officer, and I think there would be room for more fraud than under the present system.

Hon. Sir MACKENZIE BOWELL—Room for fraud on the part of the voter instead of on the part of the returning officer?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Then we will let it stand. Is there any provision for the counting? If the returning officers are particular they will prevent the scrutineers from handling the ballots. I can give an illustration which occurred at the last election where everybody was astonished when the ballots were counted to find that, in a ward where there are scarcely a dozen, certainly not twenty Liberal voters, very many more votes were polled for the Liberal candidate. It was the Ridge Road section. The only way that that could be accounted for would be by the agency of the candidate, who came from a distance. He had his arm in a sling, and pretended that he had a felon, and he took particular pains when they were counting the ballots to smooth them over. He either substituted other ballots or by some means marked them. There is no question about that. The moment the poll was taken he started off for the station, and nobody knew anything of him. Whether there is anything in the law to prevent that kind of manipulation I am not aware just now. The deputy returning officers in that riding would never think of a fraud of that kind until it was practised on them. This man was sent from a distance, from the 'machine' shop, I suppose, and he manipulated the whole thing, and in a regular Tory ward there was a large Liberal vote

counted, which never happened in that section of the country before, and I hope never will. I think there should be a provision to prevent any one touching the ballots excepting the returning officer himself.

The clause was adopted.

On clause 9,

Hon. Mr. MILLS—This is a clause providing for the form of ballot.

Hon. Mr. POWER—I should like to know the object served by the heavy black border on the side of form P.

Hon. Mr. SCOTT—In order to prevent the voter putting his mark there. If there was a white spot there, the voter might mark it in that spot.

The clause was adopted.

Hon. Mr. PERLEY, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday.

PUBLIC PRINTING AND STATIONERY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (137), an Act to amend the Act respecting the department of public printing and stationery.

(In the Committee.)

Hon. Mr. SCOTT—This legalizes a practice which has been in force for the last ten years, and the Auditor General says it must be made legal by Act of parliament. It has generally taken about two months before the Auditor General could audit the account from the Printing Bureau. The Auditor General must get an advance, and he says that this advance must be authorized by parliament.

Hon. Mr. SNOWBALL, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (45) an Act to amend the Pacific Cable Act, 1899.—Hon. Mr. Scott.

Hon. Sir MACKENZIE BOWELL.

ALLOWANCE TO PRINCE EDWARD ISLAND BILL.

FIRST READING.

A message was received from the House of Commons with Bill (138), an Act to provide for the further allowance to the province of Prince Edward Island.

The Bill was read the first time.

Hon. Mr. MILLS moved that the Bill be read a second time on Monday next.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman considered that this is adding another million to the debt.

Hon. Mr. MILLS—Yes, I have considered it.

The motion was agreed to.

DOMINION AND PROVINCIAL JUDGES BILL.

FIRST, SECOND AND THIRD READINGS.

Hon. Mr. MILLS introduced Bill (U) 'An Act to remove doubts concerning the continuance in office of judges of Dominion and provincial courts upon the demise of the Crown.'

The Bill was read the first time.

Hon. Mr. MILLS moved that the Bill be read at length at the Table of the House. He said : There has been a doubt expressed by some of the judges as to whether they had a right to continue in office or not, and it is for the purpose of removing that doubt in their minds, I have no doubt, nor have the officers of my department, on the subject, but I think it is only respectful to eminent men, as our judges are, that their views should be met in the matter. It can do no possible harm, and removes any possible ground for doubt.

Hon. Mr. PERLEY—Have the judges been sworn in again ?

Hon. Mr. MILLS—They will not require to be sworn in again if the Bill carries.

Hon. Mr. PERLEY—But have they not all been re-sworn since the death of the Queen ?

Hon. Mr. MILLS—I believe so.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. minister bases the opinion he just gave us upon the theory that the King never dies.

Hon. Mr. MILLS—No. It is provided by statute already. I can show my hon. friend an opinion communicated to me from Toronto to the same effect.

The motion was agreed to and the Bill passed through its final stages under a suspension of the rules.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 20, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. Antoine Arthur Deschenes was introduced, and took his seat.

SECOND READING.

Bill (104) 'An Act respecting the Nova Scotia Eastern Railway Company.'—(Hon. Sir Mackenzie Bowell).

THIRD READING.

Bill (T) 'An Act to confer on the Commissioner of Patents certain powers for the relief of Eudora Sibbald.'—(Hon. Mr. Dandurand.)

PRINTING OF RETURNS.

MOTION.

Hon. Mr. O'DONOHOE—A few days ago I moved for a return, some books, to be laid on the Table of this hon. House and the motion was agreed to, but I omitted to ask that the books be remitted to the Committee on Printing to be printed. I now ask leave of the House to move that they be remitted to the Committee on Printing for that purpose, but that the originals be retained, that there should be no expense for translating, and that the printing be made from copies of the originals.

Hon. Mr. SCOTT—There is no objection to their being referred to the Committee on Printing.

Hon. Mr. MILLS—If the committee print them, I shall be very much obliged if they will have them copied first and send the copies to the Printing Bureau. We had not time to get them copied, and we brought down the originals. We have no record in the office, and I hope the committee will not allow the originals to be sent to the Bureau.

Hon. Sir MACKENZIE BOWELL—Let the clerk be instructed to have them printed.

Hon. Mr. SCOTT—We had better not give any instructions until we know whether the committee will print them. They may not print them.

Hon. Sir MACKENZIE BOWELL—Oh, I think they will. I might say to the hon. gentleman from Toronto that all these returns are sent to the Printing Committee without a motion, and no instructions are ever given, unless special instructions are issued to expedite the printing. Then the committee either reports favourably or unfavourably with reference to the printing. If the report is unfavourable, then the Senate could order them to be printed.

Hon. Mr. BERNIER—There will be no other meeting of the Printing Committee now, but the Chairman of that committee has power to deal with these papers according to their merits.

Hon. Mr. O'DONOHOE—If that be so, I may say no more about it, because my purpose is accomplished.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from London is chairman of the Printing Committee, and if the hon. gentleman from Toronto will communicate with him, I have no doubt he will have them printed as required.

Hon. Sir JOHN CARLING—I shall be very glad to do so.

THE WHARF AND HARBOUR OF THREE RIVERS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether the different works done at the wharf of the harbour of Three Rivers since the 1st July, 1896, have been let by contract or done by day's work?

If by contract, was it the lowest tenderer who obtained the contract? If not, why?

If these works or some of these works were done by the day, what was the amount expended under the heading ?

Who acted as overseer of these works, and at what salary?

How much has this overseer received in all upon these works executed by day's work?

Who furnished the materials, and how much of these materials (stating the value in money) were furnished the overseer of these works ?

Hon. Mr. MILLS—The works at Three Rivers are done by harbour commissioners and not by the Department of Public Works, and we have not the information which the hon. gentleman seeks for.

REMOVAL OF Mr. GEORGE WALLBRIDGE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired :

Whether Mr. George Wallbridge, who for some years past has been one of the harbour commissioners in the city of Belleville, has been removed from that position? If so, for what reasons was he removed, and who has been appointed on said commission in his place?

Hon. Mr. MILLS—Mr. George Wallbridge was removed from the position of harbour commissioner at Belleville by order in council, the 19th of April, 1901, because it was in the interests of the harbour commission. Mr. E. G. Sills was appointed by the same order in council, harbour commissioner in lieu of Mr. Wallbridge.

Hon. Sir MACKENZIE BOWELL—I think it will be a matter of very great surprise to the citizens of Belleville when they read the reason given by the hon. Minister of Justice. The reason, if I understood it, is that Mr. Wallbridge was removed in the interests of the harbour. Is that it?

Hon. Mr. MILLS—In the interest of the harbour commission.

Hon. Sir MACKENZIE BOWELL—Everyone knows that Mr. Wallbridge was one of the most assiduous and least offensive men ever appointed on any commission. I venture the assertion that the reason assigned is not the real reason why he was removed. He was removed for no other reason than to make way for a political friend, and it was for the purpose of obtaining another political friend on that commission in order to dismiss the harbour master, the former commissioners having refused to do it. Let me tell the hon. gentleman, when that harbour was put under commission I had the honour of making the recommendation of the commissioners. These were two of the most respectable men in our city, one a Liberal who ran in the interests of the hon. gentleman's party, and the other a Conservative, and the third commissioner is the mayor of the city, whoever he may happen to be. They remained commissioners until Mr. Ritchie retired, and another was appointed, also a Liberal. That gentleman, Mr. Hanley, thought proper to resign after a few years, and we have reason to believe he resigned, though a Liberal, because he refused to join in the dismissal of the harbour master, and now, in order to get rid of the present harbour master, who has performed his duty as well as it could possibly be done, will no doubt be removed as soon as a majortiy can be got against him. I look upon it as about as small a piece of tyranny as could be practised. I know, and every citizen of Belleville knows, it is not in the interests of the commission that Mr. Wallbridge was removed, for no one could have done his duty better than he, and there is not a man in the whole city of Belleville who is less partisan in his political opinions than this same gentleman. I have given the reason why I believe he was removed, and a very short time will show whether I am right or not. It should be borne in mind that the Dominion government do not pay one cent towards the salary of the harbour master. It is paid out of the fees of the harbour, which are controlled by the harbour commissioners. I regret exceedingly that this pernicious principle is carried to such an extent. In our city and county we never act upon that principle. Although the town is strongly Conservative, both the treasurer and the tax-collector who were appointed by Conservatives are Liberals, and have been for years. In the county you will find the county clerk and the surveyor, two of the

best offices in the whole country, are held by Liberals. A dismissal of that kind is certainly enough to disgust, as I am sure it will, every respectable man in the city. I cannot but believe that the Minister of Marine and Fisheries, who has acted in this way, must have been misled, and wrongly advised. It is a pity that political reasons should be brought to bear upon every little thing that the government have to do with, whether they are responsible for the payment of one cent connected with the office or not. I scarcely think the Minister of Justice would have been a party to an act of that kind, so petty in its character, if he had known the facts in connection with it.

SOUTH SHORE RAILWAY COMPANY'S BILL.

SECOND READING POSTPONED.

A message was received from the House of Commons with Bill (106) 'An Act respecting the South Shore Railway Company.'

The Bill was read the first time.

Hon. Mr. DANDURAND, in the absence of Hon. Mr. Casgrain (de Lanaudière), moved that rules 17 and 41 be suspended in so far as they relate to this Bill.

Hon. Mr. OWENS—I object to the suspension of the rules.

The second reading was fixed for Tuesday.

FIRST AND SECOND READINGS.

Bill (67) 'An Act to incorporate the Quebec Terminal and Railway Company.'—(Hon. Mr. Landry.)

Bill (135) 'An Act respecting the Great Northern Railway Company of Canada.'—(Hon. Mr. Landry.)

BILLS INTRODUCED.

Bill (130) 'An Act to amend the Gas Inspection Act.'—(Hon. Mr. Scott.)

Bill (140) 'An Act to amend the Electric Light Inspection Act.'—(Hon. Mr. Scott.)

Bill (141) 'An Act further to amend the Act relating to Ocean Steamship Subsidies.'—(Hon. Mr. Mills.)

Bill (142) 'An Act to provide for further advances to the harbour commissioners of Montreal.'—(Hon. Mr. Mills.)

FRANCHISE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 63) 'An Act to amend the Franchise Act, 1898.'

(In the Committee.)

Hon. Mr. SCOTT—I think some hon. gentlemen asked to let this measure stand till to-day. The Bill was gone through, and the hon. gentleman from Monck asked to have it stand.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Victoria called attention to the fact that Chinese and Japanese were allowed to vote if they were British subjects. If it were a benefit to them, I would not say anything against it, but it is a useless proceeding to have them vote.

Hon. Mr. McCALLUM—I do not wish to say anything about it, but I consider that a mistake was made when we adopted the franchise of the local legislatures. If we had not done that, we would not have the muddles which we have to-day. There are scarcely any two provinces which have the same franchise. The province of Quebec has different property qualifications, because if a man has property and assets, he can vote wherever he has property. In the province of Ontario, the principle is one man one vote, but that is not the case in Quebec. The reason of all this muddle is that we have adopted the franchise of the local legislatures without full consideration. That is the cause of all the trouble to-day. Take the Franchise Act and the Election Act, and they are both very close together. I consider that a mistake has been made. It appears that the government do not hold their returning officers responsible to them. It appears the more they obstruct a certain party, the more chance they have of promotion. It has been argued that, of course, the same voters, with the same franchise, that vote for members of the local legislature, should be the proper ones to vote for the return of members to the House of Commons. Some hon. gentlemen may think that, but we have different questions to deal

with altogether. The members of the local legislature have principally to deal with municipal affairs, and the members of the House of Commons have to deal with trade and commerce and marine and fisheries—marine principally, because the fisheries have been handed over to the local legislatures. They have to deal with the foreign policy of this country, and all national questions, and that should make a difference as far as that is concerned. I do not know that we can change it here very much now, but the day is coming when it must be changed. What kind of a franchise will we have if our friend, the Prime Minister of the province of Ontario, extends the life of the local legislature ? What kind of a franchise will he give us if the Dominion government allow that Act ? If he can extend the time at all, he can extend it as long as he chooses. He has a majority, and we should be careful. We cannot extend the time here. I draw the attention of the House to the result of adopting this Act of the local legislature. It has been said that it will save expense. I do not think it saves any expense at all. We should have a franchise of our own, and not be at the mercy of the whims of the local legislature, to take whatever they may choose to give us. A friend spoke to me yesterday, and said he wanted to exclude the Chinese. He said the Chinese will soon be here. I do not know that they will come to the Senate, but they will be in the House of Commons before long, and they may come into the Senate. Of course, if they have money enough they may come. Some of them are very rich. If ten thousand dollars were the amount—I do not say it is—and if the Chinese get rich, they may work into the Senate. I cannot expect, in the course of nature, to live very long, but I would say that it is very doubtful if you can exclude the Chinese if they are British subjects. If they are British subjects and comply with the law in every other way, it would be difficult to exclude them. Just consider the way the last election was carried on. As I understand the matter, many voters who were not British subjects, polled their votes, and did not comply with the law, such as Galicians and Doukhobors, who were driven to the polls, like cattle, under this law. I do not see how you can exclude the Chinese if they have every other qualification, and you allow the Galicians and Doukhobors to go to the polls when they have no vote. Look at the way the Nipissing election was carried on. The government, after they issue the writs and give notice to the people all over the country that they are going to hold an election on a certain day, find out that it would be more advantageous to the party in power to pass an order in council extending the time, and they do so. My hon. friend, the Minister of Justice, argued very nicely about this matter the other day. He argued all around it, but did not strike the point because it is necessary that every man in the electoral division should be allowed to vote. I agree with him ; but whose duty was it to see that the proper list was prepared, and prepared at the proper time ? The duty must devolve on somebody. Was it the Secretary of State ? My hon. friend shakes his head as if he had nothing to do with it. Of course, he had been advising the returning officer and the candidate, and he is mixed in it one way or another. I do not want to say anything further about that matter, and the action of the hon. Secretary of State, because I have a good deal to say on questions of that kind, and I do not wish him to think that I have anything against him, except that I think he stepped beyond what I consider he should do, and I am bound to say that to any man who does not do his duty as I think he should. When he goes outside of his duty, I think I have a perfect right to criticize his actions. It is a shame and a disgrace to the people of this country that a returning officer and his clerk should go and hide all day in order to evade the law. Just think of the man hiding, with all the order in council, and all the posters that my hon. friend the Secretary of State gave him—that he should hide himself, as he did, according to his own evidence, which I have before me. He swore that he hid all day so that the election could not be held, as I consider, according to law. The government stepped in with an order in council, and it is very well now to say that it was done in the interests of the people in order to give the people a chance to vote. They should have seen that the electors were put on the list before, if there was any power to do it, but how are you going to reach the local legislatures ? It is a muddle from beginning to end. It is what I call a mon-

grel—yes, a mongrel franchise, neither one thing nor the other. I say that every man who has the interests of his country at heart, ought to see that we have a different franchise from what we have now, and that we should not be at the whim of the local legislatures to do what they please, considering the way they have acted all over the country at the last election, the way they acted in Prince Edward Island, and in Quebec, too, passing a law so that you cannot get into the courts to see which candidate was returned. See what has taken place in Ontario. It may be said that it was not the fault of the Franchise law, but it is the fault of the government. They should not appoint officers who are not fit to carry out the duties of returning officers, men who are partisans. In Nipissing, the man says: 'I did not show myself, because the Tory party never did anything for me, and I am not going to do anything for them.' This is a beautiful way to carry out the law. I wish to see every man in the country who has a franchise, poll his vote, but I should like to see a uniform franchise for the House of Commons in place of the mongrel franchise we now have. I hope the government will consider the matter, give fair attention to it, and give the people some satisfaction.

Hon. Mr. SCOTT—When my hon. friend alluded to the cost of preparation of the lists, I asked for a statement that I had furnished the Minister of Finance a few days ago, prepared by Dr. Dawson, showing the relative cost of the two systems. Unfortunately, Mr. Fielding had mislaid the paper, and I am not able to secure it at the present moment. It shows a considerable saving in cost as compared with the system which prevailed formerly. I will not quote the figures, because I do not wish to be inaccurate, but the result was in that direction. In reference to the Nipissing election, I am quite sure if my hon. friend had taken the trouble to look into all the details of that question, he would not have come to the conclusion he has reached. I brought over to the Chamber a sample of the lists that were prepared by the sheriff of the unorganized municipalities in Nipissing, which as hon. gentlemen will see for themselves, were made up on the 9th of October. Those lists under the provincial law required to be posted up for thirty days in order to enable the parties to put in an appeal, which would, of course, have prevented the lists from being used. I may say my attention was only called to those lists long after the issue of the writs for the election. I knew nothing about them whatever.

Hon. Mr. McCALLUM. That proves that what I have said is right—it is a mongrel list.

Hon. Mr. SCOTT—That may be the hon. gentleman's conclusion. There are certain townships in Nipissing and Algoma——

Hon. Mr. McCALLUM—Algoma had nothing to do with it.

Hon. Mr. SCOTT—Yes, Algoma first forced it on the attention of the government. There were representations from Algoma that a large number of people would be disfranchised unless a list was prepared. It was for Algoma that it was first introduced. The franchise required that the lists to be used must be lists absolutely completed sixty days before the nomination of candidates.

Hon. Mr. McCALLUM—But Algoma was excepted. The elections could be held there at a later date.

Hon. Mr. SCOTT—But they called attention to it first. Under the Franchise Act, the voters' lists to be used should be those prepared for the several polling divisions so established, which were last in force. It is clear that a large number of those lists prepared in the unorganized districts, could not be used under that Act. Section 9 of the Franchise Act provides that where, under the laws of a province, the voters' lists for any provincial electoral district are prepared, not at regular intervals, but at such times as are fixed by the Lieutenant Governor in Council, or only from time to time for the purpose of a general election or other election in immediate contemplation, the last preceding voters' list so prepared shall be used for the purpose of any Dominion election in the territory comprised in such electoral district, for use in which they were prepared, if such list had been prepared not more than one year before the date of such Dominion election. The last lists that were available were prepared more than two years before the date of the election. The section proceeds to provide that otherwise new voters' lists shall be prepared,

and for the purpose of preparing and giving effect to such voters' list, the Governor in Council shall appoint all necessary officers and confer upon them all necessary powers in the preparation and bringing into force of such voters' lists. That was the condition of things in Algoma and Nipissing when attention was called to the fact that there were no lists to be had at the office of the Clerk of the Crown in Chancery, or of the Queen's Printer, and then it was found that a great number of persons were so affected. I have a certificate from the Clerk of the Peace, showing the number of persons in each of those unorganized townships in the district of Nipissing. Now, in the district of Algoma it was represented there would be a total disfranchisement of a very large number of people unless authority was given to utilize the lists that had been prepared by the sheriff of Algoma.

Hon. Mr. McMILLAN—How many ?

Hon. Mr. SCOTT—I do not know how many there were in Algoma.

Hon. Mr. McMILLAN—How many in Nipissing ?

Hon. Mr. SCOTT—Over 2,000. Some of the lists, probably one or two of them, might have been within the 60 days. I do not know that they would. Nearly all of them would not be prepared before the month of November. It became important to say what should be done. Now, it is equally fair to both parties if the election is postponed. It was thought, when the order in council was first passed directing the sheriff to use the 1900 lists, they could be revised in time for the 7th of November, and it was only a day or two before the 7th of November, the sheriff reported that it was absolutely impossible to have those lists revised in time. I am advised by the sheriff that he stated to the two candidates, or rather their agents, if they were quite willing, he would use the 1900 lists, if they would sign an agreement not to take exception to that. I am advised that Mr. Klock was not present himself, but his friend said : 'We have no objection to your using the lists, but we decline to put any statement in writing.' Under these circumstances, the sheriff issued a public notice, which was posted on the court house, and notice was given to Mr. Klock's solicitor and agent, and it was contained in a newspaper published the week before in that district, that there would be no election on the following Wednesday, or whatever day it was, the 31st of October. That was publicly announced. My hon. friend comments a good deal on the sheriff abstaining from appearing at the elections. The explanation he gave on the day of the trial was 'If I had been there, I would have been subjected to a good deal of abuse. I should not only have been criticised, but perhaps come in for a little mauling, and I thought it was better to stay away.' All parties were perfectly aware, two days befor the day for holding the polls, that there was to be no election on the day named. The writ was returned to Ottawa by the sheriff, announcing the circumstances under which he was unable to hold an election, and another order in council was issued ordering him to go on with the election, naming another day later on in the month of November. Now, that is the whole story. When the day came, Mr. Klock declined to be a candidate. I do not know what influenced him, but I suppose he was advised by his counsel that he had better rely on the first. But it was made perfectly clear before the judges who went into this case that both candidates were equally ready on the 31st of October, the day named for the nomination. It was stated by the chairman of the Reform Committee that he knew nothing of the postponement ; that it was not his desire to have it postponed ; that there was no expression of a desire on the part of the people for a postponement, so there was no ulterior motive there, so far as the people are concerned.

Hon. Mr. McCALLUM—That is not according to the report.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon ; I have it here under my hand.

Hon, Mr. McCALLUM—Read it.

Hon. Mr. SCOTT—I make that statement having read it, that the president of the Reform Association said it was not at his instance, or at the instance of his friends. I will point out the passage to my hon. friend later on. There is a mass of evidence here

that I do not propose to go through, but I know the statement I have made is correct.

Hon. Mr. McCALLUM—There is one point the judge did not deal with at all.

Hon. Mr. SCOTT—What is that ?

Hon. Mr. McCALLUM—He did not deal with the Constitutional Act.

Hon. Mr. SCOTT—The judge said, as far as any evidence went, that there was no attempt to prove a conspiracy. That was the assumption, that there had been a conspiracy—that it had been arranged by the parties interested in the postponement to have the election postponed, and the judges made the statement most distinctly that there was no evidence of that.

Hon. Sir MACKENZIE BOWELL—They said there was no evidence to prove a conspiracy.

Hon. Mr. SCOTT—What I say is this, unlike many other contestations where an unfair advantage has been taken, both parties, when the lists were revised, had an equal chance. There was the full voters' list, and it was quite within the power of Mr. Klock, or any of his friends, to have named any other candidate. The proclamations were made in the regular way ; there was no attempt to return the present member by any undue or improper method. Everything was done aboveboard, and it was quite open to anybody to name an opposition candidate to the sitting member. Under the circumstances, I do not think it is quite fair to say that improper methods were used in connection with that election, more particularly where so large a vote was going to be affected by it. Surely the object ought to be to secure the representation of the district. Where from 1,200 to 2,000 voters were going to be excluded, what would be the effect of it ? Had there been an election, no doubt some of them would have insisted on voting, and it would have been followed by a protest. Was it not better, and perfectly fair for both parties, that a later day should be named equally convenient in all respects, and the full list prepared and printed, so that every man entitled to vote would have an opportunity to express his opinion.

Hon. Mr. PERLEY—In our riding, telegrams were sent to the returning officer to prevent the people voting, unless their names were on the lists.

Hon. Mr. SCOTT—I doubt——

Hon. Mr. PERLEY—Yes, the returning officer told me himself that he had instructions from the Secretary of State to prevent people from voting on election day unless their names were on the lists, and in that way a large number of votes in Assiniboia were not polled.

Hon. Mr. SCOTT—I do not think the Secretary of State sent any such advice. At all events, the returning officer should not have obeyed him if he did. My own opinion is that the law authorized any man in the territories to swear to his vote on the day on which votes were being recorded. There was a discrepancy in the Act, one requiring his name to be on two days before, and another declaring that any one could present himself at the polls and vote if he took the oath named. I am quite sure I never gave any instructions contrary to that.

Hon. Mr. MACDONALD (P.E.I.)—The government must have known some time before that an election should be held at that time. I consider the government, or some of their officers, were remiss in their duty in not seeing that those lists were prepared and ready to be used when the election should come off. They should have been prepared a considerable time before hand.

Hon. Mr. SCOTT—They are not prepared by us.

Hon. Mr. McCALLUM—That is what we complain of.

Hon. Mr. SCOTT—They were provincial lists.

Hon. Mr. MACDONALD (P.E.I.)—The government is presumed to have, and I think it has been stated here that they had sufficient control over the governments of the various provinces to see that these lists were prepared by them, and that they required them to have the lists ready before the election. That has been stated on the floor of parliament. Either they did not see that the provincial government had those lists prepared, or they had not power to do so. At any rate, this conclusion must be evident to the mind of every person, that until the Dominion government retains in

its own hands the power of giving the franchise and making out the lists, there will not be a satisfactory arrangement for the purpose of holding elections. That was contended for when the Franchise Bill was debated before the House, and I think everything we have seen since proves it was a correct contention.

Hon. Sir MACKENZIE BOWELL—The explanation given by the Secretary of State is the best possible evidence that could be furnished that the duty of seeing that the proper lists are in the hands of the Clerk of the Crown in Chancery should be provided by law. I cannot understand why that duty is not relegated to some department. It should be the duty of the Secretary of State, or some other minister, to ascertain from the Clerk of the Crown in Chancery the state of all the lists when it is decided to have a general election. If that duty had been imposed on some member of the government and he had made that inquiry, and a report had been made to him of the state of the lists as they have since been reported to be, then, this difficulty would not have occurred. The equitable portion of the argument and statements made by the Secretary of State is all very well, and would be applicable if he were a Czar or had the Czar's authority to change, alter and amend the election law, or any other law just when he thought proper, but when I reflect upon the answer given by the hon. gentleman, when his attention was called to a direct violation of the Coasting Act, by illegally granting rights and privileges to United States shipowners, his answer was 'Yes, we know it is against the law, but we deem it in the interests of the country, and we propose to break the law whenever we please.' That is the spirit in which the election law has been carried out. No such power was given to the minister, or ministers, to set aside the coasting law under circumstances of that kind, but they were set aside on a false basis and on false reports. It was done at that time, because it was represented that the trade could not be carried on by Canadian ships. That turned out to be incorrect. I mention it to show that the government take upon themselves the responsibility of setting aside the law when it suits their purpose. In reading the debates in the other House, I notice the leader of the opposition called attention particularly to this point, that it was absolutely necessary, in the interest of a proper election being held, that some head of a department—and I think it should be in the Secretary of State's department—should ascertain when the lists are issued, that the proper voters' lists are on record in his department. I take it for granted the Clerk of the Crown in Chancery is under his control.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Under whose control is he?

Hon. Mr. SCOTT—Under the premier, I think. Not under mine, unfortunately.

Hon. Sir MACKENZIE BOWELL—The Secretary of State's Department is the proper place for it. However, it is not for me to state what the policy of the government should be, but the Secretary of State will see the necessity of having that particular branch of the government's duty placed under the control and direction of some responsible head of a department. It matters not if 10,000 voters were to be deprived of their votes under the circumstances, if the law, at the time the writ was issued, disqualified them. No government has the power to give the franchise to a dozen or a thousand men, if they are not on the lists. I am not at all surprised that the Secretary of State should defend the returning officer as he has done. One thing is certain: the returning officer did hide himself, and he acted in a manner unbecoming in an official of the government. It is well known that he did not act in the manner he did until he had consulted the Secretary of State, and, if report be correct, he acted wholly and solely under the direction of the Secretary of State, otherwise he would have carried on the election. It has been said—I do not vouch for its accuracy—that an order in council was passed when the Secretary of State alone was in the city. I do not know how this gentleman managed to act himself, but under the ordinary procedure there must be a certain number for a quorum.

Hon. Mr. SCOTT—The original order in council was produced in court.

Hon. Sir MACKENZIE BOWELL—Is it true really that the Secretary of State did

all this by himself, by constituting himself four, and thereby make a quorum ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McCALLUM—The returning officer swears that Mr. Scott consulted legal advisers.

Hon. Sir MACKENZIE BOWELL—The whole affair has been thoroughly exposed. The reason Mr. Klock refused to be nominated the second time was, he believed he had the legal right to sit. Whether he has or not will be tested in the courts. One point only has been tested yet ; the other must come later. What I claim is, whether any number of voters were to be deprived of the franchise, no government, or Secretary of State, has a right to interfere with the law on the statute book. This is another strong reason why there should be some supervising officer to ascertain when an election is held, that the lists are proper lists. The hon. gentleman says he did not know whether they were or not. I take it for granted he did not know, but the government, before issuing the writs, ought to have known and acted accordingly.

Hon. Mr. MILLS—It would be very difficult for the government to know precisely the state of the lists in any section of the Dominion in 200 odd constituencies.

Hon. Sir MACKENZIE BOWELL—But, they are put on file here, and it is easy for the Clerk of the Crown in Chancery to inform a member of the government that such-and-such a list does not come within the meaning of the law, and should be revised.

Hon. Mr. MILLS—My hon. friend knows that under the law as it stood—and I do not know that we have changed it in that particular—the list requires to be the list that had been completed for sixty days. That I think, myself, is an unnecessary period. When the lists are completed and certified to, if they are certified before the writs are issued, they ought to be available. That was suggested, when the Bill was before the House, by some member of the opposition, and in order to go on with the measure it was acquiesced in, although I think that was a mistake. Now, I understand with regard to this matter that the list had been prepared ; that on that list there were something over 2,000 names more than there were on the list as it had been in force—a list that was two years old. Now, that was the list that was in force until the new list was adopted. The object of an election is to obtain a fair expression of the opinion of those who are by law qualified to exercise the elective franchise, in case their names are upon the list. Now, I say that when the returning officer discovered that there were upwards of 2,000 names of voters on the list that would not have an opportunity to vote, because their final appeals had not taken place, it seems to me that if he were justified at all, under the law, in postponing an election, he would be justified in a case of that sort. The object is not to help one party and hurt another.

Hon. Mr. McCALLUM—The evidence does not show that.

Hon. Mr. MILLS—The object of the law is that every one who is qualified to vote ought to have an opportunity of recording his vote, and so the parties who were qualified, so far as their being British subjects, their age and their property qualifications, to go upon the lists, ought not to be deprived of voting because of the negligence or delay of any of those who were employed in the preparation of the list. No one was prevented from voting for his candidate at the close of November, who was entitled to vote on the 7th of November, and the only effect of the extension of the time was to perfect the lists that were not in a condition, technically, under the law to be used on the 7th of November. Surely this is not a serious ground of complaint. On the contrary, it ought to be a ground of commendation, because if, under one condition of things, 2,000 men may vote, that under another cannot vote, and who are entitled to vote, it is clearly the duty of those who are administering the law to endeavour to interpret it to preserve the right of the electors. Now, that is what we have done, and in that respect I think the returning officer was to be commended for his work, and not to be subject to censure for what he did. There was no act of corruption, in the sense of any man being deprived of the right which he previously had. Mr. Klock was nominated on the 31st of October. Mr. Mc-

Cool was also nominated. Neither of them was elected. They both stood upon a footing of equality. Neither of them suffered in consequence of the postponement, so far as the returning officer was concerned. There were 2,000 men, or upwards, who would have an opportunity of voting at a later period, when the new writ was issued, that would not have had an opportunity of voting in the first instance. Those men were not all on one side. I do not know on which side a majority of them were. They were new voters. They might be Conservatives or Liberals. Which way the majority of the new electors voted, I cannot say, but this much was certain, they were men who had been residents of the country for some time, whose names were upon the list that had been prepared, but that list had not been finally revised and adopted, and the postponement merely gave to those parties an opportunity to record their votes, who would not have had the opportunity if the election day had occurred on the 7th of November. Now, the postponement was not an extraordinary thing; it is not an unheard of thing in the United Kingdom; it is not an unheard of thing in Canada and other British possessions. It has happened in the past, and will happen again. It rests and is justified on the grounds that the preservation of the right of the electors is a paramount consideration, and the election is for the purpose of enabling a man to express his opinion. It is not observing the spirit or the purpose of the law to take advantage of some technicality and to deprive a large number of British freemen of the right of exercising the highest franchise that the law confers upon a British subject. That was preserved by the course of the returning officer, and, taking that course for the important object of preserving the rights of 2,000 electors, he took a course which the law has before justified, and it seems to me, from all I have heard said in regard to this election, it was justified under the circumstances. It has also been said here, that we have the election lists in a muddle and in a state of confusion in consequence of our having adopted the provincial franchise.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. MILLS—I do not subscribe to that view. I think it is a mistake. We do not vote on the provincial franchise as a provincial franchise. We carried through this parliament an Act declaring that the franchise which had been adopted by the local legislatures in the various provinces of the Dominion should be the franchise for the parliament of Canada for the election of members to the House of Commons. Now, it is upon our statute, in which that is declared, by which those provisions are made, that our electoral list rests. It is not upon the provincial franchise, it is upon our own Act. We adopted this course at confederation, and we did it because it was the most convenient. It saved us the trouble and expense of preparing separate lists. We declared that whatever should be the franchise for the election of members to the legislative assembly in each province, should be the franchise for the election of members to the House of Commons. We acted upon that statute for a period of seventeen or eighteen years. We found no difficulty under it. The law worked smoothly. The elections were held without difficulty.

Hon. Sir MACKENZIE BOWELL—Surely the hon. gentleman is not arguing that we are acting on the same principle to-day ?

Hon. Mr. MILLS—Yes, I do say we are acting on the same principle to-day. My hon. friend and his friends in 1882 intervened, and undertook to establish a voters' list wholly independent of the lists prepared for the election of members to the legislative assemblies. I felt very strongly on that, not merely in 1882, because I had always contended for the principle that the list which serves for the election of members to the legislative assembly should also serve for the election of members to the House of Commons, and when our constitution was first prepared, when the articles of confederation were adopted in the Quebec convention, the rule then agreed upon was that that should be the rule for all time. Subsequently there was taken, after the delegates reached England, the power to make an independent or separate electoral list, and so we retained the power, but we never exercised that power which was conferred on the parliament of Canada in London by the Canadian delegates there, until 1882. We acted under the other rule, and the rule was a sound one. If my hon. friends will look

at the provisions of the United States constitution they will see there it is declared that whatever is the electoral qualification for the return of members to the legislative assembly in the States shall also be the qualification for the election of members to the House of Representatives at Washington. That is recognizing the principle. Those men who framed the constitution of the United States were born British subjects. They had carefully considered the English constitutional system, and sought to adapt it to their circumstances. They did so adapt it, and it has remained in force there now, for a century and a quarter, and no one had complained of it in our own country. There had been no petitions asking for a change. There was no Dominion election and no by-elections held in which any candidate came forward and proposed if he were returned to parliament to undertake to make an independent list. The reasons for this are, that we found the machinery for preparing the lists with the local legislature first. The local legislatures have various municipal bodies under them. They know every individual. They are obliged to visit the electors, and know who they are. In a municipal body, elected without reference to their political views, both parties are, for the most part, represented, and so every man entitled to go on the list is usually put there. There may be exceptions, but that is the general rule, and so in the beginning, when we adopted the principle of accepting the local list, we did so as a matter of convenience, because they had the municipal machinery to prepare such a list, and the parliament of Canada has no such machinery. We therefore adopted what they did. We said that what was sufficient to secure a fair House of Assembly in the province is also sufficient to secure the return of a fair House of Commons for the parliament of Canada. We acted upon that, I say, from 1867 until 1882, and no complaint and no very serious discussion was had of the subject during the whole period of those eighteen years. Then we had a change. We were opposed to that change. I know, every hon. gentleman who sat in the House of Commons knows that the machinery under the Act of 1882 proved extremely expensive, not only to the men who were members at the time, but to those who expected to become candidates for election in the succeeding election, and we got rid of that expense. That expense was so large that the preparation of a new list was found an impossibility. If I remember rightly, the expenses were considerably over $300,000, when the list was prepared, and in this $300,000, we do not count the expense to which the individual candidate or member was put. That was a separate and distinct expense. We sought to get rid of that. It was a burden that candidates and aspirants and members ought not to be called upon to bear. The preparation of a proper list ought to be the work of the parliament of Canada, and so it is under the present arrangement. That was the reason for adopting that list. There is no doubt about this, as my hon. friend has indicated. There was a good deal of disturbance and unrest produced, and there are many cases where a legislative assembly was held in restraint by what was done when we were here. They knew their list of electors was a list for us as well as for themselves, and so the fact that that was so exercised more or less influence over them, in the legislation that they proposed. The moment that we separated ourselves and sought for the preparation of a distinct list, of course they felt themselves no longer bound, and you had a certain amount of unsteadiness in the preparation of lists after that that you had not before. It seems to me at the present time what we ought to undertake to secure is, not a return to the Act of 1882, but a simple principle, such as we laid down in 1873, or 1874, in which we declared that the qualifications for the return of members to the House of Commons should be the same as for the return of members to the legislative assembly in the province from which these members of the House of Commons were returned. We might go a little further and make the exception which was introduced by the government to which my hon. friend belonged, where in some of the provinces there was an attempt made to disfranchise certain public officers and create disabilities in their case. You can correct aberrations of that sort without interfering with the principle. If I rightly understood my hon. friend opposite, he considered that an interference with the principle. I did not think so. I

think the less legislation of that sort that you have in the provinces the better. But if it is found to be a grievance an evil that ought not to exist in the election of members to the House of Commons, it is not a very serious thing to provide that, so far as those officers are concerned, if they are otherwise qualified, all their names shall be put upon the list. That, I think, is as far as we have gone. My hon. friend went that far in 1872, I think it was—at all events, before the Mackenzie government came into office, and that principle was never disturbed. That, I think, was a sound rule, but the convenience of the law that was in force when this federation was formed, and that continued in force down to 1882, was found to be so great, that no one was capable of maintaining efficiently the system that superseded it, because, as many as four years at times went by, before a new list was prepared, and Sir John Thompson himself proposed a change. The Bill he proposed was not carried through, but I remember discussing the matter very fully with him, and he was inclined, as his Bill showed, to return to the principle that had prevailed before 1882.

Hon. Sir MACKENZIE BOWELL—Not entirely.

Hon. Mr. MILLS—Not entirely. I admit that he did not, but in all the main features his measure proposed to adopt the principle that was then adopted. My hon. friend referred to the irresponsibility of returning officers. Every returning officer is, in law, responsible for the manner in which he discharges his duty. If a wrong is done a candidate, the law provides that he may be prosecuted. In a good many elections that I have contested—I do not remember one between 1882 and 1886 in which the returning officer did not make himself amenable to those provisions of the law which authorize prosecution, but unfortunately the right officer was, in most cases, a man without any means, and while you might have obtained a judgment against him, you could not enforce that judgment.

Hon. Sir MACKENZIE BOWELL—He might beat you on the execution.

Hon. Mr. MILLS—I can refer to many instances where, although elected, my return did not take place for four or five weeks after the election, and so, that much time was added to the time within which a petition might be filed, because the thirty days within which a party dissatisfied might file a petition against the successful candidate only began to run after the successful candidate was gazetted and so, if he waited five weeks before the candidate was gazetted, he gave five weeks within which those inquiries might be carried on, in addition to the thirty days which were to succeed. I think the present condition of things is much more satisfactory than that which then existed, and we are undertaking to correct some mistakes now, and I hope we will. I hope, as experience shows a change in the law is necessary, we will be ready to make a change. Changes in the conditions of society will sometimes render changes in the law necessary but the main thing is the experience which we gained in the holding of the election, and if there is any form that is deficient, if there is any provision of the law that does not quite meet the case, the members who are being returned have these matters brought to their attention, and the legislature ought to be prepared to deal with it. We meet here for that purpose. That is one of the duties that devolve upon us, and I hope, at all events, that in this House our party feeling will not so far get the better of our judgment that we will not be prepared to make the law perfectly fair. If it is fair no one has any ground for complaint. It ought to be satisfactory to all alike. As a member of the present administration I do ont wish to remain in control of public affairs with my colleagues any longer than a fair and honest expression of public opinion will maintain us in that position.

Hon. Mr. McCALLUM—I rose to ask a question of the hon. Secretary of State when my hon. friend from Prince Edward spoke. Did the hon. gentleman advise the returning officer in Nipissing to use the list of 1898 ?

Hon. Mr. SCOTT—I did at first, before I looked into it. I objected for a long time when spoken to. I did not want to interfere with the list, and I got letter after letter and I said 'no, it is not part of my duty to interfere in the matter,' and it was only when representations were made that

so large a number of people were going to be disfranchised that I gave the advice.

Hon. Mr. McCALLUM—I am going to read what took place in Nipissing:

On October 23 the returning officer wrote Mr. Scott again, giving it as his own opinion, after consultation with several prominent Liberal laymen of the riding, that the lists of 1900 should be used. These lists were not at that time finally revised and closed, the time for appeals not having expired. Mr. Varin went to Ottawa again on the 28th day of October, which was a Sunday, and, accompanied by Mr. McCool, the Liberal candidate, called on Mr. Scott at his office in the buildings——

Hon. Mr. McMILLAN—Not on Sunday, surely ?

Hon. Mr. SCOTT—I generally go to the office and get my letters on Sunday. It was on Sunday.

Hon. Mr. McCALLUM—The better the day the better the deed. The report proceeds :

—and argued out the point with him that the 1900 lists should be used. On being questioned as to what Mr. Scott had to say, the returning officer replied that he looked wise, but said nothing, Mr. Scott probably remembering that he had already told the officer he was to use the lists of 1898.

On October 26 an order in council was made, directing that ten days would be allowed in the unorganized townships within which parties might take objections to the lists. This brought it down to November 6th, and the 7th being election day, it was of course impossible to hold the election on that date.

On being questioned about the contents of the order in council, Mr. Varin admitted that he had refused to let Mr. McNamara, Mr. Klock's agent, inspect it, although he had shown it to Mr. McCool, the Liberal candidate. He explained his conduct in this respect by saying that he was an old Liberal politician, and never got any favours from the Conservatives, and did not propose that they should now get any from him.

Hid All Day.

On being questioned as to his whereabouts on nomination day, he replied that he and Mr. M. W. Flannery, his election clerk, were in hiding all day in his residence opposite the court-house, Flannery having gone there in the morning under instructions from him.

Mr. Peter Groulx, the deputy sheriff, testified that a nomination paper and $200 had been left on his desk on Mr. Klock's behalf on the day fixed for nomination, but he had no authority to receive it, and did not touch the money or papers. They lay on his desk for several days, until finally removed by the returning officer's solicitor.

A number of other witnesses were examined, but nothing particular was elicited.

That is the whole case. My hon. friend the Minister of Justice shows the beauty of this franchise we have at present. I do not say that he is in love with it, but he goes clean across to the south, to the United States republic, in order to show us what they have done there. We are living in a British country, and we want the people of this Dominion to have a uniform franchise to elect members to the House of Commons. Members meet over there in the House of Commons on the same footing, but here they are elected, some of them by a mongrel franchise—not two of them alike. In the province of Quebec a property qualification is required, and if you have property all over the province of Quebec you can vote just as fast as the railway will take you from one county to another. You cannot telephone your vote. I do not know but there may be an improvement in that matter by and by.

Hon. Mr. DANDURAND—Nor telegraph.

Hon. Sir MACKENZIE BOWELL—There is lots of telegraphing done, however.

Hon. Mr. McCALLUM—I do not say that the franchise we had before was a good one, and I do not say that this is such a very bad franchise, but we ought to improve it. I want the government hereafter to appoint returning officers who are men of character so that we will not have any more of this kind of thing. I asked them to do that. As I said in the beginning, the local legislature have to deal with questions different from those dealt with by the House of Commons, and we must have a slightly different franchise. In one province we have, as I said before, the property qualification, and in another manhood suffrage, and in another place you have to earn so much a year, and so on, and these are the men that are supposed to come here on an equality in the House of Commons. I say there is something wrong about it. We should get it right. It is necessary, in the interests of this Dominion, above all other things, that we should have an honest election. My hon. friend speaks here of the great saving of so many thousand dollars. Well, it is quite an item, but we have money to burn now. They have promised lots of economy and this is one of the expenses they have reduced. Where are we drifting to-day ? If the hon. minister saved three hundred thousand dollars by adopting this franchise, even with all his sins he has accomplished little for the people of the

country. It is not a drop in the bucket compared almost with the ocean of expenditure that is going on now under the franchise we have at present, and then we are to say that we are satisfied with it. I am not, and I will be willing at any time, with my ability, as far as it goes, to assist to obtain some franchise that will be better for the people of this country than the present one.

Hon. Sir MACKENZIE BOWELL—I am not going to prolong the discussion further than to refer to one or two remarks of the hon. Minister of Justice, and I must express surprise that he should give the answer he did when I asked him if he considered the present franchise law in the same position that it was prior to the adoption of the Dominion Franchise Act by the late government. He knows, and so does every elector, that prior to the adoption of the Dominion Electoral Franchise the provincial lists were accepted as they were made out, and ready for the polling when the election took place. It did not cost the Dominion government one dollar in connection with the franchise. All they had to do, when the writs were revised and the election took place, was to take the local lists as they existed, for the elections in the local legislature, and they were used for the Dominion election. There was no expenditure at all and consequently the position now, and the position then, are not at all analogous. If it were, then the Franchise Act, as it exists at the present moment in British Columbia would be accepted, and the parties there who are disfranchised could not vote.

Hon. Mr. MILLS—That was so before.

Hon. Sir MACKENZIE BOWELL—I admit that, and the government accepted that and they had no vote.

Hon. Mr. MILLS—My hon. friend put the Customs House officers on the list in Nova Scotia, and we accepted it, and continued in that way, and they could not vote in the local election.

Hon. Sir MACKENZIE BOWELL—I understand all that. I am dealing with the lists as they existed prior to that. Then when a Dominion franchise was decided upon by the Dominion, they enfranchised those parties who had been disfranchised by the local legislatures, thereby extending the franchise. I know that prior to that, it was declared that they should have a vote, but that was only carrying out the principle which has been adopted in this legislature, but there were no provisions for bringing the lists to be supervised by the Dominion, nor was there any provision for the reprinting of them. If you go back to the old system as it existed prior to the time Sir John Macdonald introduced a Dominion Franchise Act, then you would have no expense attending it; and if the government were adopting the principle they advocated when they came into power, they would have adopted the system that existed and was practised and carried out before the providing of a Dominion Franchise Act, and then it would not have cost anything. So far as Sir John Thompson's proposition is concerned, the hon. gentleman is correct to a certain extent. Sir John Thompson did so propose to amend the law as to make the franchises of the different provinces the basis of a Dominion franchise, and to extend the franchise in the manner in which this present law extends it, but to a still greater extent, and to cut off, as much as possible, the extraordinary expenses which attended it.

Hon. Mr. McMILLAN—But it was still to be a Dominion franchise.

Hon. Sir MACKENZIE BOWELL—Certainly; still to be a Dominion franchise, controlled by the government. I am not going to argue that point now. Every one will be very much gratified at the lecture given us by the hon. Minister of Justice as to the principles upon which a franchise should be based. We have heard a good many times that the theory he laid down is the fundamental basis of our constitution. But that had nothing to do with the question as to whether the government had the right to interfere with the list which was in existence, whether it was right or wrong. It was simply a question as to what the law of the land was at the time, and nothing more.

Hon. Mr. SCOTT—In Australia, up to the present, at all events, they adopt the provincial franchise.

Hon. Sir MACKENZIE BOWELL—Do not give us a lecture about Australia.

Hon. Mr. SCOTT—I am merely saying they adopted it.

Hon. Sir MACKENZIE BOWELL—Why did not the government do it without going to all the expense ?

Hon. Mr. SCOTT—We have.

Hon. Mr. DANDURAND—The only expense is the printing of the list.

Hon. Sir MACKENZIE BOWELL—What does that amount to ?

Hon. Mr. DANDURAND—It is very little.

Hon. Sir MACKENZIE BOWELL—It comes to over a hundred thousand dollars a year.

Hon. Mr. SCOTT—No, there has not been $100,000 expended since 1896-7.

Hon. Sir MACKENZIE BOWELL—The whole time ?

Hon. Mr. SCOTT—Yes, I will get the figures.

Hon. Sir MACKENZIE BOWELL—Then I withdraw what I said until we have the return.

The clause was adopted.

On clause 3,

Hon. Sir MACKENZIE BOWELL—This clause adds the following words to the old law :

> And within ten days after any change, alteration or substitution for such list of the provincial list he shall, so and so.

What is the penalty in case he does not do that ?

Hon. Mr. SCOTT—There is a penalty provided. I do not know if it is workable. I am not responsible for the change. But in New Brunswick they have a law by which the sheriff, who is usually the returning officer, within ten days before the polling, has a right to make certain changes in the list, and the law of New Brunswick was followed and those changes were not sent to Ottawa. We knew nothing about them. The sheriff, as returning officer, made the changes himself, at the instance of both political parties. It was not asked for by one more than the other. I presume whoever drafted this thought the changes should be sent to Ottawa, and sent to the Clerk of the Crown in Chancery, and then sent back. I do not think that is advisable.

Hon. Sir MACKENZIE BOWELL—My hon. friend is quite right. I do not object to the provision, but what is the penalty in case that provision is not complied with ? There may be a penalty for not complying with the provincial laws in New Brunswick, but that would not be applicable in this case, because we impose a duty on the returning officer there, and there is no penalty provided in case he neglects to do his duty.

Hon. Mr. SCOTT—Subclause 9 of clause 10 provides the penalty.

Hon. Sir MACKENZIE BOWELL—Yes.

The clause was adopted.

Hon. Mr. SNOWBALL, from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (122) 'An Act further to amend the General Inspection Act.'

(In the Committee.)

Hon. Mr. SCOTT—We went through the Bill the other day, and one clause was held over for some reason or another. The only change in that clause from the present law is leaving out the words 'inspector of grain,' on the recommendation of the committee.

Hon. Mr. POWER—The clause was held over at my suggestion. If hon. gentlemen will look at the new section which is proposed to be substituted for the existing section of the General Inspection Act, they will find that substantially the only change made is in this clause.

Hon. Mr. SCOTT—Except the inspector of grain.

Hon. Mr. POWER—I am speaking of the first clause of the Bill. Subsection 2 of the new section 2 reads :

> Such inspectors and deputy inspectors should hold office during pleasure.

The first change is that the Governor in Council may appoint inspectors and deputy

inspectors. In the original Act it is only inspectors, the deputy inspectors being appointed by the inspectors. Subclause 2 provides that the deputy inspectors appointed by the Governor in Council shall hold office during pleasure. Then subclause 4 reads :

Such chief inspectors, inspectors and deputy inspectors may be paid by salary or by fees, as is determined in each case by the Governor in Council.

That does not give any idea as to what officers are to be paid by fees. Then, in the new section 'A' the only change is to insert the words 'the inspector of grain,' which were in the Act originally, but were struck out by the Act passed in 1889. It will be seen that each inspector, under this clause, may and shall, when thereunto required by the Governor in Council or by the board of trade, and so on, appoint a deputy inspector, or so many deputy inspectors as are necessary for the efficient and speedy performance of the duties of his office. This is, apparently, rather inconsistent with the provision that these deputies shall be appointed by the Governor in Council.

Hon. Mr. SCOTT—That was passed the other day.

Hon. Mr. POWER—I am trying to lead up to the objection I took. The hon. gentleman did not understand it at the time.

Hon. Mr. SCOTT—All the clauses were passed except one. I object to going back on the clauses.

Hon. Mr. POWER—I am reading this to explain my objection to clause 4, which reads as follows :—

4. Section 9 of the said Act is repealed and the following is substituted therefor :

9. Every deputy inspector, except deputy inspectors of grain, shall be paid by and shall hold office at the pleasure of, the inspector by whom he is appointed, and shall, before acting as deputy inspector, give security for the due performance of the duties of his office in such sum as the Minister of Inland Revenue directs, by bond to the inspector, with two sureties to his satisfaction, to be bound jointly and severally with him; and such bond shall avail to the inspector for any breach of the conditions thereof; and no inspector shall allow any person to act for him in respect of the duties of his office, excepting his sworn deputy inspector or deputy inspectors appointed aforesaid.

I contend that this is apparently contradictory with the provisions of the first clause of the Bill, which says that these deputy inspectors shall be appointed to hold office during the pleasure of the Governor in Council. The pleasure of the Governor in Council and the pleasure of the inspector are two different things. There is an apparent contradiction. I suppose it is our duty to try and make this measure as nearly perfect as can be. I am not finding fault with any one. I suppose that whichever officer in the department drafted this Bill was not as particular about the wording of it as he might have been. Now, the objection is, this Bill does not undertake to distinguish between the deputy inspectors who are to be appointed by the Governor in Council and the deputy inspectors who are to be appointed by the inspectors. The Governor in Council has been given power to appoint all inspectors, and then, in another place, the deputy inspector is supposed to be appointed by the inspector. It does not say he is to be appointed, but he shall be paid by him, and hold office at his pleasure. That apparent inconsistency should be removed. My humble opinion is, the object of the department was to provide for the appointment of inspectors of grain and deputy inspectors of grain. If so, the Bill should have been confined to it, and should not have wandered over so many clauses of the Inspection Act.

Hon. Mr. SCOTT—The only change in the clause under the consideration of the committee is 'except deputy inspectors of grain.' The law remains, with that exception, as it was before. The proposal of the department is, that the officers who inspect grain, whether inspectors or deputies, may be paid by fees. In other cases, the inspectors are paid by fees, and they pay the deputies out of those fees.

The CHAIRMAN—The Speaker points out there is an incongruity between the two sections.

Hon. Mr. SCOTT—I do not think there is.

Hon. Sir MACKENZIE BOWELL—An ordinary man would. You are getting this Act into a muddle. One section says that the inspectors and deputy inspectors shall be appointed by the Governor in Council, and hold office during the pleasure of the government. Then it says later that deputies may be paid by the inspector, and they are to hold office at the pleasure of the inspector.

Hon. Mr. MILLS—Will my hon. friend read the sections which he thinks gives the appointment of deputy inspectors to the Governor in Council.

Hon. Sir MACKENZIE BOWELL—The second subsection says: 'Such inspectors and deputy inspectors shall hold office during pleasure.' Then the ninth clause gives the appointment apparently to the inspector, and they are to hold office during the pleasure of the inspector who is to pay them.

Hon. Mr. MILLS—I do not see any provision where the Governor in Council appoints the deputy inspectors.

The CHAIRMAN—'Such inspector and deputy inspector shall hold office during pleasure.' Shall hold office within the limit the Governor in Council may assign them. The chief inspector may appoint the deputy, but he shall exercise his functions in a district assigned by the Governor in Council.

Hon. Mr. POWER—It says explicitly that the Governor in Council may appoint inspectors and deputy inspectors.

Hon. Mr. SCOTT—This was drafted by Mr. Miall, the deputy of the department, and revised by the law clerk. It is to appoint inspectors and deputy inspectors of grain. Where the inspector is paid by fees he pays his deputy out of these fees.

Hon. Mr. POWER—It comes to this, if an officer of the Department of Inland Revenue has drafted a Bill we are to swallow it without examination or amendment? If so, what on earth is the use of having a Senate or House of Commons either? The Commissioner of Inland Revenue is not infallible, and I am not aware that the law clerk of that department is particularly distinguished in the matter of drafting Bills.

Hon. Sir MACKENZIE BOWELL—The hon. Speaker forgets that this government is controlled by the departmental heads, and whatever they say ought, they think, to be law.

Hon. Mr. DANDURAND—I suppose my hon. friend would wish it so, because the deputy heads are nearly all of his stripe.

The clause was adopted.

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

The Bill was then read the third time and passed.

EMPLOYMENT OF ALIENS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (47) 'An Act to amend the Act to restrict the importation and employment of aliens.' He said: The law relating to alien labour has been on the statute-books since 1897. It has occasionally been used to exclude from employment in establishments in this country men who have been brought over by employers of labour from the United States. There have been two or three suits entered. They have not been proceeded with, but a number of persons have been returned to the United States under the law as it stands. In this Bill, the intention was to give a greater freedom of action than prevails in the law as it exists. Under the law at present, the consent of the Attorney General of the Dominion must always be obtained before there can be a prosecution. Under this Bill the consent of the judge may be obtained instead of the consent of the Attorney General. This country is a very large one, and we know very well the circumstances under which an application is made for prosecution. It might perhaps have been well if, in distant portions of the Dominion, the responsibility had rested with the parties undertaking to bring the law into operation against aliens, but with a view of greater security against the measure being used oppressively the consent of the Attorney General, or of some judge, is required. The law is intended to reach the abuses, if they may be so regarded, that arise at the present time, in the way of preventing parties receiving employment or receiving proper consideration. Most of the cases that have arisen so far have been cases where the employers of labour contend that the kind of labour that they require is not available in this country, and they must be at liberty to import the skilled labour in order that their operations may be carried on. Where that is the case, of course a prosecution could not properly be proceeded with. This measure will be put upon the statute-book and made available for those who think they have grievances and require gentlemen of this sort to give them protection against persons brought in specifically for the purpose of entering into unfair competition with them to prevent them receiving employment,

and after their contract is ended may retire from the country again. In fact, this legislation, which was first put upon the statute-book in 1897, has grown out of the alien labour legislation of the neighbouring republic. That legislation has created, in some places near the border, a good deal of irritation, and almost every one has heard of the officer of the United States, at the city of Buffalo, who has been employed to enforce that Act with a good deal of harshness against Canadians crossing the border for the purpose of receiving employment. In fact, if it had not been for the action of that officer at the city of Buffalo, I do not know that many in this country would have sought for legislation of this kind at all, because at most points along the frontier, there has been a general acquiescence in the practice of persons residing on the Canadian side going to the United States for the purpose of getting employment, and of those residing on the United States side of the border line coming into Canada, and receiving employment here ; but the law of the United States has been enforced in Buffalo, in some cases at all events, with so much harshness that it has led to a good deal of irritation, and legislation is necessary in order to satisfy those who feel that, in consequence of that harsh action, they have a grievance. It is not my purpose to enter into any discussion as to the principles of private international law that will arise under this statute. There are many things to be considered. In the United States their courts have held that, an Act which, if done in the United States, would be illegal, if done in a foreign country, is outside of United States jurisdiction altogether. They have always held that, even against citizens of the United States, they cannot enforce a United States law with a view of punishing such citizen for any offence committed outside of their own territory. That was well shown in a case that occurred many years ago, and that was tried in the Circuit Court in the State of Massachusetts, where a man named Davidson was on board a United States vessel, and while there, in the vicinity of the Society Islands, shot a native in a canoe. It was held that if the murder had been committed on board the United States vessel, he might have been tried on his return to the United States, for the vessel might be regarded, under the United States theory of international law, as part of the United States territory ; but the offence was not committed from the point from which the gun was fired, but where the death occurred, and that occurred in a canoe belonging to a Society Islander, in the immediate vicinity of the shore ; and so it was held that the murder was committed outside of United States jurisdiction, and was a crime for which the party could not be put upon his trial in the United States. We have adopted a somewhat different rule by statutory provision, and under the theory of the unlimited jurisdiction of the Imperial Parliament, the legislation of the Imperial parliament has in this respect been upheld. Where a British subject has committed a murder, it has been held that although committed in a foreign country, he may be tried under the statute of Henry VIII., and subsequent legislation, on his return to his own country. If he is a foreigner in the employ of an English merchantman, and the offence is committed on board an English vessel, he may also be tried on his return to the United Kingdom. But if he has been employed on board an English vessel, but has gone on shore on foreign territory and there commits murder, he cannot be tried for the offence, not being a British subject, on his return on board the vessel on which he was engaged, or on his return to the United Kingdom. Now, we have, under this statute, certain provisions made for the punishment of parties who undertake to contract with aliens outside of Canada, for the employment of parties inside of Canada. Whether they have power to make such a contract or not, is a question on which our courts have expressed different opinions. The Judicial Committee of the Privy Council, in the case of McLeod, held that McLeod was not liable to punishment under the colonial law. He had lived in one of the Australian colonies, where it was provided that a man who married a second time, either in the colony or outside of the colony, was liable to punishment on his return. McLeod had abandoned his wife in that colony, had gone to the State of Missouri, married there a second time, and returned with his second wife to the Australian colonies, where his first wife resided. He was put on his trial and convicted of bigamy. He appealed to the

Judicial Committee of the Privy Council, and the Judicial Committee held that the crime of bigamy was committed in the State of Missouri ; that it was committed in foreign jurisdiction ; that the legislature of a colony of the Empire could only legislate for offences committed within the limits of the province or territory—that the province could not make any provision for the punishment of a crime committed abroad; that the crime was in itself not local, and that McLeod had committed an offence against the law of Missouri, and not an offence against the law of a colony of Australia, in which the legislation was passed, and in which he had been a resident. In this country, our courts have expressed a difference of opinion, and an attempt has been made to undertake to so legislate upon offences, as for instance where a man goes out of the country with the intent of committing an unlawful deed and commits it ; his intention before leaving and the act afterwards are united, and some of our courts have upheld legislation of that sort, while others have pronounced against it. I am not going into a discussion as to which, in my opinion, is the more correct view. That is unnecessary. This legislation is here proposed, and will be carried, I have no doubt, for there are parties who believe we can so legislate. For instance, where a man residing in Toronto advertises in a New York paper for labourers, and they come into Canada, in consequence of that advertisement, and he gives them employment, whether we can treat, as an offence against the law of Canada, that act which was done in the State of New York, is a question on which I need express no opinion. The courts will no doubt have an opportunity of pronouncing on the subject if an attempt is made to enforce this measure. In this respect it does not differ from the measure already on the statute books. It is provided by section 8 :

8. It shall be deemed a violation of this Act for any person, partnership, company or corporation to assist or encourage the importation or immigration of any person who resides in, or is a citizen of, any foreign country to which this Act applies, by promise of employment through advertisements printed or published in such foreign country ; and any such person coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by this Act, and the penalties by this Act imposed shall be applicable in such case : provided, that this section shall not apply to skilled labour not obtainable in Canada, as provided by section 5 of this Act.

That is the proposed legislation by this Bill.

Hon. Sir MACKENZIE BOWELL—It is convenient to discuss the merits of this Bill at present. To my mind, that can be done better in Committee of the Whole. I understand the Bill to be simply an amendment to the law already on the statute-book, giving greater facilities for the carrying out of its provisions. I have expressed my own views with reference to what may be called sumptuary legislation in the past. It is not necessary to repeat them.

Hon. Mr. MILLS—The principle is precisely the same.

Hon. Sir MACKENZIE BOWELL—Precisely the same, only it facilitates the prosecution of those who violate the law. My only objection to it is that it does not go far enough. However, that can be discussed when we go into committee on the Bill.

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

THE COOK CHARGES.

SECOND REPORT OF COMMITTEE ADOPTED.

Hon. Sir MACKENZIE BOWELL moved the adoption of the second report of the special committee appointed to inquire into the statements and allegations contained in certain telegrams and letters and in an affidavit made by Mr. Herman Henry Cook, which reflected upon the privileges and dignity of the Senate.

The motion was agreed to.

PACKING AND SALE OF STAPLE COMMODITIES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (117)—'An Act respecting the Packing and Sale of certain Staple Commodities.'

(In the Committee.)

On the first clause,

Hon. Mr. MACDONALD (P.E.I.)—Will the honorable minister explain the difference between the Act and the provisions in this first clause respecting the weights of various commodities ?

Hon. Mr. MILLS—I think there is no difference at all. The object of the legislation is to separate the provisions relating to inspection from those relating to ordinary weights. I have not compared the section with the law, but I was told by the officer in charge that there was no difference between this clause and the law as it stands.

The clause was adopted.

On clause 3, subsection 3,

Hon. Mr. McKAY (Truro)—It seems to me this will cause trouble in the lower provinces. It says here :

The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked.

Now, we import Liverpool salt in sacks which come into the country without a mark of any kind. The salt comes in largely as ballast in lumber ships, and this is going to cause an immense amount of trouble, if these bags have to be marked on the other side before being shipped. I do not think shippers should be put to that trouble. Salt is a cheap article.

Hon. Mr. WOOD (Hamilton)—Why should they not be compelled to do what our own people have to do ? There can be no question they can get their sacks marked before they attempt to fill them, and there would be no trouble at all. There is a very expeditious way of doing it.

Hon. Mr. McKAY—It is much easier doing it here in this country, because the law is before their eyes, and they know what they are doing. But this is to happen on the other side, and for the next twelve months the law will not be known on the other side.

Hon. Mr. WOOD (Hamilton)—They can be easily advised of the law. The salt packers are not a numerous people. I think it is strange that English shippers should have an advantage over our own people.

Hon. Mr. SNOWBALL—I quite agree with the hon. gentleman from Truro (Hon. Mr. McKay) with reference to this matter of marking salt. If hon. gentlemen were acquainted with the way salt is delivered to ships on the other side, they would see the difficulty. The salt comes in barges and is delivered at ship's side. It is there weighed, put into bags and shipped. Generally the quantity allowed for shipping would be at least 100 tons per day. You cannot get a ship unless you agree not to detain the vessel. I think it would be almost impossible to mark it there, and even though you could, I see a difficulty. If the bags were filled, and marked so that the paint mark would have time to dry, possibly no injury would arise, but this stencilling is generally done with paraffine.

Hon. Mr. McCALLUM—Where are the bags made ?

Hon. Mr. SNOWBALL—I do not know.

Hon. Mr. McCALLUM—They are made in West England.

Hon. Mr. WOOD (Hamilton)—They are marked with printer's ink, and it is done by machinery.

Hon. Sir MACKENZIE BOWELL—There is no paraffine used.

Hon. Mr. SNOWBALL—Some kind of oil has to be used, and in using that oil, it will go through and injure the salt. I think it cannot be done on this side without a direct injury to the contents of the bag. The bags are generally bags that have been used for other purposes. They are not, as the hon. gentleman from Hamilton says, new bags got up especially for this purpose. In that case, I suppose they could be marked by machinery in advance, but they are generally bags used in the first place for other purposes. The price of salt will not allow of getting new material ; being second-hand they are generally cheap. I can see there will be difficulty in getting the work done on the other side, and there will be an injury to the salt used in this country if we are compelled to mark the sacks on this side. If you use it to salt hay it will injure the hay, or the fish, or whatever it is used for. There will be a direct injury without any benefit to anybody. This legislation is not asked for. The bags are sold twelve or thirteen to the ton.

Hon. Mr. CASGRAIN (Windsor)—What is the weight of a bag of salt ?

Hon. Sir MACKENZIE BOWELL—It should be 2,240 pounds to the ton.

Hon. Mr. WOOD (Hamilton)—I understand how the salt is brought from the

salt works to Liverpool, and packed in bags there. I have seen it done many a time, and I know something about it. As to the printing of the bags injuring the sale, it is something new to me. We print on the bags we put flour in, and ship to England, and it never deteriorates the flour, and certainly flour is more easily injured than salt. I cannot understand for a moment how it could injure the salt, and then the very best shippers of salt on the other side get their bags made new. They can be printed by a machine with the best printer's ink, and it is not possible even to get it through the bag. I was in the cotton business for a time, and we were making flour bags especially for flour intended for shipment. I went to a large concern in Scotland, for the purpose of getting a machine made to do the printing on these bags. The whole process was explained to me; how it was done, and how salt was shipped, and it was shipped in the same way. We are compelling our own people here to mark their bags and barrels of salt, and I do not see why the people on the other side should have an advantage over our own. They can mark it on board ship as easily as at the works, because it is shipped out of the barges on to the ships, and everything can be arranged there. I hope the House will see it is their duty to protect our own people, giving the outsider no advantage over us in this matter of marking. The exact weight should be put on a bag as well as on a barrel of salt. They frequently fill bags and call them so many to the ton, but if you put them on the scales you find they do not come to 2,240 pounds.

Hon. Mr. POWER—The salt to which reference has been made by the hon. gentleman from Chatham (Hon. Mr. Snowball) and the hon. gentleman from Truro (Hon. Mr. McKay) as a rule is very coarse salt, not salt for table or dairy use, but for the use of fishermen and farmers.

Hon. Mr. WOOD (Hamilton)—That does not make any difference.

Hon. Mr. POWER—I think it makes a very great difference. The salt is very much cheaper, and if you add the cost of packing and marking, it makes quite a difference in the price of a very cheap article like salt. This question was considered some years ago in this House, and discussed at some considerable length. I think it was under a former administration; and the government of that day saw that it would not be a proper and equitable thing, to insist on this coarse salt, which was imported into the lower provinces for the benefit of fishermen and farmers, being marked in the same way as the finer salt, which is manufactured in the upper provinces, and which comes to a certain extent under the jurisdiction of the excise department. I do not think that the Bill applies so much to salt which is put in bags on the other side as it does to salt which comes out in bulk in ships and is put into bags on this side. I have not any very strong opinion on the matter; but it affects a very large class of persons, and the matter is of such importance that it deserves somewhat careful consideration. It will be found that in the lower provinces this enactment will cause very serious discontent and dissatisfaction; and it will be rather late to remedy it when the injury is done. It is better to understand it now.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman forgets—or perhaps he has not thought of it, that all the manufacturers of salt in Ontario, or in any other portion of the Dominion, have this duty imposed upon them. If the salt manufacturers of the county of Huron, or at Windsor, sell a bag of salt, they are obliged to put the weight upon it and to have printed upon the bag the name of the factory from which it is sent, and I cannot see the equity of imposing a duty of that kind upon our own salt manufacturers from which we relieve those who import from other countries. The fear has been expressed by the hon. gentleman from Chatham (Hon. Mr. Snowball) that the printing upon the bags would deteriorate the quality of the salt. A moment's reflection as to the manner in which it is done will teach him that is not so and perhaps he would not advance that argument again. The same kind of material is used for printing upon these bags of coarse salt that is used for bags containing the finer qualities of salt, and every household buying a bag of salt will find printed upon it its weight and its character, whether it is fine or coarse, and the name of the party who manufactures

it. This is the first time I have ever heard, during all my housekeeping, that salt was deteriorated from the fact of having its quality printed on the outside of the bag.

Hon. Mr. SNOWBALL—It is a different thing altogether. One is done by hundreds of tons, and the other is done by the hundred-weight.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman's view were correct, even if there was a small bag and an inferior kind of ink put upon it, the ink would certainly have a greater effect and would injure the finer salt to a greater extent than if you had the same printing put upon a ton of salt. The hon. gentleman contends that the same quantity of ink used upon a small quantity would not affect it, but if you put it on a bag holding 240 pounds, it will destroy the quality, though it is of a coarser quality and not so susceptible of absorbing the deleterious matter in the printing. In Montreal, some sacks of English salt and stacks of salt which came from Windsor lay upon the wharf, and the question was asked: 'Which would weigh the most? Which do you prefer?' They looked at the size of the bags and said the English bag of salt; but when they were weighed, they found one weighed 224 pounds to the bag, and the other, of the greater bulk, did not weigh 150 pounds. The inexperienced man would be cheated in buying a bag of salt to the extent of 30 or 40 pounds. The only difficulty that has suggested itself to my hon. friend from Chatham (Hon. Mr. Snowball) is that when salt comes down the canal and is put into bags, it will be a great expense and trouble to have the weight printed upon the bag. I have heard the argument used before, that the salt absorbs a lot of water, and consequently does not weigh what it did when it was put in the bag. That is certainly to the injury of the purchaser. If you buy a bag of dry salt, and it is marked 224 pounds when it is dry, and if it absorbs eight or ten pounds of moisture in its transmission from Liverpool or any other English port to Canada, that is not to the detriment of the man who buys it, so far as the weight is concerned.

Hon. Mr. DEVER—Certainly it is.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. DEVER—It dries up again.

Hon. Sir MACKENZIE BOWELL—But you have the weight.

Hon. Mr. SULLIVAN—Of course you have.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not following me. If, when shovelling the salt into the bag when it is dry, it weighs 224 pounds, and it absorbs ten pounds of water----

Hon. Mr. DEVER—It will dissolve the salt.

Hon. Sir MACKENZIE BOWELL—Let me do the talking. I will listen to the hon. gentleman with all the patience imaginable after I am through. If it dissolves the salt, it injures it, but that has nothing to do with the marking of the bags. Then, if you buy a bag of salt here which weighs 224 pounds with the additional water, you are only paying for the quantity marked upon the bag when it is shipped, which is 224 pounds. So that the purchaser does not lose anything in the weight. If it is deteriorated by the absorption of water, that is not the question we are discussing, nor would this law interfere with that, and it just comes back to the position taken by the hon. gentleman from Hamilton (Mr. Wood), whether we should grant privileges to those who send an article into this country which are not granted to our own manufacturers. I think it is a very strong ground, and we should adhere to it.

Hon. Mr. DEVER—I was going to say that I would be one of the last members of this Senate who would wish to put any restriction upon our own manufacturers that we would not place upon the manufacturers of another country, but the salt manufactured in Canada is a very different article from the salt under discussion, which comes from Liverpool. The one is a dry salt, and it should be dry. It is put in small bags, and used for dairy and table purposes. I have no objection that that should be marked distinctly with the weight and trademark, if the manufacturers so desire. With reference to the Liverpool salt that comes out in ships as ballast, sometimes as many as 50,000 sacks in a ship, I should like to ask hon. gentlemen how could it be possible that 50,000 sacks could be marked with the weight upon each sack, and at the same time go into the hands of the purchaser at that mark so as to guarantee that he

was getting the quantity marked on he sack ? The hon. gentleman who preceded me gave instances to show how impossible that would be. The salt is put on board the ship at Liverpool, and absorbs five, ten or fifteen pounds of water. Hon. gentlemen must see that when salt absorbs water, it begins to dissolve, and thickens, and the water will ooze out, and when a sack of salt is deficient in weight, it is because a quantity oozes out with the water. In the maritime provinces they import large quantities of salt for the use of the fishermen. This question was before us a year or two ago, and I think a deputation came up from the lower provinces, pointing out the great difficulties and great hardships this would involve, because salt is a cheap article and a heavy article. I believe each sack contains 200 pounds. We know how difficult it would be to handle, say, fifty thousand bags of salt and have them marked in each case. It would cost the handlers of the salt almost the price of the article and the government will understand that in the maritime provinces it would not be judicious, nor fair to the dealers in salt to be put to the trouble of marking this salt, which is imported in large quantities. If the House decide it shall be so, I suppose we will have to submit but I think, on behalf of the maritime importers of salt, it is my duty, as well as the duty of every other member from the maritime provinces, to point out these difficulties, and it may be taken into consideration whether it is not better to keep this clause in abeyance for further consideration, so that the government may be satisfied they are doing that which will be practicable.

Hon. Mr. MILLS—Hon. gentlemen will see this clause does not necessitate all that my hon. friend opposite supposes. We do not require the marking of the bags when they are being imported. We require them to be marked simply when they are offered for sale. It may be the party who sells abroad will mark them when they are brought out here, but it is not absolutely necessary. Let me call my hon. friend's attention to the provisions of the Bill. The section reads :

Every barrel of salt packed in bulk, sold or offered for sale, shall contain 280 pounds of salt, and every barrel or sack of salt sold or offered for sale shall have the correct gross weight thereof, and so on.

And then the 3rd subsection we are considering reads :

3. The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel of salt sold or offered for sale in Canada.

It does not say that the weight shall be marked abroad. He can bring in the salt in bulk if he likes.

Hon. Mr. McCALLUM—He can pack it afterwards.

Hon. Mr. MILLS—Yes, but he must mark those bags with the weight on them before it is sold so that people will know what they are buying. It does not require him to go beyond that. It does not require the bags to be marked before they are put on board ship, so that the difficulty mentioned by the hon. leader of the opposition two years ago, is avoided by the Bill as it stands.

Hon. Mr. DEVER—I have no objection to the trade mark, or the weight, being put on the bag of salt, but under clause 3 of this Bill we will have to weigh each sack when selling 100 or 200 sacks to a fisherman or other customer, and it will be almost worth the whole value of the salt to have to put all those sacks of salt upon the scale and weigh them separately at the time of sale.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the provisions of the Bill as it stands. This matter has been before parliament on two different occasions, and a clause similar to this was in Bills that were submitted to us before, and it was altered there and I am quite aware that if a Bill of this kind were introduced and passed here, it would meet with very great opposition in the maritime provinces, where people deal in salt imported from the old country. It comes to the province in bulk—perhaps, 50,000 bushels or 50,000 bags, or 500 or 600 tons may come in bulk in the ship, and coasting vessels buying that salt go there and take it in bulk or in bags as suits them. They do not mind whether you put in 50 or 500 pounds. The whole is weighed, and they take it away in quantities as they require it.

Hon. Mr. MILLS—There is nothing in this Bill touching the sale of salt in bulk. It

is only in barrels and bags. If it is put in barrels or bags, the weight must be marked, but you may sell a vessel load and not touch the provisions of the Bill.

Hon. Mr. MACDONALD (P.E.I.)—But the salt may have to be placed in bags to be taken away from the vessel. It is not taken in bulk on a railway. It is not carried by other common carriers in bulk. They will not carry it about the country in bulk. It must be put into bags, and therefore this would be looked upon as a hardship. The salt that is used there is entirely different; it is made from brine, a different kind of salt altogether from the salt that is manufactured in Canada. Our Canadian salt comes down to us usually in small bags, or in barrels each marked with the address of the packer, very much as required under this Act. The salt that comes out from the old country is salt that is taken out of a mine and crushed so that it can be shipped in bulk conveniently. When it is brought out in bags, those bags absorb dampness and they would be very different in weight when taken out of the ship to what they were when put on board. This provision would bear very hardly on importers of salt from the old country. If they sell it in bags they would find this a very great hardship, and if they put those bags, as they frequently do, on a wharf, and leave them there, in summer-time the salt would dry up in the sun, or melt in the rain, and when moved from there would not be of the same weight.

The CHAIRMAN—Subsection 2 has not been carried and the committee are discussing subclause 3.

The subclause was adopted.

On subclause 3,

Hon. Mr. McCALLUM—The object of the Bill is that a man should get what he pays for.

It being six o'clock the Chairman left the Chair.

After Recess.

The committee was resumed.

Hon. Mr. McCALLUM—I do not wish to discuss this Bill, but in looking over it, I began to ask myself what is the object of it? The object is to give a purchaser, no matter whether he buys salt or sugar, what he buys. Salt is a very cheap article because it is brought from England in ballast; but if a man buys a cargo of salt, is there anything unreasonable in demanding that he put it in bags or barrels when he sells it to his customers, and that he shall state what he sells? Otherwise the purchaser does not know what he is buying. In the province of Ontario they mark all their salt, and no matter what the size of the bag, the weight is marked on it and purchasers know what they buy. When a cargo of salt arrives in this country, the owner is not going to sell the whole of it at one sale. He must retail it, and purchasers should know what they are getting. I have been told that it is a fraud in this way, that a great deal of injustice has been done, and that frequently a sack of salt does not weigh what it should. If a man deals in salt, I do not see why he should not be compelled to deal honestly with the public, as well as other traders. If a dealer sells sugar, or any other product, he is required to give the purchaser the quantity he buys. I am in favour of the Bill as it is now.

Hon. Mr. MACDONALD (P.E.I.)—I would suggest to the minister to make an exception in the case of salt imported for the use of the fisheries. It is an entirely different salt from that made by evaporation in Canada. It is a salt that gathers moisture, and you cannot guarantee that the weight of a bag of salt will be the same at all times. I have been told during the recess that a gentleman imported a quantity of salt to Prince Edward Island, and during the time it was on the wharf the tide came in, and melted a quantity of salt in 300 sacks. It would be a very great hardship if a man was fined for not having the full weight in those bags as marked on them. I think it would be a reasonable thing to make the exception I suggest. Salt imported from Ontario is entirely different. It is fine salt, put up in small bags for dairy and family use. It is wholly different from salt that is mined, or rock salt, and if the Bill passes in its present state, I know it will be found a great hardship to those who import salt from the old country, and whether it is bagged on this side or on the other side of the Atlantic will make very

little difference. It is put in very coarse jute bags, very different from the bags in which salt is put up in Ontario.

Hon. Mr. JONES—Is coarse salt produced in Canada, that comes in competition with the kind of salt which is imported from England for the use of the fisheries ? If so, to what extent is it produced? I should like to hear from the maritime province senators what effect the competition of Canadian salt has on the importation of English salt. If they compete, it seems a hardship that imported salt should not be treated in the same manner as Canadian. That objection would possibly be lessened if in Canada there is no such salt produced as the hon. gentleman mentioned.

Hon. Mr. MILLS—Hon. gentlemen will see that they are discussing what is not in the Bill, and discussing hardships that the Bill does not create. If hon. gentlemen will look at the first part of clause 3 :

> 3. Every barrel of salt packed in bulk, sold or offered for sale, shall contain two hundred and eighty pounds of salt, and every such barrel or sack of salt, sold or offered for sale, shall have the correct gross weight thereof, and in the case of a barrel the net weight also, marked upon it in a plain and permanent manner.

Then sub-clause 2 :

> 2. When bags of salt are packed in barrels, the number of bags contained in the barrel and the weight of the aggregate amount of salt shall be marked, stamped or branded on one head of the barrel.

Hon. Mr. McMILLAN—That has reference to our salt.

Hon. Mr. MILLS—Subsection 3 provides :

> 3. The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel or sack of salt sold or offered for sale in Canada.

Hon. gentlemen will see that this is dealing with salt that is packed either in barrels or in sacks. It does not deal with the question of salt in bulk. If a man chooses to buy a ton of salt, of course he will get a ton of salt, and will get a ton by weight. He may buy a whole cargo that way, but if he undertakes afterwards to sell it, then he must conform to this law. There is no inconvenience imposed upon him with regard to the purchase of salt in bulk ; but if he is a retail dealer, the man who keeps it in his grocery for sale, and undertakes to sell it in bags or barrels, must mark the quantity in the bag or barrel, and if he sells what he calls a barrel of salt, he must have 280 pounds of salt besides the weight of the barrel. He does that with salt refined here, and if he offers imported salt in that way he can do so. But if he undertakes to deal with it without barrelling or bagging it, there is nothing in the world to hinder him from doing so. The Bill in this regard is precisely the same as the law with regard to packing or dealing with other articles, to mark the quantity on the bag or barrel. It prevents the purchaser from being cheated by the man who sells the article. He may ask more for it if he chooses, but if he professes to sell a barrel of salt, he must give 280 pounds and mark the weight for which he is responsible on the barrel. Or if he sells it by the bag he must mark the quantity on the bag. That does not seem to be a difficult thing, and I cannot see how it puts a difficulty in the way of the fishermen, because the fishermen can buy in bulk or by the 100 pounds if he chooses to do so.

Hon. Mr. DEVER—I do not wish to make trouble for the Minister of Justice or the government in this case, but I want to point out that the minister does not see the point as a commercial man would see it. There is a bag referred to here, but there is a sack also. A sack of salt means 250 pounds weight.

Hon. Mr. BAKER—Two hundred and twenty pounds, it used to be.

Hon. Mr. DEVER—I have no objection to this Bill as it stands, if you mention 'bag' instead of 'sack.' The bags can be put into barrels.

Hon. Mr. GILLMOR—Did the hon. gentleman ever know a barrel of salt to be sold in St. John ?

Hon. Mr. DEVER—I have never known small bags of salt to be imported from England. If you erase the word 'sack' from the clause, it will overcome all the difficulty. As for talking of loose salt, I think that is beside the question. The question is simply this—that by this Bill, Liverpool salt will be excluded unless they weigh every sack. I am proud to see our Canadian people manufacture dairy and table salt, and to see it in our cities in the maritime provinces.

Liverpool salt comes in large quantities in ships, and it would be utterly impossible to weigh five or ten thousand sacks of salt, in case one wanted that quantity. It would only add to the cost every time you made a sale.

Hon. Mr. McKAY (Truro)—The explanation of the Minister of Justice is only an explantion for salt in bulk. We do not dispute that. What we want to get clear of is the trouble of having to fill sacks to make up the quantity, and mark the name of the packer. You cannot get 280 pounds in a sack.

Hon. Mr. MILLS—There is nothing in the Bill requiring you to put 280 pounds in a sack. You are to mark the quantity, whatever it may be.

Hon. Mr. McKAY (Truro)—There is an idea that Liverpool salt comes in competition with Canadian salt. It cannot possibly come into competition with ours, because, in the first place, the bags and freight cost less than the freight from Ontario to the maritime provinces, so you cannot put down the same kind of salt in competition.

Hon. Mr. MILLS—Liverpool salt goes all over Canada.

Hon. Mr. McKAY (Truro)—Anywhere you can get a ship it does.

Hon. Mr. WOOD (Hamilton)—The salt in England at present is in a large trust. A friend of mine in the North of England is the secretary of that trust, and the salt is just in the same position almost as the Carnegie Steel Company is to-day. The Bill as presented by the Minister of Justice is a fair and reasonable one to all parties. I do not think our own people should be subjected to a thing that outsiders should not be subject to also. If you are going to give them immunity from marking their bags and barrels, why not do the same with our own people. They have as good a right to have their sacks and barrels unbranded as the Englishman has. They say it is going to add to the expense of the importer to simply mark the bags seems to me a very small statement to make. Bags are printed as rapidly as newspapers, and can have the weight put on them as easily as the date on a newspaper.

Hon. Mr. DEVER.

Hon. Mr. McKAY (Truro)—No. It is the importer that has to mark them, and they are full when the salt arrives.

Hon. Mr. WOOD (Hamilton)—If the importer advises the shipper that he wants the salt shipped in bags marked a certain way, he will be happy to do it. He is not going to lose a customer because he imposes some little direction upon him in England. My hon. friend from Chatham says it is going to cost a very large amount. I do not believe the printing of a sack will cost a quarter of a cent. Each sack contains 224 pounds, and the increased cost would be a mere trifle. The salt made in Western Canada is of a finer quality, no doubt. When the salt goes to Montreal, Quebec, or any of the lower provinces, to be sold, it meets imported salt, which is a coarser, and inferior salt, and they have got into the way of selling it so many bags to the ton. Instead of ten bags to the ton there may be fourteen or fifteen, and unless the bags are marked, the purchaser does not know how much he is getting. The public should be protected by the government from unscrupulous dealers. Our friends from the maritime provinces seem to make this almost a personal thing for themselves, because they seem to be dealing largely in salt. All I ask is fair play. I only ask the same treatment for the exporter of salt in England that I ask for the manufacturer of salt in the west. If you place them all on the same footing I have nothing more to say .

Hon. Mr. SNOWBALL—One party is arguing from one standpoint and the other from another. The sort of salt we are referring to is Liverpool salt, which comes to the maritime provinces for fishing purposes only.

Hon. Mr. WOOD (Hamilton)—Is not the salt from Western Canada used for fishing purposes ?

Hon. Mr. SNOWBALL—I do not know anything about it. I know that the salt which comes in barrels and bags is Upper Canada salt. We pay for it without any question. But the salt used in the fisheries is another thing. I know, or should know, what I am talking about. I have been engaged in this business for forty years, and I import quantities of salt every season. For or-

dering salt from the mines, as a rule, we pay about 5 shillings a ton freight, and take only enough of it for ballast. Vessels would not put a cargo for 5 shillings a ton, but would take four or five hundred tons or sufficient for good ballast. For the requirements of the country we want about half of it in bulk and half of it in bags. The object of putting it in bags is, the fishing is carried on on the north side of Prince Edward Island, and in our own gulf. Schooners come for salt, they are unable to get into the smaller ports, and the fishermen come out in small boats and take it in bags. Those who can remove it in bulk prefer it in that way. There is not 250 pounds of salt in a bag. The bags have been reduced in price and in quality, and they will not hold that quantity. The quantity has been reduced until there is only about 170 pounds in a bag. The object of getting it in bags is, to enable these people along the shore to land the salt in their small boats. It is for their convenience. But the salt in bulk, we sell by measure, or by the ton, and, failing that, by the bushel, so many bushels to the ton. We have a very rough mode of weighing and dealing as a rule, because it is all among people who are acquainted with each other. They fill wheel-barrows and take away the quantity they require by estimated weight. The bags that are used are not new. We do not buy them new. We buy bags that have been used for other purposes and get them at a very low price. We could not straighten them out and stamp them. If we could, there is no doubt it would not hurt the salt, but it would entail a considerable additional cost on account of having to buy a more expensive bag to put the salt in. Supposing a ship were loaded with bags of salt marked as mentioned in this Bill. Some of the bags break going on board. They all waste a certain quantity. These bags, when they come from the ship, would vary in weight. If you mark the bags on the other side there is not one in a hundred of them would weigh the same when delivered here. You seize the salt, for short weight. If you mark the sacks on this side, you must do it with a brush and paint, and you would injure more salt than you could do good to any purchaser. I maintain that it would be a hardship to the people in the maritime provinces to enforce any such obligation on them. Vessels come in with salt, and there is a limited time for discharging them. Other vessels come alongside to take the salt. The marks would be all obliterated, and this Bill requires that they should be distinctly marked.

Hon. Mr. SCOTT—Put a tag on it.

Hon. Mr. SNOWBALL—A tag could be put on every bag and marked, but that is not the requirement of the law. There would be an objection to that because they could be taken off and used again. The delay in discharging the salt would get the ship on demurrage, and if you require us to mark the bags as they would have to be marked, you would injure the salt.

Hon. Mr. WOOD—Oh, no.

Hon. Mr. SNOWBALL—I have not been engaged fifty years in the trade without knowing something about it. I say you are imposing a task on us which should not be imposed. I therefore move to take out all the words after 'Canada' in the nineteenth line up to 'salt' in the twentieth line.

Hon. Mr. VIDAL—It appears to me there has been a wide departure in discussing this matter from what ought to occupy our minds in dealing with a question of this kind. The purpose of this Bill has been very clearly put before us by the Minister of Justice. Is it not to make sure that every purchaser of any article shall have what he pays for? I contend, notwithstanding so much has been said about these importers of salt, it does not affect the importation of salt in the least, nor any transaction between the English exporter and the Canadian importer.

Hon. Mr. DEVER—We contend to the contrary. It is just as well the House should understand the point.

Hon. Mr. VIDAL—If I make any inaccurate statement it can be pointed out afterwards. The Bill does not affect the imported salt at all. It may come in any variety of bags. This provision is simply to prevent the purchaser from being imposed upon. Of all men I think the fishermen require this protection as much as any men in Can-

ada. They are not men who would look very closely into these matters, and they should be assured that when they buy a bag of salt it contains the quantity they pay for. As to the trouble, it is not worth mentioning. Any man who sells an article is willing to put his name and the quantity he is selling on the package, unless he wants to humbug the people. An honest trader is always glad to put his name and mark the quantity on what he sells. It may have diminished in weight or increased by moisture, but that should not interfere to prevent the protection of fishermen which we by this measure seek to give them.

Hon. Mr. DEVER—It is quite evident that there are two classes of men in this Senate. There is one class evidently in favour of the manufacturing of salt in Canada. In the maritime provinces we appreciate this, but there is another point we wish to place before the House, and it is this : Certain gentlemen, especially the hon. gentleman from Sarnia, said this Bill will not interfere with the importation of salt. That is a mistake. There is a class of salt which is not mentioned at all, which we import. There is rock salt. A lump of that rock salt would fill a barrel.

Hon. Mr. VIDAL—It is not put in bags.

Hon. Mr. DEVER—We import it for the purpose of curing our ship timber and for other purposes. That must be imported in bulk, and it is in large rocks. It is used also for fertilizing purposes. It is a very cheap article, almost as cheap as sand. Under this Bill we would have to weigh and mark it. That would be more than it is worth, and the effect of it would be simply to prohibit the importation of it. Then, again, about the sack salt intended for fishermen ; if it is simply the sack salt, I suppose we would have no objection to the marking of the bags and barrels, because, after all, they do not amount to anything. It is the sack salt and the rock salt that we import in large quantities, and under this bill I hold—I may be wrong—we could not import it at all, because the expense for the labour and trouble of weighing it, transporting it by means of teams from the wharf and places they keep it in—they put it in cheap storage—until they sell would be too great. A man wants, say, five hundred sacks of this salt for a country store ; every sack would have to be weighed, and it would take two men to weigh that bag of salt and put it on the scales. I do not see how the rock salt could be sold at all in sacks. It is sold in bulk, but according to this Bill it would have to be sold in bags and sacks. That is the position we are in, and it is for this House to say whether we shall have to import salt, as we have done in the past, or whether we shall have to supply ourselves from Canada, and the question is, are we able to do it ? If we place restrictions on the foreign salt, we must ask the people of our own country to supply us with salt.

Hon. Mr. McCALLUM—Weigh it and charge more for it.

Hon. Mr. DEVER—We cannot stand it. If parliament inflicts this on us at present, we feel that they are coercing us into a thing we do not want.

The committee divided on the amendment, which was rejected by the following vote :

Yeas, 9 ; nays, 21.

The clause was adopted.

On clause 5,

Hon. Mr. BERNIER—I desire again to call the attention of the government to the objection I raised with reference to this clause. I made some remarks the other day about it, and I do not know whether the hon. minister has given it his consideration.

Hon. Mr. MILLS—Will my hon. friend mention what there is in the clause that he objects to ?

Hon. Mr. BERNIER—If we oblige the retailers to mark the word 'short' on the boxes containing berries, or the small fruits imported from the United States, we practically prohibit the sale of these small fruits in so far as they cannot be delivered on the day they arrive, and then it would be a hardship for our retailers, and it would practically deprive our province, which does not produce those small fruits to any extent, of these delicacies.

Hon. Mr. MILLS—My hon. friend did not point out the particular provision in this that he specially objects to.

Hon. Mr. BERNIER—Section 5 reads :

5. Every box of berries or currants offered for sale, and every berry box manufactured and offered for sale, in Canada, shall be plainly marked on the side of the box, in black letters at least half an inch square, with the word 'Short,' unless it contains when level-full as nearly exactly as practicable—
(a) at least four-fifths of a quart, or
(b) two-fifths of a quart.

The objection raised by the Board of Trade in Winnipeg is that it will practically prohibit the people of Manitoba from enjoying berries or small fruits grown in the United States. That means, in fact, all the berries in use in the Manitoba market, until late in the season, when a limited quantity can be obtained from British Columbia. Special efforts have been made to bring strawberries from Ontario, and heavy loss has resulted, and in any case the Eastern berries do not ripen until a month after we commence to receive small berries from the United States, and the suggestion made by the Winnipeg Fruit Exchange is as follows :

While endorsing the Bill, as far as native grown fruits are concerned, we would consider it a hardship and detrimental to the trade of this North-west if the Bill was made to cover importations from the United States.

The hon. gentleman may understand the change we seek by taking into consideration this representation made by the Winnipeg Produce and Fruit Exchange. I gather from that that if the importations from the United States were exempt from this formality they would be satisfied. Or we might amend the clause so as to remove from its operation small fruits when imported or sold in open boxes.

Hon. Mr. WATSON—I did not know the Winnipeg fruit dealers had made representations here, but there is no doubt that what has been stated is perfectly correct, because any hon. gentleman must know that in the importation of strawberries and raspberries and all fruits of that kind, it would be impossible for the dealer to mark all the boxes. He is liable to all the penalties providing they are short. He could not possibly do it. The cheapest fruit we get in Manitoba is sent up from St. Paul. The large fruit dealers in St. Paul will notify their customers in Manitoba that they can send them a certain quantity of fruit at a certain date, when they are overstocked there, and are willing to sell cheap.

Hon. Sir MACKENZIE BOWELL—Where is it grown ?

Hon. Mr. WATSON—I could not tell you. It is brought from the south, some of it from California. In the matter of bananas, a merchant will sometimes sell them for ten cents a dozen in Manitoba. They are sold on certain days. I know that in the town where I live, merchants will sell good, large consignments of fruit advertised previously, and they will get several cases of strawberries and small fruits, and it would be impossible for those dealers to take the time to mark the fruit and sell it. I do not know what suggestion has been made, but I know it would exclude the sale of these small fruits from the United States.

Hon. Mr. POWER—I do not see what serious mischief there could be if the first subclause were stricken out. Strawberries, raspberries and currants, as a general thing, are sold in open boxes. The object is to protect the buyer. When the boxes are open, the buyer has an opportunity to see in what condition the boxes are. If he keeps his eyes open at all he does not need any protection from the law.

Hon. Mr. BERNIER—All these small fruits are sold by sight, as a matter of fact.

Hon. Mr. POWER—That is just what I say. The purchaser has a chance to see how far the berries will come in the box. Strawberries and raspberries will shrink a great deal, and I think if the first subsection were stricken out the rest of the clause is all right, because the larger fruit is not so likely to shrink ; and inasmuch as no serious damage can be done, and no serious fraud is likely to be practised on the purchaser, and as the results of this enactment are likely to be injurious to Manitoba, the best way is to strike out the first subsection, which reads as follows :—

5. Every box of berries or currants offered for sale, and every berry box manufactured and offered for sale, in Canada shall be plainly marked on the side of the box, in black letters at least half an inch square, with the word 'Short,' unless it contains when level-full as nearly exactly as practicable—
(a) at least four-fifths of a quart, or
(b) two-fifths of a quart.

And, further, I think that legislation for which there has been no popular demand, is always a mistake.

Hon. Mr. MACDONALD (P.E.I.)—Hear, hear.

Hon. Mr. POWER—No one has told us that there has been any popular demand for this legislation.

Hon. Mr. WATSON—I cannot agree that there is no demand for this legislation. I think there is a great demand for it.

Hon. Mr. POWER—I mean this particular clause.

Hon. Mr. WATSON—I can understand this particular clause. It is not a question of the top of the box being full. It is a question of the bottom of the box. The real bottom may be up half an inch from the bottom. You imagine you are getting a basketful of berries and you are not, and there is a demand for legislation to remedy that. But as to how you can overcome the particular case of Manitoba with reference to the fruit from the south, it is pretty hard to understand, without doing away with part of the Bill. The Bill, and this particular clause, is asked for, not only by the consumers but by the honest packer. I have read part of the debate in the House of Commons, and I find that the gentlemen who are engaged in the fruit business are in favour of this, because it gives the honest packer a fair chance against the dishonest packer.

Hon. Sir MACKENZIE BOWELL—There is no reason why Manitoba should be exempt from the operation of the law any more than Ontario. We are in precisely the same position as the hon. gentlemen from Manitoba are. Our early berries always come from the south.

Hon. Mr. McKAY (Truro)—And they are here now.

Hon. Sir MACKENZIE BOWELL—Yes, and have been here for some little time.

Hon. Mr. WATSON—We import all our strawberries.

Hon. Sir MACKENZIE BOWELL—I know. I should think tame strawberries would ripen there as well as wild strawberries. It is only a question of the season. The whole object of the Bill is to protect the purchaser. It seems to me all this discussion is in favour of the importer and in favour of the seller. The poor unfortunate fellow who is supposed to buy a quart of strawberries and only gets two-thirds of a quart, is not to be considered at all. The object of the law is to protect the consumer, and I understand the gentlemen from the west were satisfied with this law, when these words were put in 'as nearly exactly as practicable.' It was found in discussing the question that it was almost impossible to make a regulation that would cover the exact size of a little strawberry box, and consequently it would lead to a great deal of litigation if we made a law compelling them to be of an exact size, because some of the material out of which it is made might be a little thicker than other material, as has been indicated by the hon. gentleman who has just spoken. In some cases they make a thick bottom, just the same as in the case of a tumbler, when you think you have a good 'hooker,' you find you have very little, on account of the shape of the tumbler at the bottom, and it is just so with the fruits. This question has been discussed by the fruit growers a good deal, and this part of Canada is, to a certain extent, in precisely the same position in reference to the importation of the earlier fruits that Manitoba and other sections of the country are. Let the parties who sell them here do the marking, and if a quart box holds only two-thirds of a quart when you sell it, mark it so. If the quantity is marked short, the consumer knows that he is not being imposed upon.

Hon. Mr. JONES—I fear, if this Bill passes, it will prevent the importation of early berries into Canada. In all parts of Canada we get our berries from the other side for two or three months. I know that in Toronto strawberries are available from January up to the strawberry season here. I can readily understand why fruit-growers in Canada would be in favour of this law, because it would tend to increase their business. Our appetites would be whetted for the fruit, if we waited till it ripened in Canada. In the other way, we would have been using it for some time and our appetites would not be as great for it. A dealer in Toronto who wires a dealer in St. Louis, or New York, for so many cases, cannot stipulate that they be taken out and marked 'short.' He would have to take them as they would come. If he made that stipula-

tion, he would not get them. Besides that, the purchaser in Canada will have to pay a higher price for the strawberries than he would if the seller did not have to mark them in this way. My own opinion is, that small fruit should be bought by sight, as they have been for years, and I think every purchaser of berries in Canada has quite arrived at the conclusion long since that when he buys a box of berries, he does not buy a quart, and the top is deep and the bottom high up. It may be full to the top when it leaves Georgia, but when it reaches Canada it will not be level with the top, because three days will have elapsed, and the fruit will have settled down, and there is no way of overcoming the difficulty where you import the fresh fruits, because it takes three days to get them here. I would suggest that the following clause be added to the Bill :—

That this law should not apply to the open berry and currant boxes.

That would avoid the difficulty, and if they buy by sight, they cannot be seriously affected.

Hon. Sir MACKENZIE BOWELL—Make it wider. Make it apply to anything brought into the country.

Hon. Mr. JONES—I think, if the law were made, it would be in the best interests of Canada if this were so changed as to make it apply to open boxes of berries and currants.

Hon. Mr. POWER—I think I owe an apology to the hon. gentleman in charge of the Bill. When I come to read the clause more carefully, I find that it is not open to the objection I made. It does not provide that the box shall be level full when it is sold. It only provides that when the box is level full, it shall contain a certain quantity, and if the small fruit in the boxes shrink, then there is no penalty on the seller. The only thing is, that if a box is not large enough to hold a quart, it shall be marked with the word 'short,' and it does not seem to me a great grievance that the seller should mark 'short' on boxes which are short.

Hon. Mr. MILLS—He would rather do that than pay a 25-cent fine, and I think there will be a general demand on the part of those engaged in the trade in the Canadian market to ask that the boxes should be a proper size, so that the quart boxes would hold a quart and the pint boxes would hold a pint. The market of Canada is large enough and important enough to those engaged in this kind of farming to induce them to comply with the requirements of the law, and my impression is, that, though they may not at the beginning comply with it, the practice will constantly grow towards it, and if the producer in the United States puts up a box under the size here required, the man in Canada who deals with them, in order to avoid paying a fine of 25 cents on the box, will comply with the law.

Hon. Mr. MACDONALD (P.E.I.)—I think we are legislating too much with the small affairs of the country. We should leave it to the people themselves. They can use their eyesight, and they know what they are about. This is the principle which we have heard condemned by the party in power, when they were in opposition—it is an extension of the principle of protection.

Hon. Sir MACKENZIE BOWELL—That is the reason I support it.

The clause was adopted.

Hon. Mr. TEMPLEMAN, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed, under a suspension of the rules.

DOMINION ELECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (64) 'An Act to amend the Dominion Elections Act, 1900.'

(In the Committee.)

Hon. Mr. MILLS—We reserved the Bill to consider two amendments which were proposed by my hon. friend, the leader of the opposition. I think the second of these amendments would not be an improvement, as I mentioned to him, and he seemed to some extent to agree with my conclusion. I accept the first amendment, which reads as follows :—

1. That subsection (a) of section 41 be repealed and the following substituted in lieu thereof :—

(a) Cause to be posted up notices of his having granted such poll, indicating the names, resi-

dences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers hereinafter mentioned ; which notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up, and shall be in the form (I), and in Prince Edward Island he shall cause to be placarded at the same time and places such notice or advertisement regarding the qualification of voters as is required to be posted under the provincial law.

Hon. Sir MACKENZIE BOWELL—That is the one that refers to Prince Edward Island?

Hon. Mr. MILLS—Yes, we accept that, if my hon. friend is agreeable.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—My hon. friend does not agree to accept the second amendment?

Hon. Mr. MILLS—No, I think the Bill is better as it is, and it might interfere with the returning officer.

Hon. Sir MACKENZIE BOWELL—It might, to a certain extent, but I think it would be an improvement.

On subclause 5 of clause 3,

Hon. Sir MACKENZIE BOWELL—If the minister will look at subclause 5 of clause 3, where it repeals section 48 and substitutes another, it provides that 'ballot papers shall be numbered on the back of the stub and counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound,' and so on. What I would like to ask, first of all, by whom is this numbering to be done? Are they to be consecutive numbers?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Then they cannot be printed. They must be written.

Hon. Mr. MILLS—They may be stamped.

Hon. Sir MACKENZIE BOWELL—It says 'written or printed.'

Hon. Mr. MILLS—There would be nothing to prevent them being printed.

Hon. Sir MACKENZIE BOWELL—There is everything in the world to prevent them being printed, for this reason: Suppose you have 200 voters as the maximum in any division, there is not one printing office in a hundred which has the numbering machine necessary to number them, hence you would have to take each individual ballot and put it through the press. First you would put number one through, and so on, with every one of them. This could only be done properly if printed by a numbering machine. Take our county, for instance. There are no less than three daily papers, besides several weekly papers, and there is but one numbering machine in the lot. I think this provision is altogether unnecessary, because it is a duplication of what the 70th clause provides should be done. The section as amended reads as follows :

The vote should be given by ballot, and each elector who is entitled to vote should receive from the deputy returning officer a ballot paper on the back of which such deputy returning officer has previously put his initials, so placed as indicated in form B.

That is to accomplish the purpose, which the Secretary of State has just pointed out, of recognizing the ballot.

And that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil, on which he has placed a number corresponding to that placed opposite the voters name in the ballot-book.

In the first place you make him number the ballots consecutively, and then compel him to put on the back of the counterfoil the number that is opposite the voter's name in the ballot-book. I do not see how you are going to fold that ballot so that the returning officer can see both numbers.

Hon. Mr. MILLS—My hon. friend will see there is a stub in the book. Next the stub is the counterfoil. Now, upon the counterfoil and on the stub are the numbers.

Hon. Sir MACKENZIE BOWELL—But the same number that is on the stub is also put on the counterfoil, and then the number opposite the voter's name. What necessity is there for the two of them ?

Hon. Mr. MILLS—There is no doubt that is for the purpose of identification. So is the other.

The ballot paper should be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and should be bound or stitched in books containing 25, 50 or 100 ballots, as may be most suitable for supplying the polling divisions proportionately to the number of voters in each.

There are two provisions practically, and not exactly in the same form.

Hon. Sir MACKENZIE BOWELL—And put there for precisely the same purpose.

Hon. Mr. MILLS—No doubt of that.

Hon. Sir MACKENZIE BOWELL—Does not that complicate the duties of the returning officer ? Would it not be just as well to have one ? So long as you can recognize the ballot when it is brought to the returning officer, that is all that is required ; but in order to do that, he has to look at the number on the counterfoil, and the number opposite the name.

Hon. Mr. MILLS—I quite agree with what the hon. gentleman says, and I think the provision in subsection 5 is, perhaps, the better one of the two. Section 70 is a duplicate, in another form, but it is a measure relating to the House of Commons.

Hon. Sir MACKENZIE BOWELL—It is sent to us to be revised. If you would strike out of clause 5 those words :

Numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and should be bound or stitched.

The only way I can account for it is this : it is to ascertain how many are being sent out.

Hon. Mr. SCOTT—No. A great deal of importance is attached to these words by members of the House of Commons. I will explain what it means. There is a double stub. The ballot is torn off the book, and it is the duty of the deputy returning officer to tear off one number and put it on the table. The ballot is given to the voter ; he brings it back folded so that the stub is outside. That is torn off also, and put down alongside of the other as evidence that it is the same ballot that was given to the voter. That is under section 5.

Hon. Sir MACKENZIE BOWELL—Then it can have only one object, that is to adopt the system to that which is in force in Ontario.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Yes, if a man's name is on the poll-book, and you place on the back of the ballot the same number that is opposite his name in the poll-book, you can trace a man's vote as they do in Ontario.

Hon. Mr. SCOTT—The voting in Ontario is from a poll-book which is numbered throughout. In our voting a blank sheet is used, and when the voter comes forward, his name is marked down when he is given his ballot. That gives you no indication of the identity of the man at all, and that is the number referred to in section 70. It has no connection whatever with the others. There is no identification.

Hon. Mr. MACMILLAN—Not the number on the assessment roll ?

Hon. Mr. SCOTT—No.

Hon. Mr. DANDURAND—Does the hon. gentleman pretend there is a number remaining on the paper which goes into the ballot box ?

Hon. Mr. SCOTT—No, they are torn off the ballot.

Hon. Sir MACKENZIE BOWELL—I am not pressing this. I only pointed out what I considered unnecessary work thrown on the returning officer, which is likely to complicate his work. So long as you have a ballot which can be identified by the stub and counterfoil, when he hands it to the returning officer, that is all you want.

Hon. Mr. WATSON—And cannot be substituted.

Hon. Mr. MILLS—I quite agree with what my hon. friend opposite says. Here are two systems for the purpose of ascertaining that the ballot given back is the same that is given out. Evidently our friends in the House of Commons have failed to see they have made a double provision. It will put the returning officer to a little more trouble.

Hon. Sir MACKENZIE BOWELL—They are not always the most intelligent people.

Hon. Mr. MILLS—I think the one in section 40 is quite sufficient, but I do not propose to change it.

Hon. Sir MACKENZIE BOWELL—And I will not divide the House on it.

Hon. Mr. PERLEY, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time, and passed under suspension of the rule.

PACIFIC CABLE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (45)—'An Act to amend the Pacific Cable Act, 1899.' He said: This Bill is for the purpose of increasing the amount of Canada's liability. Canada, under the Act of 1899, was to pay five-eighteenths of £1,700,000 sterling. Owing to the delay in carrying out the project the price of both copper and gutta percha had gone up, and on tenders being called for last year, the lowest tender, and the one that was most desirable, brought the price up to within a fraction of two millions of pounds, and the object of this Bill is to guarantee Canada's proportion of the two millions instead of £1,700,000. Since the Pacific Cable Bill was before Parliament on a former occasion, some change has taken place in reference to the relative position of the parties. Hon. gentlemen will remember that there were six parties to it—New South Wales was contributing two-eighteenths; Victoria, two-eighteenths; Queensland, two-eighteenths; New Zealand, two-eighteenths; the United Kingdom, five-eighteenths; Canada, five-eighteenths. In January last New South Wales, under influences brought forward by the Eastern Extension Company, somewhat departed, as we thought, from the original agreement in giving certain advantages to the Eastern Extension Company. There are lines that extend across from Sydney to Adelaide, and then on to Western Australia. Those lines are under the control of the government, and the government of New South Wales gave to the Eastern Extension Company the privilege of using their poles for the purposes of connecting the offices of the Eastern Extension. We remonstrated against that as being a departure from the original agreement. The subject was referred to the law officers in Canada, and the statement made by my hon. friend on my left was that it affected very seriously the probable profits, so far as that particular colony was concerned. This was before the federation. The business of New South Wales is probably larger than that of any other portion of Australia. On that opinion being sent to England, the law officers of the Crown differed from the opinion

expressed here. They hold while it did, to some degree, affect the business of the Pacific cable, yet it was not very material. That is the present condition. Under the agreement made between the several colonies in Australia, the subject of telegraphs was remitted to the federal government. There was, however, a clause—and as hon. gentlemen know, the Commonwealth came into operation on the 1st of January—that the various colonies should have charge of the telegraph system until it was absolutely taken over. The arrangement made with the Eastern Extension Company was on the 16th of January, sixteen days after the federation had been completed, but, as I presume, although I am not positively informed, the federal government had not then taken over the local telegraph lines. That is the present position.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman say whether the arrangements made by New South Wales with the Eastern Extension Company would be binding on the federal government of the Commonwealth after they take possession of the telegraph system of the colonies?

Hon. Mr. SCOTT—Of course, I only speak from a cursory reading of it, but I assume that New South Wales would have control until the lines were taken over, because until the proclamation was made taking over the lines, New South Wales seems to have the sovereignty of the lines. We had hoped, and probably it may result, that the federal system may not agree in the action taken by New South Wales. Victoria did not concur. Queensland did not concur. Of course New Zealand did not concur. New South Wales is the only one of the colonies that took that advantage. Of course, the temptation was very strong. The Eastern Extension Company offered a reduction of rates, if they would grant the privilege, and pressure, I presume, was brought to bear on the government. Similar influences were brought to bear on Victoria and Queensland but up to the time advices were received by Canada they refused. They stood by the agreement. A rider has been added in the House of Commons within the last day or two to the following effect:—

> This Act shall not have force or effect until a date to be named by the Governor General by proclamation.

That was added in order to meet any possible changed circumstances that may have arisen, by which our position with reference to the cable would be affected.

Hon. Sir MACKENZIE BOWELL—I think we can discuss this, probably, better in committee; therefore I do not propose to enter into the merits of the bargain, nor of the rider added to the Bill. But the hon. gentleman did not answer the question I put to him. He informed the House that the colony of New South Wales entered into an arrangement making certain concessions to the Eastern Extension Telegraph Company which would affect the income that would otherwise arise from the Pacific cable when built. They did that because the telegraph system had not been taken over by the Commonwealth. Will the Commonwealth be bound, under the circumstances, to adhere to that agreement, or could they set it aside? I can understand that if the Commonwealth set that agreement which the Eastern Extension Company made with New South Wales, aside, then the colonies would be in the same position they occupied when the bargain was entered into in London by which each colony and Canada agreed to pay certain proportions for the construction of the line. If the Commonwealth has not the power to declare that null and void, then it places Canada in a different position from that which she occupied when she made the bargain. Perhaps my hon. friend would think of that and answer the question when we go into committee.

Hon. Mr. SCOTT—My hon. friend has quite as much information as I have. He has read the blue-book. It is quite impossible to express a decided judgment on that point. I thought myself it was at least a breach of faith, and that the federal government ought to force the colony to stand by the agreement that was made before Confederation. The arrangement with the Eastern Extension Company was made after the 1st of January, and after the Commonwealth had been organized.

Hon. Mr. TEMPLEMAN—Could the hon. gentleman say if the Canadian terminus of the Pacific cable has been agreed on? I have noticed some reports in the British Columbia newspapers as to the landing place of the cable, one assigning it to a point on Barclay Sound, where certain boomsters were said to have obtained a town site, and another at a point on the Straits of Fuca. I understood that the government had sent some one to make a report as to the best point for landing.

Hon. Mr. SCOTT—There was an Imperial officer sent out, and he went to British Columbia. I assume that the ss. Quadra was placed at his disposal. The point approved of was on Vancouver Island. I see that in the press, but cannot state it on any authority.

Hon. Mr. TEMPLEMAN—I presume it is an Imperial government question?

Hon. Mr. SCOTT—Yes. It does not come before us.

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

BETTER TERMS FOR P.E.I. BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (138) 'An Act to provide for further annual allowance to the province of Prince Edward Island.' He said: It is not a long Bill.

Hon. Sir MACKENZIE BOWELL—And does not require any explanation either. I think we understand it.

Hon. Mr. MILLS—There is no difficulty in understanding it. The subject has been frequently discussed between the government of Prince Edward Island and the government of Canada, and we have agreed in full settlement of the claim of Prince Edward Island, in consequence of imperfect service between the island and the mainland for several years, to grant an additional subsidy of $30,000 a year. The subject was before the government of which my hon. friend was a member. A very full and I might say very able report was made by Mr. McLellan and Sir Alex. Campbell. They took very strong grounds against the contention of the island that they had been damaged to the extent of $5,000,000, and the claim of $5,000,000, in consequence of the imperfect service connecting the island throughout the entire year with the mainland. I looked over the report then made

and the correspondence that had taken place, and the conclusion I came to was that when the Northern Light was put upon that service, it was an honest effort to fulfil the obligation. The Northern Light did not succeed in keeping up the communication continuously throughout the year, and the people of Prince Edward Island claimed that to be an absolute and unconditional provision, and that if the parliament of Canada failed to make that continuous communication——

Hon. Sir MACKENZIE BOWELL—The parliament of Canada failed to do an impossibility.

Hon. Mr. MILLS—Nevertheless we entered into the obligation with our eyes open, and we were bound to give damages.

Hon. Sir MACKENZIE BOWELL—No, their eyes were shut.

Hon. Mr. MILLS—My hon. friend knows that better than I do.

Hon. Sir MACKENZIE BOWELL—I was not at the framing of Confederation.

Hon. Mr MILLS—My hon. friend knows it was a government that he supported which agreed to the terms of union, and one of the terms of union was that there should be continuous communication throughout the year between the island and the mainland. In my opinion, if the government and parliament of Canada did all that was possible at the time, they kept their obligations, even though they failed to accomplish all that the parties declared was necessary to accomplish. The Northern Light was no doubt put on as an experiment. It was an earnest effort made to fulfil the obligation. It required a number of years' experience to tell in what respect the vessel was defective, if changes were required to be made in her structure, and in the appliances for her propulsions to know precisely what it was necessary to do in order to come as near the literal fulfilment of the obligation as possible. Everybody admits that that effort was earnestly made for some time, and while the experimental stage continued, an obligation would scarcely be said to have been incurred. When the vessel was continued after her defects were known, and when information was acquired by which a more perfect vessel could be put upon the service with a view of carrying into effect that term of union, no doubt some obligation was incurred. Now, everybody admits that the Stanley and the other vessel that is used for that purpose amply comply with the terms of union. This provision is made for the purpose of finally settling all controversy betwen Prince Edward Island and the government of Canada upon that subject. Prince Edward Island has agreed to accept it as a final settlement, and that being so, this measure is submitted to parliament for the purpose of carrying into effect that agreement.

Hon. Mr. MACDONALD (P.E.I.)—The minister has given a fair statement of the facts connected with this subject. The only matter that I have to express my regret about is that he has not considered it in a more liberal spirit and given our province a more liberal consideration for the failure on the part of the Dominion to carry out the terms of union. We know that the province, a good many years ago, made claims for a large amount of money in consequence of this failure to carry out the terms. I am pleased, however, that the government have gone even the short distance they have gone in settling this question up to the present time. But it must be well understood that this sum is in consideration of the failure up to the present time to carry out the terms of union in respect to the communication between the island and the mainland. It has no reference to the future. If the government should fail hereafter to carry out the terms by withdrawing those boats, or for any other reason, this arrangement has nothing whatever to do with that. It will be a subject for future consideration if any failure should take place. I wish that to be well understood, because I believe that the Dominion government has made a pretty hard bargain on this point with the province. At the same time, I presume that they have done the very best they could. The province is, unfortunately, not in a very strong financial position at present, and the expenditure there exceeds the revenue very materially. We know that this year the Dominion government have had a large surplus—$8,000,000, I believe it is claimed by the Minister of Finance, and members in the other branch

of the legislature,—and of course Prince Edward Island must have contributed its share towards that $8,000,000, and if we are one-fortieth of the population of the Dominion, it shows that we have contributed a very large amount of that surplus. I think that, under all the circumstances of the case, the government have made a pretty hard bargain in allowing the province of Prince Edward Island only the sum of $30,000 a year. Nevertheless, as the government of that province has come here and made the arrangement, I am satisfied to accept it.

Hon. Sir MACKENZIE BOWELL—I do not propose to discuss this question further than to dissent in toto from the remarks of the Minister of Justice and also of the hon. gentleman who has just spoken, so far as the reason assigned for giving this grant. I think it would be much more honest and straightforward had he stated frankly that the island had been so badly managed for some years back by its government that they were in a state of bankruptcy, and that it was necessary to increase their subsidy. Both governments did all they possibly could to overcome the natural difficulties that presented themselves in keeping the navigation open between the mainland and the island, and no court in the world would ever interpret the arrangement made to compel any country or individual to do that which it was utterly impossible to do. They kept spending money in building boats in order to accomplish the object which I think they have, to a very great extent, accomplished by the last two steamers. As science and invention advance, just in proportion will the government be able to overcome the difficulties of nature which have presented themselves in the Straits of Northumberland and also in the St. Lawrence. There are projects afloat for keeping the St. Lawrence open the whole winter to Quebec, and some say, as far as Montreal. That may be accomplished in the future, because no one knows what science will achieve. I do not know that this subsidy is sufficient to do all that is necessary to be done for the government of the Island, but, perhaps, with a little more economy on the part of those professing economy and practising extravagance, something better can be done. If the government had said frankly : 'We are giving you this $1,000,000 to enable you to carry on your government,' I think it would have met the case, and they would have been taking a frank, straightforward and honest course. But this measure—if it were not unparliamentary to say it here, and if I were out of door, speaking to any other individual, I would say it—is the worst subterfuge ever thought of to cover up that which they thought it necessary to do in order to maintain their party in Prince Edward Island. Both parties in the past refused, in connection with Prince Edward Island and other provinces, to pay large amounts in order to assist them when they got into financial difficulties. I am going to see if we can find something in Ontario to show how badly we have been treated, and to relieve our people, who are taxed for all their local improvements, bridges, roads and other things, of which the people in the other provinces are relieved—to see if we cannot get something out of the federal treasury.

Hon. Mr. McKAY—Ontario is the milch cow.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Truro reminds me of an expression that the Globe used in referring to this question. He says : You keep the milch cow, and we will milk her. I do not see any way of preventing it. I admit, I want our friends from the west to join us and see if we cannot get our fingers in the chest also. Quebec, of course, never wants it. I see an hon. gentleman from Quebec said in the other House that this is no part of the system spoken of at the Quebec Conference, presided over by Mr. Mercier in 1888—that Quebec does not want it—that she is rich enough without it. I was very much pleased to hear that, because I never thought it before, but, coming from such an eminent authority, I am bound to accept it. I should like to ask my hon. friend opposite is this to be what the Hon. Edward Blake asked across the floor on one occasion when a similar concession was made to a province—is this to be a finally final settlement? He asked Sir John Macdonald that once, and Sir John assured him it was ; but here we have three provinces knocking at the door and getting a good haul from the public chest. From what has fallen from my hon. friend here, and what was

said in the House of Commons, I should judge this is not a final finality settlement.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—No. Just as soon as a change of government takes place, a fresh demand will be made. They will find some excuse for giving them an extra sum and call it in liquidation of a debt that is due to them, because some portion of the Confederation scheme is not carried out. If I should happen to be alive at that time, and anything of that kind came up, I shall advocate the same theory as I am now propounding, and give honestly and fairly the reasons why we are doing it.

Hon. Mr. DANDURAND—I can give the hon. gentleman a reason why Ontario could make a claim on the Dominion. I think Ontario and Quebec should claim compensation for the railways which the provincial governments have built, and the Dominion government have taken possession of. I approve of this grant to Prince Edward Island, because, outside of the question of the service which was not given between the Island and the mainland, that province is entitled to a share of the fisheries award which the Dominion government got, five and a half millions, and which I understand under the last judgment of the Privy Council should be reimbursed to the provinces.

Hon. Mr. PERLEY—Ontario and Quebec have received large subsidies in cash for railways, and Manitoba and the North-west have subsidized their own railways.

Hon. Mr. DANDURAND—If it had not been for the older provinces, constructing the Canadian Pacific Railway the hon. gentleman from Wolseley would never have immigrated to the North-west.

Hon. Mr. PERLEY—Did the old provinces create Manitoba and the North-west Territories ?

Hon Sir MACKENZIE BOWELL—No, but they bought them.

Hon. Mr. MILLS—I fancy the Dominion treasury contributed a good deal towards the opening of the North-west Territories and Manitoba, when we constructed the Canadian Pacific Railway, and when we bonused railways with the public lands of the North-west Territories, for which we paid a considerable sum to the Hudson Bay Company. I am not complaining of what we have done. I think we have done wisely. I mention these facts simply to point out that my hon. friend is not left in that condition in which his language suggests.

Hon. Mr. BERNIER—The Canadian Pacific Railway was not built for the North-west. It was built for the Dominion and the empire.

Hon. Sir MACKENZIE BOWELL—In order that the hon. gentleman from St. Boniface, and the hon. gentleman from Wolseley should live there.

Hon. Mr. MILLS—It was built for the empire for the purpose of being a political bond, and not for the commercial advantages. The commercial advantages of the Canadian Pacific Railway inure to the benefit of the North-west Territories, and the country through which it runs. My hon. friend opposite (Sir Mackenzie Bowell) has spoken about this contribution to Prince Edward Island as being one wholly uncalled for, so far as any claim that that province might have upon the Dominion for the failure to carry out the terms of union with regard to connection with the mainland. I will not pretend to say whether we have done more than we ought to have done or not. I am satisfied that in granting Prince Edward Island $30,000 a year we have dealt with Prince Edward Island generously, so far as compensation for any injury that was done her, by the failure of the Dominion at an earlier period to establish continuous communication. I know that there are some men in public life in Prince Edward Island who have contended that the terms of union were absolute, that we were bound to establish daily communication, and that if it were a scientific impossibility, if there was not sufficient advance in the science of navigation or the application of steam to navigation to enable us to accomplish that object, that we ought to have given damages to them for our failure, because the question of possible or impossible was one that did not in the slightest degree interfere with or vary the obligation which we had incurred. I do not take that view. I do not think that that is a tenable view, but I do admit that if we fail to do the best possible under existing circumstances for Prince Ed-

ward Island, we would have incurred an obligation to her for our failure to fulfil, as far as it was in our power to do so, this term of union. This subject was discussed between the former government and Prince Edward Island. Prince Edward Island's representatives went to England. They visited the Colonial Secretary. They claimed from the government of Canada five million dollars of damages, in consequence of its failure to fulfil its obligations.

Hon. Mr. MACDONALD (P.E.I.)—Hear hear.

Hon. Mr. MILLS—It was pointed out in reply that the government had spent on Prince Edward Island sums beyond the revenue which it had received. That upon the railway in Prince Edward Island the expenditure had exceeded any revenues that railway had furnished, I think $600,000, from the time Prince Edward Island came into the union up to the time that that controversy arose. Then they further contended that they had expended in various ways large sums in Prince Edward Island, if I remember rightly, altogether amounting to something over $900,000 beyond the revenue of the Island, for the purpose of giving her another form of compensation for the failure to establish daily communication. Prince Edward Island did not receive that liberal expenditure for various other purposes in lieu of the failure to keep these terms of union, and I am free to say that if Prince Edward Island was not consulted, and did not accept those large expenditures in lieu of the daily communication, they could not be pleaded as an evidence that she had already been compensated for the losses which she had sustained. I admit that, but I have pointed out already that our government did the best it possibly could for Prince Edward Island under the circumstances, that the whole thing was an experiment, that it required considerable addition to the experience we possessed when we induced Prince Edward Island to come into the union in order to approximate more closely to the fulfilment of these obligations than we were enabled to do at the beginning. I say that was so, and the point at which our obligation would arise was the point when we had accumulated an amount of experience which we had not already applied. The building of the steamer 'Stanley' showed that after that construction the government was enabled——

Hon. Sir MACKENZIE BOWELL—Will the hon. minister allow me to make a suggestion ?

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—If you will stop the discussion we will put the Bill through all its stages to-night.

Hon. Mr. MILLS—I acquiesce at once in my hon. friend's suggestion.

Hon. Mr. MACDONALD (P.E.I.)—I do not agree with the hon. Minister of Justice in the view he has taken of the position of Prince Edward Island or the benefits it has received from the Dominion government in consideration of these services. The government of Prince Edward Island handed over to the Dominion government the wharfs and piers, which cost a large sum of money, and that is the sum that they claim they were giving to Prince Edward Island to make up this $600,000.

Hon. Sir MACKENZIE BOWELL—Do not open up that question now.

Some hon. MEMBERS—Carried, carried.

Hon. Mr. MACDONALD (P.E.I.)—I think I had better wait until we go to committee to conclude my remarks.

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

The Bill was then read at length at the Table, and passed through all its stages.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. minister if he made the inquiry I asked for the other day as to the amount paid for the carrying of the mail between Coe Hill and Apsley ?

Hon. Mr. MILLS—I am afraid I have not.

Hon. Sir MACKENZIE BOWELL—It cannot possibly be a matter amounting to many dollars a year.

Hon. Mr. MILLS—I could not tell my hon. friend.

Hon. Sir MACKENZIE BOWELL—Will the hon. minister promise to inquire ?

Hon. Mr. MILLS—I will promise to ask, if I remember it.

Hon. Sir MACKENZIE BOWELL—Oh !

Hon. Mr. PERLEY—Has the hon. minister the returns I asked for the other day with respect to the indebtedness of the several provinces ? I should like to have it, as the session is drawing to a close.

Hon. Mr. MILLS—I will make a note of it.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 21, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbours without amendment, were read the third time and passed under a suspension of the rules :

Bill (80) 'An Act to incorporate the St. Mary River Bridge Company.'—(Hon. Mr. Baker.)

Bill (89) 'An Act respecting the Grand Falls Water Power and Boom Company.'—(Hon. Mr. Wood.)

Bill (95) 'An Act respecting the Ontario, Hudson Bay and Western Railway Company.'—(Hon. Mr. Dandurand.)

Bill (98) 'An Act incorporating the Kettle River Valley Railway Company.'—(Hon. Mr. Templeman.)

Bill (108) 'An Act respecting the Manitoulin and North Shore Railway Company.' —(Hon. Mr. Dandurand.)

Bill (69) 'An Act to incorporate the St. Lawrence Power Company.'—(Hon. Mr. Vidal.)

Bill (81) 'An Act respecting the Algoma Central Railway Company and to change its name to the "Algoma Central and Hudson Bay Railway Company." '—Hon. Mr. Dandurand.)

Bill (111) 'An Act to incorporate the Interprovincial and James Bay Railway Company.'—(Hon. Mr. Baker.)

Bill (104) 'An Act respecting the Nova Scotia Eastern Railway Company, Limited.' —(Hon. Sir Mackenzie Bowell.)

Bill (120) 'An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.'—(Hon. Sir Mackenzie Bowell.)

PRICE OF GOVERNMENT BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY rose to :

Ask the government if they have a stock of the different brands of binder twine on hand at the Kingston penitentiary, and at what price are they selling the different brands of twine.

Hon. Mr. MILLS—I may say to my hon. friend that the kind of binder twine called Beaver is sold at eight and a half cents, Sisal at seven cents, New Zealand, six and a half cents, Monarch, eight and a half cents. These are the prices at which the twine is sold for cash on delivery at the penitentiary.

Hon. Mr. PERLEY—Have they a stock on hand ?

Hon. Mr. MILLS—Yes. The raw material has since gone up and the probability is that it will be necessary for the future manufacture to ask a somewhat higher price.

DISALLOWANCE OF QUEBEC LEGISLATION.

Hon. Mr. LANDRY—Before the Orders of the Day, I desire to call the attention of the Minister of Justice and his colleague to certain facts. I think it is the privilege of this House, when a question is put to the ministers, to have the best answer that the government can give, which is not always the case. On Friday last I inquired from the Minister of Justice if he had received any petition asking for the disallowance of the Act passed by the Quebec legislature at its last session, relating to the contested elections. The hon. minister told me that he

knew nothing of it; at all events his attention had not been called to it, and answering, I suppose, wholly in his own name, but trying to give to the House the impression that he was answering in the name of the government, he told us that no petition had so far been received. The minister said that if anything was done in the matter, it must be through the channel of the hon. Secretary of State. The next day I asked the hon. Secretary of State if he had received a petition. What was his answer? He said:

A petition was sent from Mr. Nantel. It was acknowledged at the time, and transferred to the Governor in Council. It would necessarily go to the Minister of Justice for an opinion and a report. I have not heard what has been done since, but it was received and attended to promptly.

So we were left under the impression on Saturday last that that petition had been received by the hon. Secretary of State, not on that day, Saturday, but as he says, on Monday or Tuesday of the same week, at the beginning of the week. We were told that the Secretary of State had immediately forwarded the petition to the Minister of Justice. What is the answer of the Minister of Justice? The Minister of Justice speaking later on says:

That petition I have not yet seen.

That was on Saturday. The petition had been received on the previous Monday or Tuesday, and forwarded immediately to the Governor in Council. The duty of the Minister of Justice was, at all events, to say that he had received it.

Hon. Mr. MILLS—I have not received it yet. I inquired again yesterday in my department, and I found that no papers had as yet come.

Hon. Mr. LANDRY—It is a pity. What does the Prime Minister say on that subject? He says:

It is not within my knowledge that any such petition has been received by the Governor General in Council.

The Secretary of State says publicly, in this House, that he has received this petition and filed it with the Governor in Council, and yet the Prime Minister in the House of Commons says:

It is not within my knowledge that any such petition has been received by the Governor General in Council.

Who is telling the truth? Shall I say it is the Prime Minister? I cannot say that in the face of the hon. Secretary of State. I am inclined to say perhaps that the hon. Secretary of State is telling the truth. If he is telling the truth, and the petition was put before the council, it is clear, taking the declaration of the Prime Minister, that none of the other ministers have taken cognizance of that document.

Hon. Mr. MILLS—We cannot till it comes to us.

Hon. Mr. LANDRY—Mr. Monk, in answer to that says:

I am stating that I handed the petition to the Secretary of State and he gave me a written acknowledgment, which I sent to the petitioner, and in which I plainly stated that it was about to be put in the hands of the government.

And the Prime Minister says:

That must have been within a very few days, for I am sure it has not yet been submitted to the Privy Council.

Is the hon. Secretary of State doing his duty?

Hon. Mr. SCOTT—He will explain just now.

Hon. Mr. LANDRY—If he sent it to the council why does the Prime Minister say it has not yet reached the council? Further on the Prime Minister says:

Without going into the merits of the case, perhaps my hon. friend from Jacques Cartier has noticed already that even if the Act were to be disallowed, Mr. Nantel could derive no benefit from that disallowance, because, according to the memorial which has been placed in my hands, a judgment of the court, pronounced by Mr. Justice Taschereau, has been rendered between the parties, setting aside all the proceedings, and declaring the petition to be null and void. Under such circumstances, even if the Act were disallowed, I do not believe Mr. Nantel could revive that petition, which is res judicata between the parties. My hon. friend is right in saying that the power of disallowance applies not only to laws which are ultra vires of the province, but more forcibly still to laws which are intra vires of the province; because, as he suggests, laws which are ultra vires of the province do not require to be disallowed, because the courts will set them aside when their attention is called to them. This law was certainly within the powers of the legislature of Quebec. Whether the legislature acted wisely or unwisely, I am not prepared at this moment to say; but if I were to express an opinion, I would say that if I had been in the legislature, I would have voted with the Attorney General of the province against the law. But that law has no effect, so far as the election in the county of Terrebonne is concerned, the

judge having set aside the petition and all the proceedings; and if we were to disallow the Act, the disallowance would only apply to other sections of the community where elections are pending; but we have received no petition from anybody that I know of except Mr. Nantel.

That is an astonishing assertion coming from a minister who a moment ago said he knew nothing about it and that no other petition, only that one from Mr. Nantel, had been received. The Prime Minister goes on saying :

And I submit, with all due deference, that he has no more interest in the matter.

I want to correct that statement immediately. There were two judgments rendered by Mr. Justice Taschereau, on two different motions. The first motion came before the court on the 13th of April, 1901, and here is the judgment :

The court after having heard the parties by their respective advocates, upon the motion of the petitioner asking that a day may be fixed for the hearing, upon the evidence and the merits of the preliminary objections filed in this case by the defendant, having, moreover, examined the procedure and the documents on record, together with the exhibits filed by the defendant against such motion, and deliberated on the whole;——

You will see on what the judgment is based. It is on a motion asking for a day to be fixed for the hearing of preliminary objections. The judgment continues :

—considering that the defendant has opposed the said motion and has contended that the election petition in this case is now, seeing the terms of the law, entirely extinguished, lapsed, null and of no effect, because the hearing on the merits has not been commenced during the three months following the publication made by the Clerk of the Crown in Chancery in the Official Gazette of Quebec on the 28th of December, 1900, of the notice of the election of the defendant.

Considering that this contention of the defendant is well founded, in fact as well as in law, and that this court, seeing the extinction, the lapsing and the nullity of the said election petition, as set forth by the said law, is now powerless to grant the said motion of the petitioner.

Rejects the said motion without costs.

That is the first judgment given by the courts. A motion is made to fix the day ; the court answers 'I cannot fix a day, because I am powerless to grant that motion.' Why ? 'I am powerless in consequence of the law just passed by the Legislative Assembly of the province of Quebec.' The second motion came a few days after, on the 20th April, 1901, and this is the judgment of the court :

The court having heard the parties by their respective advocates, on the motion of the defendant to the effect of declaring that the election petition in this case is extinguished, lapsed, null and of no effect, and that it may consequently be rejected without costs; having, moreover, examined the procedure and the documents on record, and especially the certificate of the prothonotary of this court stating that the said election petition has not been filed, and having on the whole deliberated;

Considering that the legislature of the province of Quebec, by an Act passed at its last session, and sanctioned on the 28th March last, 1901, has enacted as follows:—

'An Act to amend the law respecting Controverted Elections.

'His Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows:—

'1. The Act 52 Victoria, chapter 11, is repealed.

'2. The following article is added after article 576 of the Revised Statutes :—

'576a. The hearing on the merits of every election petition now pending, or which may hereafter be pending, must have been commenced within the three months which have followed the publication, in virtue of article 213 of the Quebec Election Act, 1895, in the Quebec Official Gazette, of the notice by the Clerk of the Crown in Chancery of the election of the member, otherwise the petition shall be absolutely extinguished, lapsed, null and of no effect.'

Considering that by another provision of the same Act it is enacted that such an Act shall come into force on the day of its sanction;

Considering that the notice of the election of the defendant, given by the Clerk of the Crown in Chancery, has been published in the Quebec Official Gazette on the 29th of December last, 1901, that the election petition in the case has been filed on the 26th January last, and that the hearing on the merits has not been commenced within the delay of three months fixed by the said Act, which is retroactive in express terms, and which applies to the present election petition;

Considering that the courts of this province, and the present court especially, are now disseized for all purposes of the said election petition, which is extinguished, lapsed, null and of no effect by the sole effect of the law.

Doth in consequence grant *acte* thereof to the parties without costs.

As you may see by this judgment, the court does not touch on the merits of the petition. It is because there is a law passed by the legislature of Quebec, a law which renders the court powerless as to give a judgment that the court in its wisdom came to this conclusion. The Prime Minister did not see the importance of that judgment, certainly, when he said in his remarks that 'The law has no effect so far as the election in the county of Terrebonne is concerned.' It is

because of that law that the petition in the county of Terrebonne was not set aside in the way the hon. minister says, by a judgment res judicata, but because the Hon. Justice Taschereau had not, in a general way, any power to touch the petition itself. It is the Court of Review in our province that sits and decides upon election petitions. In our province the preliminary objections are pleaded and adjudged by one judge. When that obstacle is removed, when the hearing of the case comes upon its merits, then the argument is made before three judges sitting as a Court of Review, and the judgment is given by the Revision Court. The court presided over by Judge Taschereau had no right to adjudge on a petition. He could not adjudge, and the Revision Court will not adjudge either, because the case cannot go before the Revision Court unless the hearing of the evidence has been taken, and it is only after evidence has been taken that the case is matured to go before the Revision Court, so that that court could not judge the matter either, and it is in this way the case stands to-day. The petition is set aside, because the court is powerless, but if the Act is disallowed, the old law revives and the petitioners will be in a position to go on with their case. I call the attention of the Minister of Justice to this particular phase of the subject, because I would not like the statement of the Prime Minister to be accepted.

Hon. Mr. SCOTT—The answer I gave the hon. gentleman the other day was strictly correct. There is no use in my repeating it. Mr. Monk called with the petition and handed it to me. I told him it would go in due course to the Governor in Council. In the afternoon I instructed an official letter to be written to Mr. Nantel, which no doubt he received. The same day the papers were sent to the Governor in Council, and I suppose placed in a box there with fifty or sixty other documents, many lying there for several weeks. As hon. gentlemen are aware, there are only, comparatively, a few moments for cabinet meetings before the three o'clock meeting of the House of Commons each day, and the box is rarely touched, for the reason that only matters of the most pressing importance, that are occupying the attention of parliament, can be considered, and therefore, the hon. gentleman can quite understand it might be in the box, and the premier not aware of the fact. I called his attention to it to-day, and he said he would inform Mr. Monk he had made a mistake the other day in saying it was not before him. It was before him, in one sense, because it was in the box, but it was not examined with the multitude of other papers there. I do not propose to follow my hon. friend in a discussion respecting the merits or demerits of the question, but that is the fact, and in due course the question will be reviewed. Having called attention to it to-day, it will probably be referred to-day or to-morrow to the Department of Justice.

Hon. Mr. LANDRY—I presume it will be put in a box that cannot be opened.

Hon. Mr. SCOTT—It just takes its course with other papers. It is not entitled to any precedence before far more important papers.

Hon. Mr. LANDRY—The government should have two boxes, and put it in the proper one, not the wrong one.

Hon. Sir MACKENZIE BOWELL—How far would the Act passed by the Quebec legislature affect these contested elections in case the government here should recommend its disallowance? It might be a month hence, possibly, and the time for taking proceedings would have lapsed.

Hon. Mr. MILLS—Of course I have not the Bill before me, nor do I know anything about its contents. In fact, I only know of the existence of the Bill from what I have heard the hon. gentleman say here in the House. We disallow, my hon. friend knows, measures that affect the policy of the Dominion, that contravene or interfere with the carrying out of a policy that has been adopted. We also disallow measures that are ultra vires. This is a measure that does not fall within either of those rules which Sir John Macdonald laid down in 1868, I think, very early in the confederation at all events, as the guiding principle to the government on that occasion, that is, that measures that were clearly ultra vires should be disallowed.

Hon. Sir MACKENZIE BOWELL—You do not do that sometimes.

Hon. Mr. MILLS—Measures that were in contravention of the public policy of the Dominion, even though they might not be ultra vires, are disallowed. In this case, there can be no doubt of the fact stated by the hon. gentleman who has made the motion, that the government of Quebec is acting within its jurisdiction in passing this measure. It may be a very bad measure. It may be a measure that interferes with the rights of parties, but we are not supposed to deal with all the questions that are vicious in principle and that are clearly contrary to what we consider sound public policy, so long as they are not in contravention of some policy of the Dominion. Whether this measure is so vicious in its character as to call for the interference of the government of the Dominion, I am not prepared to state. I have not seen the measure. The usual rule that has been adopted by governments heretofore, where a measure is vicious in principle but is neither ultra vires nor interferes in any way with the policy of the Dominion, is to leave it to the public at large of the province to deal with. They may condemn the legislature that passed it. They may elect a legislature that will repeal it, and adopt sounder views. In fact, the parliament of Canada and the government of Canada would practically be guilty of a new departure altogether if they were to organize themselves into a body of moral censors with a view of holding the local legislatures of the various provinces responsible for acts which, in their opinion, might be unwise, or which in their opinion might be unjust or unfair. Those measures are for the most part—I do not say whether it should be so or not in this case,—I am expressing no opinion upon it—but in most cases it has been felt, both in the United Kingdom, in dealing with the various colonies of the empire, and in the government of Canada since the confederation in dealing with the legislation of the provinces, to leave measures that are vicious in themselves, and which do not touch either the rights of the Dominion under the constitution or the policy of the Dominion, to be redressed by the electorate, finally in each province, dealing with the government and the legislature that are responsible to the public opinion of that province.

Hon. Mr. MILLS.

Hon. Sir MACKENZIE BOWELL—My hon. friend has not answered my question. Perhaps it is not fair to ask it until he has given the subject more consideration. If they decide to disallow this Act, and it is not disallowed until after the time has expired under the old law for the contestation of an election, would the proceedings that have taken place, in order to test the validity of an election which has been held in the province of Quebec, be in a position to be continued? Would Mr. Nantel, for instance, be able to conduct his contestation of the seat for Terrebonne in case of the disallowance after the expiration of the time for taking proceedings under the old law, he having been prevented from proceeding with the case in the courts owing to the passage of the law now under discussion. I agree with the statement of the Prime Minister, made in the other House, that it is not so necessary to disallow an Act which in itself is ultra vires, because the parties would have the right to enter into court and test the validity of the Act. It is in connection with Acts which are intra vires and are detrimental to the public interest that the discretion of the Governor in Council should be used in either allowing them to go into force or disallowing them. In this case, the Act may have the effect of relieving those who had committed crimes punishable by imprisonment and by fine, from punishment, or it may not. If that were the case, it is one which at least ought to be considered.

Hon. Mr. MILLS—The disallowance of the Act is not retroactive in its effect. Every Act that is not ultra vires is operative and until it is disallowed it is law.

Hon. Sir MACKENZIE BOWELL—That I understand, but supposing this is intra vires?

Hon. Mr. MILLS—I am assuming it is intra vires; then it is operative and will be operative until it is disallowed, and that is prospective.

Hon. Sir MACKENZIE BOWELL—Then if it is not wiped out in time, it ends this contest?

Hon. Mr. MILLS—Yes, if the time has expired.

Hon. Mr. LANDRY—That is not a reply to the question. The hon. gentleman supposes a case, where the disallowance is after the expiration of the delay. The disallowance sets aside that Act, and the old Act is revived. Under the operation of the old Act six months were allowed to take proceedings. I suppose the operation of the old Act cómes into force at the expiration of the six months. I think that is what the hon. minister means. In that case, the disallowance coming after the date at which the old law would be revived, would the petitioner be deprived of his rights?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—That should impress the government with the necessity of taking immediate action. I do not advocate disallowance. I do not ask the government to disallow. I want to know what position the government is going to take on that question. If the government decides to disallow, if such disallowance is to be effective, it must be done immediately, and I will say, also, to the hon. gentleman that it is not alone for the public interest, that Acts are disallowed. The policy from confederation till to-day has been to disallow Acts, not only when they were against the Dominion interest, but when they were of a retroactive character, when they trampled upon private rights, or when they were against public morals, and in this case there is something to be said on that ground, and I hope the hon. gentleman will not forget it when he studies all the reasons he may have to disallow the Act.

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called:

Committee of the Whole House on (Bill 127) An Act to amend the Animal Contagious Diseases Act.

Hon. Mr. MILLS—I considered this Bill with my hon. friend from Kingston, and several other medical men, and the Minister of Agriculture who introduced this Bill and carried it through the House of Commons left no memorandum upon the subject, and I do not know precisely upon what he bases the views expressed and the policy that he proposed to give effect to, and as it is late in the session and he has left the city, in the face of the medical evidence that was pressed upon the committee, I do not purpose to proceed to-day, at all events, with the Bill, and I ask that it be discharged and put upon the Order paper for to-morrow.

Hon. Mr. SULLIVAN—We will take pains to have the best opinions on the subject and have it satisfactorily settled, and therefore it will be in the public interest to have it postponed.

The motion was agreed to.

THE SOUTH SHORE RAILWAY COMPANY BILL.

SECOND READING POSTPONED.

The Order of the Day being called:

Second reading (Bill 106) An Act respecting the South Shore Railway Company.

Hon. Mr. DANDURAND moved that the Bill be read the second time.

Hon. Mr. LANDRY—I think we must enjoy the privileges of this House, and I call attention to the fact that this Bill is not yet printed in French.

The SPEAKER—It is marked as printed.

Hon. Mr. LANDRY—I have not received it.

Hon. Mr. SCOTT—It is printed.

Hon. Mr. LANDRY—Not in French.

Hon. Mr. BOLDUC—I have not seen the French edition although I have looked for it.

Hon. Mr. DeBOUCHERVILLE—It is easy to decide the question. If it is printed in French, somebody must have a copy.

Hon. Mr. FORGET—I have an English copy of it, but not the French copy.

Hon. Mr. LANDRY—Let it stand.

Hon. Mr. DANDURAND—I move the second reading.

Hon. Mr. LANDRY—I want the Speaker to give his decision. It is not printed in French, and I have a right to claim that the Bill be printed in French before we proceed with it.

The SPEAKER—The rule is that a Bill should not be read a second time until it is printed in English and French.

Hon. Mr. SCOTT—It is marked on the paper as being printed in both languages.

Hon. Mr. LANDRY—It is a bad mark.

The SPEAKER—The prima facie evidence of the fact that the Bill has been printed in both languages is to be found on the Order paper. It is marked E. F. But as no hon. gentleman seems to have seen the French copy, I suppose the wiser course would be to let the item stand. I understand search is now being made. If the Bill has been printed in French, it would be manifestly unfair to the promoters of the Bill to postpone it.

Hon. Mr. LANDRY—Certainly.

The SPEAKER—Then it will stand at the foot of the Orders of the Day.

GAS INSPECTION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (139) 'An Act to amend the Gas Inspection Act.' He said: The clauses in this Bill are very few. The first clause is to declare that only authorized persons—that is, the inspectors—shall be permitted to inspect the meter, and the next clause is fixing the rebate in the case of variation, whether a loss or a gain, limited to whatever the loss or gain may have been in the preceding three months, and the last clause provides that no person except the inspector shall inspect from time to time.

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

Hon. Mr. SCOTT moved the suspension of rules 17 and 41 in so far as they relate to this Bill.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—I suppose there must have been some abuse in this direction or this measure would not have been called for?

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I suppose there have been what are called tramp inspectors going round and interfering with the meters, and the object is to prevent that—that there shall be no inspection except by the government inspector. That is the whole principle of the Bill, is it not?

Hon. Mr. SCOTT—Yes, that is the principle of the Bill, and of the Electric Light Bill. They are both of the same character.

The clause was adopted.

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

The Bill was then read the third time and passed.

ELECTRIC LIGHT INSPECTION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (No. 140) 'An Act to amend the Electric Light Inspection Act.'

He said: This Bill is precisely similar in principle to the Gas Inspection Bill. It provides the machinery and the appointment of an inspector who shall be the only authorized person to examine the meters, and the loss and gain are dealt with in the same way as in the former Bill. It is not allowing any one to inspect them except the inspector.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—The expression inspector, is defined. He must be appointed by the department.

Hon. Sir MACKENZIE BOWELL—Is there one in every town?

Hon. Mr. SCOTT—I presume wherever there is an electric light, wherever the people require an inspector.

Hon. Mr. SULLIVAN—Is this making a new officer?

Hon. Mr. SCOTT—I cannot say. They have an inspector here, and I presume they have inspectors of gas in many places. I fancy with very little instruction an inspector of gas could also do the inspecting of the arc light.

Hon. Mr. POWER—That is the practice.

Hon. Sir MACKENZIE BOWELL—Sometimes they send the inspector to an adjoining town. However, that does not affect the principle.

Hon. Mr. SULLIVAN—I use an electric light, and no inspector ever came around. It is all regulated by the proprietor of the light. Does this Bill appoint an inspector to do that work ?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 4,

Hon. Sir MACKENZIE BOWELL—I suppose the adoption of the 3 per cent, in the reading of the meter, when either too fast, or too slow, is the result of the investigation here by the officials of the department ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Who stamps the meter ?

Hon. Mr. SCOTT—The inspector would.

Hon. Mr. LANDRY—That is determined by the general Act ?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—The only change in the regulations is subsection (c), for determining the standard or standards for arc lights. The others are just as they were.

Hon. Mr. MACDONALD (P.E.I.). Has the government appointed inspectors in the different cities which have electric lighting for the streets and squares ? I know in the town I come from, which is lighted by electricity, there is no inspector, so far as I am aware, and I know that complaints are made by the citizens of the inefficiency of the light—that it does not come up to the standard which the company agreed to supply, and so far there has been no remedy for this. There is no inspector there to decide whether the company is giving the quantity of light that they agreed to furnish or otherwise. The town, of course, pays for the light, but the difficulty is to say whether it is up to the standard the company agreed to supply.

Hon. Mr. MACDONALD (B.C.)—The electric light system is not owned by the town ?

Hon. Mr. MACDONALD (P.E.I.)—No, but by two companies, and although there is competition between the two companies, still there is a good deal of complaint. If there is an inspector who could determine whether the light was up to standard, the matter could easily be adjusted.

Hon. Mr. SCOTT—The various parts of the Dominion are divided into districts. Charlottetown is in the Halifax district. There are, in the district embracing Nova Scotia and Prince Edward Island, an inspector and an assistant. The headquarters would be at Halifax, so at any time inspection is required, the inspector or his assistant would go to Charlottetown to inspect the gas or electric meters. In the province of Quebec there is one in Quebec, one in Montreal, one in Sherbrooke—inspectors in all the great centres of population.

Hon. Mr. LANDRY—Is the standard only for arc lighting ?

Hon. Mr. SCOTT—No, it is for all.

Hon. Mr. LANDRY—I see nothing but arc lighting mentioned here.

Hon. Mr. SCOTT—That is an addition. The incandescent was subject to inspection before, and this adds arc lighting.

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

The Bill was then read the third time, and passed.

OCEAN STEAMSHIPS SUBSIDIES BILL.

SECOND AND THIRD READINGS.

Hon. Mr MILLS moved the second reading of Bill (141) 'An Act further to amend the Act relating to ocean steamship subsidies.' He said : This Bill is to subsidize ocean steamships sailing between a port in Lower Canada and a French port. If the

vessels employed are not able to make more than eighteen trips in a year, the subsidy is not to exceed $50,000, and in any event not to exceed $100,000. There has been some correspondence with the authorities in France on the subject. I think they propose to put an equal number of ships on the route, of French register, and to make an equal contribution towards subsidizing that line.

Hon. Sir MACKENZIE BOWELL——Does the minister know whether under the regulations which are to be made, or the agreement with France, the subsidy will be granted to any ships other than those which carry the French flag? Under the old French law, which existed when I was dealing with this question, they would grant no subsidy to a vessel that did not carry the French flag, their subsidies being regulated by the law. Hence there was difficulty always found in having a joint subsidy, because our government objected to giving subsidies to vessels that did not carry the British flag. There was also a law providing for direct importation, otherwise they would have imposed upon goods by that line an extra tax. If a vessel touched at any port other than going direct to France, then it was deprived of the advantage of the minimum tariff. I hope this further concession, granting a large subsidy, will have the effect of creating and building up trade. So far as my information goes, and the returns in the House show, the attempts to establish a line between Canada and France have not resulted in a commensurate return for the money paid, particularly under the last treaty into which we entered during Sir Charles Tupper's time. We got the advantage, under certain circumstances, of what they call the minimum tariff. Unless a better trade can be cultivated under this extra subsidy, unless we can get some concessions, by which a vessel leaving Canada can touch at an English port, and then go on to France, I am very much afraid that the result will be not exactly what we have a right to anticipate it should be. I ask the hon. gentleman if he has any information on the subject.

Hon. Mr. MILLS—The hon. gentleman will see that each of the two governments practically contribute equal amounts, and the difficulty that we experienced in dealing with the French government in the past will be met by that arrangement, because there will be nothing to prevent the Canadian government paying the subsidy to vessels of British register, and the French government paying their subsidy to vessels of French tonnage. That arrangement meets the difficulty which my hon. friend was called upon to face.

Hon. Sir MACKENZIE BOWELL—You will then have British vessels going one way, and French vessels going the other.

Hon. Mr. MILLS—They will be alternate. With regard to the trade, of course it is a tentative measure altogether, because it might be that we will be disappointed in the extent of the trade that may be developed between the two countries, but my impression is that the necessity for pulp in the manufacture of paper in France will be such as to give rise to a very considerable trade in that article alone. In fact, I understand Mr. Clergue's company expect to produce pulp enough for the continental market to give employment to one of those vessels himself.

Hon. Sir MACKENZIE BOWELL—That will be a good subsidy to the pulp manufacturer. I have great doubts as to the success of the enterprise. I hope the new industries which have sprung up may result as the hon. gentleman anticipates. I am confirmed in the opinion I always held, that the treaty we entered into with France has not proved of advantage to any extent to Canada.

Hon. Mr. DANDURAND—It was perhaps because there was no direct line, but we have better prospects to-day. There was an attempt at navigating steamers between Canada and a French port last summer. There were six round trips made, and there was more freight going than could be carried every time, and at every trip freight was left on the wharfs of Montreal.

Hon. Sir MACKENZIE BOWELL—That was the outgoing freight?

Hon. Mr. DANDURAND—Yes. The amount of incoming freight was lighter, but there is a question of deviating trade from its old channels and bringing it in Canadian bottoms direct from French ports.

This company intend to put on steamers that will go to Havre, and others that will go round to Marseilles, so that the trade will be well served, and I am sanguine we will have considerable trade between the Mediterranean and this country.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will not be disappointed.

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

The Bill was then passed through it final stages under a suspension of the rules.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (142) 'An Act to provide for a further advance to the Harbour Commissioners of Montreal.' He said: Hon. gentlemen will see that this is a Bill to enable the Harbour Commissioners of Montreal to obtain the sum of one million dollars to aid in the construction of grain elevators. It provides that the plans for the work shall be submitted to the Minister of Public Works, and debentures may be issued for which public security may be given, and that the moneys are to be raised in the usual way in which the resources and powers of the Montreal Harbour Commissioners enable them to put into operation.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—What is the indebtedness of the harbour of Montreal to the Dominion?

Hon. Mr. MILLS—I am unable to answer the hon. gentleman's question. I do not remember, but they have certainly made prompt payment of their obligations.

Hon. Sir MACKENZIE BOWELL—I did not ask the question with a view of opposing it, because Montreal is one of the few harbours that have met their engagements.

Hon. Mr. MILLS—Always.

Hon. Sir MACKENZIE BOWELL—There are others to which I could refer that have swallowed up everything they could get and then want more.

Hon. Mr. DANDURAND—Do not hurt anybody's feelings.

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

The Bill was then read the third time and passed.

ST. LAWRENCE AND ADIRONDACK RAILWAY COMPANY'S BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Sir MACKENZIE BOWELL moved concurrence in the amendments made by the House of Commons to Bill (M) 'An Act respecting the St. Lawrence and Adirondack Railway Company.' He said: The object of the Vanderbilt system in asking power to issue bonds to the extent of $300,000, which was not to take precedence of any claim which might exist against the road, was for the purpose of enabling them to make certain improvements, and the Vanderbilts were prepared to advance, out of their own funds, the $300,000 and to make a provision in the Bill that it shall not take precedence of nor rank with any other creditors, but that they shall have a lien on the property after all the other debts are paid. It was supposed, when this Bill passed the Senate, that that had been provided for, but it appears the House of Commons did not think that the creditors of the road were sufficiently protected. Hence they amended it by saying that the bonds for the $300,000 are not a lien upon the property or assets of the company. It only puts it beyond a doubt that this was not taking precedence of, or rank equal with the creditors.

The SPEAKER—There is a rule of the Senate which provides for amendments made to a private Bill in the House of Commons. If they are of importance they shall be considered in Committee of the Whole, or sent to a committee of this House, but I do not think this amendment is of that importance. It is only making clear what was the intention before.

The motion was agreed to.

THIRD READING.

Bill (47) 'An Act to amend the Act to restrict the importation and employment of Aliens.'—(Hon. Mr. Mills.)

PACIFIC CABLE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (45) 'An Act to amend the Pacific Cable Act, 1899.'

(In the Committee.)

On clause 3,

Hon. Sir MACKENZIE BOWELL—I do not know that any good can result from discussing the merits of the policy of both governments in connection with this cable, but I desire to ask a question in reference to this last clause. We can understand what the effect of the other is, that through the delays which have taken place in the construction of this Pacific cable, it will cost the country a good deal more than it would have cost had it been grappled with at the proper time. I am not prepared to find fault, either with the old government, because they did all they could in connection with this project, or with the present government, knowing as I do the difficulties that were thrown in the way constantly by the Eastern Extension Company and those interested in the other Pacific cable lines. But the last clause in this Bill would leave the impression upon the minds of those who read it and who understand the question that the carrying out of the project, so far as Canada is concerned, would depend in a great measure upon the sanction of the Australasian colonies in connection with the privileges which they have granted to the Eastern Extension Company. Supposing New South Wales should adhere to the arrangement which they have made with the Eastern Extension Company, and supposing that the action of New South Wales in this regard is confirmed by the general parliament of the commonwealth, what position will Canada be in then? We know now what has been done. We know that that will interfere in a great measure with the receipts of the Pacific cable when once in operation, because if the Eastern Extension Company is to have advantages, and reap a portion of the revenues which should be paid to the scheme we have under consideration now, will the Canadian government go on with the undertaking, or will they say no? And until that is arranged will not this clause prevent any further steps being taken either by England or by the Australasian colonies until a final settlement has been arrived at by the different parties interested? That is the point that has struck me very forcibly, that it will of necessity cause still further delay, and whatever the result may be, I cannot say. They have entered into this contract with the Eastern Extension Company. The company which has been trying from the beginning to destroy the enterprise, and has thrown every possible difficulty in the way, have, strange to say, obtained the contract for the construction of that line which they have been opposing since 1887. Every conceivable obstacle has been thrown in the way, and now, strange to say, the commissioners whom we appointed to carry out this scheme, have entered into a contract with this particular company. It will be remembered by those who paid any attention to the subject, that they first declared that it was impossible to lay a cable between British Columbia and the Australasian colonies, on account of the great distance. When they found that Canada, which has been the prime-mover in this, and to my mind less interested financially than England of any of the Australasian colonies except perhaps South and West Australia——

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When they found Canada so actively urging the project, actuated and guided by an Imperial sentiment, by which a cable should be laid round the world, touching nothing but British territory, it has always been a puzzle to my mind how it is that the Colonial Secretary, and those who have been advocating Imperialism to the extent to which they have, should have been so lax in pushing forward an enterprise which would have more to do with the unification of the Empire, than anything else.

Hon. Mr. MILLS—If this Act were brought into operation without first seeing that we get a fair proportion of the trade, and that

it does not go wholly to the Eastern Extension Company, my opinion is that they would control the whole thing, and there would be nothing to be done.

Hon. Sir MACKENZIE BOWELL—Perhaps under those circumstances it is a wise provision to hold it in terrorem over them, until the government have succeeded in obtaining it. If any one will look at that contract they will find the terms upon which they are to lay the cable. All the expenditure is to be met out of advances of the money which is to be paid by England, and the different colonies, and there is not a single word in the whole of that contract in the way of giving a security for the performance of the work.

Hon. Mr. MILLS—None whatever.

Hon. Sir MACKENZIE BOWELL—So that if this company acted upon the principle which has guided and actuated them in the past, they may for years frustrate the whole scheme and not carry it out in accordance with the terms of it, because there is no penalty attached, but as they go on, the money is advanced to them, just in proportion to the progress made. It is an exceedingly unfortunate state of affairs, and almost enough to induce the colony to say to England 'Under the circumstances, if you have not sufficient interest in an Imperial undertaking of this kind, there is no reason why we should be continually urging it upon you. I am not opposed to the Bill. I am very anxious, from the standpoint that I have laid down, that this cable should be constructed. It was proved beyond a doubt that there will be no difficulty in laying a cable, notwithstanding the extent over which it would have to stretch from British Columbia to Fanning Island, and have it done successfully. I may say that this was a grave question, between Mr. Fleming and myself. We had to meet it. When we were in England we were discussing the possibility and feasibility of a line being laid successfully over so many thousand miles. Mr. Hosmer was in London at the time, and we asked him, without saying anything to any one, if he would make a connection between the cable in England, and that in the United States by which you could get a round circuit from England and have your answer come back to a point in England, which is a greater distance than from Victoria to Fanning Island, and to our very great gratification, he acceded to our request at once, and proved the feasibility of it to the extent that he could wire from England across the Atlantic ocean and back again, and the question was repeated at the terminus in England, which, as I have already pointed out, was a longer distance than from Fanning Island to British Columbia. Of course, with the smallness of the wire, you could not only have a limited number of words per minute, but that would be easily overcome by increasing the electric power, and having a larger wire. So that we need be under no apprehension as to the feasibility and practicability of carrying out this scheme.

Hon. Mr. POWER—I wish to ask if the Eastern Extension Company, or any other cable company, have laid a cable from South Africa to Australia, or are they about laying it ?

Hon. Mr. SCOTT—They are laying it. I do not know whether it is completed.

Hon. Sir MACKENZIE BOWELL—I think that is one of the reasons why New South Wales has made such concessions to them.

Hon. Mr. POWER—I am very glad to see the suspending clause at the end of this Bill, and I hope that the time will never come when the Governor General will issue the proclamation mentioned in this third clause. When the original measure was before the House, I took the liberty of expressing my hostility to it. I thought it was just an illustration of the unwise extent to which Canada was being carried by a so called Imperialistic spirit. As the hon. gentleman who has just spoken has truly said, Canada was much less interested in the Pacific cable to Australia than either England or the Australasian colonies, and still, as the hon. gentleman said Canada was the prime mover in the whole matter.

Hon. Sir MACKENZIE BOWELL—That is true,—from 1887.

Hon. Mr. POWER—And I think her action was due, in a great measure, to the Imperialistic sentiment or the hon. gentleman himself, and, shall I say, the Scottish pertinacity of the gentleman with whom he was associated. Canada. is less interested com-

mercially and politically and every other way, in this measure than either the Australasian colonies or England. It was with great difficulty that the Australasian colonies, who were most directly concerned in the matter, were induced to take hold of it, and become parties to the agreement, and the principal reason why I believe the Australasian colonies came into this agreement was, that they had not telegraph communication at that time. Since the time we discussed this measure before——

Hon. Sir MACKENZIE BOWELL—When does the hon. gentleman mean ?

Hon. Mr. POWER—1897 and 1899. Since that time the cable has either been laid from South Africa, or arrangements have been made to lay it. So that the Australasian colonies have the communication now, and Canada has also communication by wire with Australasia, and there is really not nearly the same necessity or urgency for this Pacific cable that there was when we agreed to make ourselves liable for five-eighteenths of the principal and interest, of one million seven hundred thousand pounds. That made, I think, the amount that Canada made herself liable for, about $75,000 a year. Under this Bill, if it becomes law, and if the proclamation is issued, we shall be liable for five-eighteenths, or nearly one third of ten millions dollars principal. We shall be liable for something over three million dollars principal, and we shall be liable in the meanwhile for something over $83,000 a year interest ; and I really do not see what we are going to get out of the undertaking which will repay us for that investment. The position is this : that since the original Act was passed, the colony of New South Wales has apparently backed out of the undertaking, and we do not know who is going to assume the two-eighteenths which I think she proposed to assume. The business which this cable company was to get will probably pass largely into the hands of the Eastern Extension Company, who have a cable of their own now, or are about having one, and then the construction is in the hands of those who are, as the hon. gentleman opposite has said, the strongest enemies of the undertaking. Under these circumstances, I do not see that there is any prospect that if we go into this undertaking Canada will get any sort of return commensurate with the expenditure she is asked to make. And I must express my sincere gratification at the fact that there is a suspending clause to this Bill, and my hope that the proclamation will never be issued.

Hon. Mr. SCOTT—I think the hon. gentleman is under a misapprehension in saying that New South Wales has backed out. New South Wales has not receded from the contract, but New South Wales has given advantages to the Eastern Extension Company which will interfere with the revenue in New South Wales, and probably the motive that prompted the insertion of this suspensory clause was the fear that Victoria and Queensland might do the same. The Eastern Extension offered a very favourable bid to have the early completion of the line between South Africa and Australia, and the offer of very largely reduced rates if they would concede the privileges that New South Wales had granted was, of course, a very great temptation to the business men at Melbourne, Brisbane, and the other parts of Queensland and Victoria.

Hon. Sir MACKENZIE BOWELL—Victoria has never been backward.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Queensland never accepted the terms that were offered by the Eastern Extension Company for a reduction of rates. They refused to be a party to that, and were very anxious for another cable : but the way they used to do in order to get over the difficulty, as most business men would do, was this : they would just send their telegrams across the line into New South Wales, and have the benefit of the reduction, and the telegrams would come back to New South Wales and be mailed to Queensland. New Zealand has always been anxious for a British cable. I think his honour, the Speaker, is wrong in his recollection of there having been no cable in existence from Australia, not from the Cape, but a direct line from England to Australia at the time that the proposition was made by Sir Alexander Campbell, in 1887, in England, when the first proposition was made by Sir Alexander and Mr. Fleming for an

all British route. There was a cable in existence at that time, and there have been many concessions made since, and just in proportion to the progress of the negotiations for a Pacific cable from Canada to Australia have the Eastern Extension Company been making concessions to the mercantile community in Australia. I spoke of this contract before. I think it may be interesting to refer to one or two items of this contract. One clause provides that they must pay 12½ per cent of the whole upon the execution of the contract: that is, as soon as they sign the contract before they do anything at all: then ten per cent on the engineer's certificate: and ten per cent when a certain number of miles of cable is laid, and so on until the amount is absorbed. I will not go through all the items. This Extension Company has a construction company within itself, and they will put all the profits into their own pockets, and strange to say at the head of that company is the same man who had been at the head of the Colonial Office in England. These are the difficulties we have to fight, and if I felt at liberty to repeat what took place in reference to the New South Wales delegates who were in England when we were discussing this question, my hon. friend the Speaker would have less faith in it than ever, unless their influence was overcome in some way. I do not sympathize with the view that though we may never get a cent out of it, that if we can manage to pay expenses that is all we can do. My hon. friend refers to Imperialistic feeling. Well, I am truly British to the core, and if there is anything that will tend to unite the different elements that constitute the empire and unite the different outlying portions, I shall be very glad to pay my share.

Hon. Mr. DANDURAND—I have not heard anything said about the commercial interest of Canada in the enterprise. If it were simply a question of sentiment, I am a true Canadian to the core, a loyal Canadian, but I do not propose to be more loyal than the King, and it appears from the remarks of the hon. leader of the opposition in this matter that the British authorities are very luke-warm about this matter.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—One does not like to criticize the action taken by the British authorities, men in high position, during the last two or three years. I have discussed such matters strongly at times, but I do not propose to do it now. It will serve no good purpose. I recognize that it is more than a sentiment, that there is a very considerable commercial importance to Canada in the near future to have a line to Australia, and a continuance of the line up the Chinese coast, which is contemplated. It would be an Asiatic line, and our trade with China, Japan and Australia is on the increase. But when we consider the action that we took jointly with the representatives from Australia, in 1894, when they sat in this Chamber, and all cordially and earnestly joined in the adoption of resolutions tending to the early constructing of the Pacific cable, the public sentiment in Canada among the public men has grown in favour of the construction of a cable. It is rather disappointing that one of the important parties to that agreement has—I won't say committed a breach of faith exactly—but has not lived loyally up to the agreement. But the other parties have, up to the present time, stood by the agreement, and even New South wales did not make any change in the policy she adopted in January last, still I think we are in honour bound to Victoria, Queensland and New Zealand. If they adhere to the original agreement, Canada is too wealthy, honourable and prosperous to recede from the position she has taken. The provision of that last clause is a recent suggestion. We have not heard lately from Australia, and that clause was added in the event of any extraordinary change taking place there in connection with the cable policy of the commonwealth. I am in hopes, however, that Victoria and Queensland—and I am quite sure New Zealand—will remain faithful to the original agreement; and even though New South Wales has withdrawn part of the patronage that would necessarily flow from that colony in support of the Pacific cable, still I think we are bound to adhere to the arrangement, no matter what the result may be. It would be a reflection on the standing and character of this country if we did otherwise. Of course, one feels very considerable irritation at the policy adopted by

men in such high position in Great Britain, and I must say that some of the British statesmen have fallen very much in my estimation in the last three or four years in connection with this matter. It is a regrettable expression to give utterance to. I am sorry to have to do it. But the evidence is so overwhelming that one cannot be blind to the fact that Canada—I won't say Canada has been betrayed, but the trust which was formed some time ago, in which the empire agreed to join with the colonies in the coustruction of the work, has not been faithfully and honestly carried out. There was one line which was given absolutely to the Eastern Extension Company, unless Canada within six months indicated her intention of joining in the purchase. That is the line up to Singapore. But Canada had no fair intimation of it until the six months had nearly elapsed. In that way, and in similar ways, advantage had been taken to give the Eastern Extension Company very great opportunities with regard to their lines, to the great disadvantage of the Pacific cable.

The clause was adopted.

Hon. Mr. MACDONALD (B.C.), from the committee, reported the Bill without amendment.

Hon. Mr. SCOTT—Inquiry was made in reference to the report circulated some weeks ago in connection with the selection of a location on the western side of Vancouver. A Mr. Peake, of London, was sent out for the purpose of examining a location at which to land a cable. The government steamer Quadra was placed at his disposal last month, and I learn, simply from the newspapers, that a point about sixty miles north of Victoria had been chosen in the vicinity of Barclay Sound, where the depth of water was from 25 to 45 fathoms off the shore, and the condition of the currents and bottom of the river were suitable for the purpose. I do not know whether the decision will be final, but the parties who accompanied Mr. Peake made that statement when they returned to Victoria.

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

It being Six o'clock the Speaker left the Chair.

Hon. Mr. SCOTT.

After Recess.

FIRST AND SECOND READINGS.

Bill (143) 'An Act respecting the Ottawa branch of the Royal Mint.—(Hon. Mr. Mills.)

SOUTH SHORE RAILWAY BILL.

SECOND READING.

The SPEAKER—We had got through the Orders of the Day at six o'clock, with the exception of one item which had been placed at the foot of the Order paper. I refer to item No. 3, Bill (106) 'An Act respecting the South Shore Railway Company.'

Hon. Mr. DANDURAND—I move the second reading of the Bill.

Hon. Mr. LANDRY—Is it printed ?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. VIDAL—I rise to move in amendment that the Bill be not now read the second time, but that it be referred to the Committee on Standing Orders to report as to whether the Bill in its present form is in accord with the notices and petition. I understand it differs widely from the petition and notice.

Hon. Mr. DANDURAND—I understand there is a petition for this Bill. One clause of the Bill is especially assailed. It was assailed in the committee of the House of Commons and in the House of Commons also. We are reaching the end of the session, and parties interested in defeating that clause are attempting to balk it and prevent it from reaching committee and being discussed on its merits. This afternoon we were all witnesses to the fact that an hon. gentleman of this Chamber remarked that it was not printed in both languages. To my very great surprise I learned that the Bills were not generally printed in both languages unless specially ordered. I think in future we will have to look at our French files and see if all the Bills are printed in both languages. I quite understand the reason which actuated the hon. gentleman in asking that the French version should be distributed. We are within forty-eight hours of prorogation, and anything that defers the consideration of this Bill will militate against it, and in favour of those who do not want it to be examined on its merits. Here again is another move by the hon.

gentleman from Sarnia to defeat the Bill. It has already passed the Committee on Standing Orders, and it has been found to be in accordance with the notices and with the petition. We could perhaps refer all Bills coming from the Commons, which have been amended and modified by the Commons, to the Committee on Standing Orders to see if the work of the Commons has not had the effect of altering them or enlarging their scope, so as to bring them outside of the petition. I consider this amendment should not be accepted, and if in the Railway Committee to-morrow there appears to be a distinct departure in the clauses of the Bill from the notices or petition, we could examine it then. Because I do not see that in this case we should make an exception and refer this Bill as we could refer all Bills to the Standing Orders Committee. I hope that there will not be a majority in this Chamber to prevent the Bill from being examined on its merits and justice being done to all parties interested. I might say that neither this Bill nor the petition for the Bill was handed to me to present to this House, but yesterday, finding that one of my hon. colleagues, whose name is on the Bill, was absent, I took it upon myself to move it one stage. I am going to do so, and I simply ask that at this late period of the session, the Bill will be treated the same as other Bills.

Hon. Mr. VIDAL—I would remind my hon. friend that the Standing Orders Committee in dealing with this matter, had no idea what was in the Bill at all. It was simply a question whether the terms of the notice had been properly complied with. They had no opportunity of knowing the contents of the Bill; it was not before them. It was merely the petition. Now that the Bill had been produced, it has been stated to me by an hon. gentleman that there are two serious defects in the measure.

Hon. Mr. DANDURAND—Could not all Bills be referred to the Standing Orders Committee at this stage, as this is to be ?

Hon. Mr. VIDAL—There was a reason why this should be sent to that committee. It should not have a second reading in this House on account of the discrepancy between the notice given to the public and the contents of the Bill, and so I am obliged, at the request of the hon. gentleman from Montreal, to take this action.

Hon. Mr. DANDURAND—The hon. gentleman does not say of his own knowledge, that there is a discrepancy between the Bill and the notice. He speaks on information from outside. It is a strange way to deal with a Bill.

Hon. Mr. LANDRY—Will the hon. gentleman state that there is no difference between the Bill and the notice ?

Hon. Mr. DANDURAND—The presumption is, the Bill being reported on by the Standing Orders Committee, that it is in conformity with the rules of procedure. The presumption is that it is right.

Hon. Mr. LANDRY—Will the hon. gentleman assert there is no difference ?

Hon. Mr. DANDURAND—I need not prove a negative either in the court or here.

Hon. Mr. LANDRY—The hon. gentleman is unable to say ?

Hon. Mr. MILLS—I understand the Standing Orders Committee of this House reported in favour of the regularity of the proceedings, the notice and so on, with respect to this Bill. This Bill did not originate in this House. It was dealt with in the House of Commons. It has been read in the House of Commons, and passed through all the committees in the House of Commons. I suppose the House of Commons completely changed the character of the Bill, as they have a perfect right to do. Now, comparing a Bill from the House of Commons with a notice which appeared in the Gazette for the purpose of introducing a private Bill into the House, I do not see that it would in the slightest degree aid the committee or anybody else ; nor would the House be governed, or ought it be governed, by a report of that sort. The committee did all they had a right to do, and that is to report on the regularity of a notice of this kind with respect to its detail. They had nothing to do with the propriety or impropriety of the legislation. It went before the House of Commons. The House has remade the Bill, altered or changed it for all I know, to suit their views of the propriety of the legislation required by the

notice given. It comes to us in that form. We have nothing to do with the consideration of the contents of the Bill with a view to determine whether it is proper to condemn the Bill here as to whether it should be considered at all. All we say is, that this is the Bill in conformity with the notice which was given, and that it was introduced in the House of Commons. It was made as the House of Commons thought it ought to be, and it has come up here for our consideration. If we choose to adopt the Bill in this form it is our right to do so, or we may modify it or amend it, if we see proper, to suit what we think are the requirements of the circumstances, and the object of those who seek this legislation; but I do not see in what way a reference to the Standing Orders Committee can help us in the future proceedings which it is necessary to take upon this Bill.

Hon. Mr. LANDRY—In answer to the hon. gentleman I may say the Standing Orders Committee has examined the notice and compared the notice with the petition, and found that the notice and the petition agreed, and made their report accordingly. The same Bill that was presented here was presented originally in the House of Commons. If the House of Commons chooses to change the Bill, and make of it another Bill altogether, I do not see that we are governed by that action of the other Chamber, and if the Bill comes up here to-day so framed and so changed that it is no longer in accord with the notice and the petition, I do not see why we have not a right to refer it to the Standing Orders Committee to see if it is truly the Bill of which notice was given in the Gazette, and which was asked for by the interested parties. I think our action is the right one. The hon. gentleman says it is not done with other Bills. That may be because we have not the same ground of objection to other Bills that we have to this. If this Bill is not in accordance with the petition and notice, there is good ground for an objection.

Hon. Mr. VIDAL—After the statement made by the hon. Minister of Justice, I ask permission of the House to withdraw my amendment.

The amendment was withdrawn.

Hon. Mr. MILLS.

Hon. Mr. BAKER—I have no disposition whatever to retard the Bill in any way or to offer any objection to its second reading. I rise simply for the purpose of calling the attention of the Minister of Justice to its provisions. I am sure he will admit that among the manifold duties of the Minister of Justice he is specially charged by parliamentary law and procedure with a sort of revising power over private legislation, and I call his attention to the propositions contained in this Bill with the hope and the expectation that he will give it his attention, and be present at the Railway Committee to-morrow morning to assist in the consideration of this measure. It is sought by this Bill to legitimatize, if I may so characterize it, a sheriff's sale. Now, the sheriff's sale that is referred to in one paragraph of this Bill was either legal or illegal. If it is legal, it will stand on its own bottom; if it is illegal, it should be set aside by the courts. As a matter of fact, litigation is now pending; a case was heard in the Court of King's Bench, appeal side, yesterday, in the city of Montreal, in which the questions in controversy in this matter were brought before the court, and it is now en delibere before that court. I say the principle that the courts can be overriden by Acts of parliament is vicious in the extreme.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. BAKER—And I call the attention of the Minister of Justice to this Bill, and to the proposition contained in it for the express purpose of giving him an opportunity to give it his attention when it comes before the Railway Committee of which he is a member, and with that hope and expectation I have no objection whatever to the Bill being read the second time, and it will come before the Railway Committee in due course. When it does, I hope the Minister of Justice will be there to give the committee the benefit of the profound legal knowledge which he is so well known to possess.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 22, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISALLOWANCE OF QUEBEC LEGISLATION.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

1. Whether in the petition for disallowance presented by Monsieur G. A. Nantel, the attention of the government in general, or that of the Minister of Justice in particular, has been drawn to an Act passed at the last session of the legislature of Quebec, which reads as follows :—

(Translation.)

'An Act to amend the law respecting Controverted Elections.

'His Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows :—

'1. The Act 52 Victoria, chapter 11, is repealed.

'2. The following article is added after article 576 of the Revised Statutes :—

'576a. The hearing on the merits of every election petition now pending, or which may hereafter be pending, must have been commenced within the three months which have followed the publication, in virtue of article 213 of the Quebec Election Act, 1895, in the Quebec Official Gazette, of the notice by the Clerk of the Crown in Chancery of the election of the member, otherwise the petition shall be absolutely extinguished, lapsed, null and of no effect.

'3. Section 14 of the Act 59 Victoria, chapter 10 is repealed.

'4. Article 321 of the Electoral Act of Quebec is amended by substituting, in the second line, the word 'three' after the word 'six.'

'5. The repeal affected by section 3 of this Act and the amendment affected by section 4 shall apply to the elections which took place on 7th December, 1900, which are contested before the courts, and no member of the legislative assembly who has voted and sat in that assembly contrary to the provisions of the said section 14 shall incur any penalty for having so sat or voted, or for having omitted to take the oath in virtue of that Act, so repealed by section 3 being declared null and without effect.

'6. This Act shall come into force on the day of its sanction.'

2. Is the government aware that the result of such legislation is to deprive the elector of his right to obtain justice from the courts of his country upon election petitions regularly made before such courts?

3. Does the government know that by this same legislation the penal actions arising from the infringement of the electoral laws are declared lapsed and that the guilty parties are thus immorally relieved from the penalties which they have incurred?

4. Does the government know that in order to arrive at this result the Act in question restricts, as respects election petitions, the delays formerly granted by the law, and substitutes for them other delays, but delays which have already lapsed, whilst it abrogates at the same time the right to prosecute for the payment of penalties incurred?

5. Does the government, moreover, know that a special and retroactive provision has been inserted in the Act in question, bringing under its immediate operation all pending electoral actions, thus depriving the petitioners in these actions, regularly brought before the courts, of the right to obtain the simplest justice, and robbing them without mercy of all the costs legitimately incurred by them in the exercise and the vindication of their rights?

6. Does the government know that the Lieutenant Governor of the province of Quebec deliberately and without hesitation, apparently at least, gave the royal assent to this measure for which his Prime Minister did not even dare to vote and against which his Attorney General registered his vote?

7. Is it the intention of the government, in case it should be convinced that such legislation is injurious to personal interests, makes a litter of acquired rights, knocks the common law on the head, and outrages public morality, to disallow this Act, or does it intend, by its non-intervention, to contribute to the maintenance of this predatory legislation?

8. If the government comes to the decision to disallow this Act, does it intend to do so in opportune time, in order to revive, before the expiration of the delays granted by the law which has been repealed, the rights of petitioners in actions entered before the election courts ?

Hon. Mr. MILLS—My hon. friend has asked me whether I know, or whether the government knows, a great many things which he mentions in this inquiry. I do not know them. I have not read the petition. I understand that it came into my office yesterday, and I have had no opportunity of looking at it. But I have been informed—my hon. friend knows whether it is so or not—that this measure of which he complains, and upon which I have formed no opinion up to the present time, is one that received the support both of the opposition and a majority of members on the government side of the House. I understand there was a perfect concurrence of opinion, and if that was so, it is not difficult to understand the reason. I am not in a position to answer my hon. friend on a matter that I have not considered, and have had no opportunity of considering, and it would be an unusual proceeding for me to express an opinion upon a measure, even if I had carefully examined it, before I had advised the Governor in Council upon the subject. That I have not done, and have had no opportunity of doing up to the present moment.

Hon. Mr. DeBOUCHERVILLE—Do I understand the hon. Minister of Justice to say that this Bill received the unanimous ap-

proval of the Liberals and Conservatives in the Quebec legislature ?

Hon. Mr. MILLS—No, I did not say unanimous. I said I understood it was passed with the concurrence of the majority on both sides of the House.

Hon. Mr. DeBOUCHERVILLE—I voted against it, and proposed the six month's hoist, so that it did not receive unanimous approval.

Hon. Mr. LANDRY—I take issue with the hon. minister. As far as number is concerned, what is the position of the Conservative party in the Quebec House ? There are six or seven, and all except one, who was interested, voted against the measure, and that one gentleman retired, and did not vote at all.

Hon. Mr. MILLS—Which one ?

Hon. Mr. LANDRY—The one the hon. minister named the other day.

Hon. Mr. DANDURAND—Which hon. minister ?

Hon. Mr. LANDRY—The other minister, the Secretary of State. If the hon. minister wants to be well informed, he should not obtain his information from a bad source, because he may be misled.

Hon. Mr. MILLS—I must not get any information from the hon. gentleman from Stadacona.

Hon. Mr. LANDRY—Why not ?

Hon. Mr. MILLS—Because the source is not very good.

Hon. Mr. LANDRY—Why ? The minister cannot say why. All the members of the Conservative party in the legislative assembly except one, voted against that measure, and I defy the minister to find me one single member belonging to the Conservative party who voted for that measure. If his information is good, he will rise in his place and answer me. Will he ? No, he does not answer.

Hon. Mr. CASGRAIN (DeLanaudière)—Did the leader of the opposition vote against it or for it, or did he vote at all ?

Hon. Mr. LANDRY—Does the hon. gentleman himself know ? I asked him the other day. Does he know better now ? I think not, because he is seeking additional information. I will call the attention of the hon. Minister of Justice to an extract—he may say it is bad information—which may help him. Yesterday he said a Bill was only disallowed where it was against the Dominion interest. Here is a precedent, which will be found in Hodgins's Dominion and Provincial Legislation, on page 178, which reads as follows :

Report of the Minister of Justice, James McDonald.

In reporting upon a reserved Bill of the Prince Edward Island legislature in 1876, the then acting Minister of Justice reported to Council, and His Excellency was advised, to withhold his assent from the Bill, one of the grounds being that the Bill was retrospective in its effect ; that it dealt with the rights of the parties then in litigation, and that there was no provision saving the rights of private parties.

Is that bad information ? I give that for the information of the Minister of Justice. I might give something now for the information of his colleague, the hon. Secretary of State. At page 1178 of the same volume we find the following :

That many of the proceedings taken in the Commissioners' Court, and which are pending and undetermined, are manifestly irregular, informal and invalid; and that it is contrary to British legislation to remove doubts in contested proceedings by retrospective legislation, as sought to be effected by this Act.

The undersigned has the honour further to report :—

That without giving weight or consideration to any great extent to the allegations in the petitions, which are unsupported by any actual proof, he is of opinion that the reserved Bill is retrospective in its effects; that it deals with rights of parties now in litigation under the Act which it is proposed to amend, or which may yet fairly form the subject of litigation; and that there is an absence of any provision saving the rights and proceedings of persons whose properties have been dealt with under the Act of 1875.

He therefore recommends that the Bill, intituled : An Act to amend the Land Purchase Act, 1875, do not receive the assent of the Governor General in Council.

What does the Secretary of State think of that ? Is that bad information ? What does the hon. Minister of Justice think of that ? Is that bad information ? It is signed by R. W. Scott, acting Minister of Justice.

Hon. Sir MACKENZIE BOWELL—Then it must be bad.

Hon. Mr. LANDRY—I submit those two precedents directly apply to the case that is now before the hon. Minister of Justice.

Hon. Mr. DANDURAND—As the hon. gentleman seems to know a good deal about what took place in Quebec, and has referred to me two or three times, I think it is but just that we should saddle upon the proper parties the responsibility for the legislation complained of. First, I think we owe it to the provincial government to say that it was not a government measure. It was a public Bill, introduced by a private member. Now, I have obtained information that that Bill was brought before the House with the absolute consent of the leader of the opposition, the Hon. Mr. Flynn, who was himself to benefit by that legislation, his seat being contested in Nicolet county. There were five or six contestations. The Bill was passed through its first and second readings, and went to committee without opposition, if I am well informed, (the hon. gentleman from Montarville can correct me if I am wrong, for he was present), and it was only on the third reading that a member of the opposition, called for a vote. There was not a word of protest from the lips of the leader of the opposition, and four or five members of the opposition voted against the Bill, the leader of the opposition eclipsing himself when the division was taken. In the legislative council, I congratulate the hon. gentleman from Montarville on the fact that he moved the six months' hoist, but his party held practically the control of the Upper Chamber, and could have defeated the Bill had they been so inclined. Twelve out of twenty-four could have negatived the measure, but it was passed by, I think, a vote of two to one, so this private legislation, which I will not discuss nor pass judgment upon, except to say that I could have wished it had been defeated on the motion of my hon. friend from Montarville, was passed with the express consent of the leader of the opposition. His position was still worse than that of the member whose case has been mentioned here. The provincial law enacts that when a member's seat is contested, he must, before taking his seat, take an oath before the clerk of the House that to his knowledge no illegal act was committed in his election. The hon. leader of the opposition neglected, during that session, to take the oath, and the Act which is complained of covers that illegality on his part. I simply rise to show where the responsibility lay. It was a measure initiated by a private member, with the consent and concurrence of the leader of the opposition. It met with some opposition in the legislative council, but was carried. The Minister of Justice correctly stated that there had been no practical opposition to the measure in the Lower House, for there was no protest heard from any one except at the last moment, when a snatched vote was called, in order that political capital might be made from it at a future time.

Hon. Mr. LANDRY—If the House will permit me, I shall answer the new information brought into the discussion, because the hon. gentleman says a good deal and knows very little.

Hon. Mr. DANDURAND—The hon. gentleman from Montarville can correct me if I am wrong.

Hon. Mr. LANDRY—I can correct the hon. gentleman myself. The Minister of Justice stated that the Bill had been passed through the legislature, with the concurrence of both parties. Was that said or was it not said? It was said. What does the future, undetermined minister say? He says that all the party, except one, voted against it. Who is right? The hon. pseudo-minister comes forward and denies the statement of the actual minister. He confirms what I said. He got up to correct me; where is the correction? He imputes motives. What does that amount to? He judges others according to his own sentiments. He may think it a fair way to judge people, but it is sometimes unsound, and in this case it is unsound. The minister—I am always saying 'minister,' he will excuse me for styling him so—but the hon. member says Mr. Flynn eclipsed himself. That may have been a partial eclipse, but the total eclipse is for the government, and can be seen without smoked glasses. Mr. Flynn withdrew because he had no right to vote on that question. When a member is personally affected in such a case, he must withdraw. He complied with the law. The hon. member says the vote was taken to make political capital. The Dominion government to-day is in a position to make political capital by honestly doing its duty. That is the position of the matter now. The Minister of Justice has all the facts before him. He has had no time to read

them. I am pleased to learn that he found that box which was sent to him by the Secretary of State, and that he has opened it, and that the document came out. I hope that when this House prorogues, he will have a few minutes to spare to do his duty and to do justice to the parties who claim justice from him, and that he will not wait until the expiration of the time within which proceedings must be taken to do justice, which may be tardy justice. In conclusion, I direct his attention to the precedents I have quoted, one by the ex-Minister of Justice, Mr. James McDonald, and the other by the hon. gentleman's colleague, the Secretary of State. They pronounced on the question. They gave all the weight of their knowledge to questions which had been brought before them, and they made precedent which may help the Minister of Justice, though, I admit, it will be a wonder if he is enlightened by the hon. member on his right.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Railways, Telegraphs and Harbours, were read the third time and passed under a suspension of the rules :

Bill (No. 105) 'An Act to incorporate the Kamloops and Atlin Railway Company.'—(Hon. Mr. Templeman).

Bill (No. 135) 'An Act respecting the Great Northern Railway of Canada.'—(Hon. Mr. Landry).

SOUTH SHORE RAILWAY COMPANY'S BILL—PREAMBLE NOT PROVEN.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (106) 'An Act respecting the South Shore Railway,' reported that the preamble had not been proven to the satisfaction of the committee. He said : The reasons for this course are stated in the report, and I move that it be adopted.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (144) 'An Act to amend the Inland Revenue Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said : This is only a matter of form, defining certain officers in the department. The Bill reads as follows :

1. Section 3 of the Inland Revenue Act, chapter 34 of the Revised Statutes, is repealed and the following is substituted therefor :—

3. The Governor in Council may appoint an officer who shall be called the deputy of the Minister of Inland Revenue, and who shall hold office during pleasure.

It is combining two offices.

Hon. Sir MACKENZIE BOWELL—What two offices ? It appears there is power in the proposed law for the appointing of a deputy minister, there is a deputy minister.

Hon. Mr. SCOTT—Yes, I know. It provides that the Commissioner of Inland Revenue should also be included in the office of deputy. It consolidates the two offices.

Hon. Sir MACKENZIE BOWELL—I think that is probably for the purpose of making a distinct provision for placing the duties, which are performed by the commissioner, in the hands of the deputy. The hon. gentleman perhaps does not know, or may not have had his attention called to it. The deputy minister receives $3,200 a year. A commissioner, which is the same individual, Mr. Miall, who has been transacting this business for a great number of years, has received $800 for the performance of the duties of commissioner and from a casual reading of the Bill I should suppose that the intention is to impose the duties of deputy and commissioner on one head, and thereby avoid the necessity of placing in the estimates every year the sum of $800 for the commissioner.

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

The Bill passed through its final stage under a suspension of the rules.

RAILWAY ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (145) 'An Act further to amend the Railway Act.'

The Bill was read the first time.

Hon. Mr. MILLS moved the second reading of the Bill. He said : The Bill is a very simple one and contains but one clause.

Hon. Sir MACKENZIE BOWELL—All I have to say is that it is impossible, from hearing a clause of that kind read to understand a measure affecting the whole carrying trade of the country, unless some little time were given to compare it with the law upon the statute-book, and also to ascertain why this has been suggested, and what the effect will be upon the shipper as well as the carrier. My hon. friend, the Minister of Justice, will understand the importance of that.

Hon. Mr. MILLS—Yes. The object of the Bill is to regulate the relative amount coming to different railways where any article of merchandise is being carried from one point to another, passing over two roads for instance, or passing over a line of steamers or a railway. Take the case where lines of steamers are in competition with each other. One has a railway under its control and the other has not. They enter into active competition with each other, upon the ocean, passenger or freight traffic. The one that owns the railway, as well as the line of steamships, may put down rates on the steamships to a very low charge, and make up the difference by a high rate on the line of railway, and so practically drive its competitor upon the ocean out of business altogether. I have in my mind cases where that has happened, and the object of this Bill is so to amend the law as to enable the Railway Committee of the Privy Council to determine what proportion of the charges, part railway and part steamship, should be earned by the railway company, and what part by the steamship company, so as to secure a fair amount of business to each of the rival companies, and so as not to permit one company to use the special power which it possesses to drive the other company out of business altogether.

Hon. Sir MACKENZIE BOWELL—Have cases of that kind occurred ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I think the intention of the law is good, but I do not well see how you can accomplish the object which you profess to have in view. If the larger amount be charged on the railway rate, and the smaller amount on the steamer, how would that benefit the owner of the joint mode of carrying—that is, the railway and the steamship company—because if the railway charges so much to the point of shipment—a regular rate—a railway that has no steamboat would carry a bushel of grain to the seaboard for 10 cents for instance, and then charge 5 cents to take it across the ocean, making 15 cents, how would that affect the shipper if the railway charged 12½ cents, owning the line and then put 2½ cents on the ocean trip ? To the shipper it would not make any difference.

Hon. Mr. MILLS—Here are two lines of steamers running from Boston, say, to Halifax, or to any other point. One of these lines has a railway connected with it. It may charge double the rate for passengers not carried by its own line, and so a person would take the boat of the one controlling the railway, rather than the boat of the other line. The Railway Committee merely undertake to fix the percentage of the whole distance that should be charged for railway service and what should be charged for steamboat service.

Hon. Sir MACKENZIE BOWELL—I suppose it is the result of experience.

Hon. Mr. MILLS—Quite so.

The Bill passed through its final stages under a suspension of the rules.

JUDGES OF PROVINCIAL COURTS BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (150) 'An Act further to amend the Act respecting Judges of Provincial Courts.'

The Bill was read the first time.

Hon. Mr. MILLS moved the second reading of the Bill. He said : It is simply embracing two judges more than were mentioned in the Act as it originally stood.

Hon. Sir MACKENZIE BOWELL—Does it increase the salary ?

Hon. Mr. MILLS—No, there is no change in the salary. It is a mere addition to the number of judges.

Hon. Mr. BAKER—It is evidently a Bill of sufficient importance to engage the attention of the Senate, and it is extraordinary

that it is brought here and launched on the Senate at the last moment, in the expiring hour of the session, and unless there is some reason for such dilatoriness, the Senate should insist on the observance of its rules.

Hon. Mr. MILLS—I am quite willing to give my hon. friend all the information in my possession. I am satisfied the Senate is as competent to do business in the last days of the session as at any other time. Nearly two years ago the county of New Westminster and Vancouver was divided by the local legislature of the province of British Columbia. In fact, Judge Ball, who had been judge of the New Westminster and Vancouver district, was practically legislated out of half the district of which he was judge. He had incurred the dislike of the members of the bar, I think, in Vancouver, and they wanted another appointment. For some time it was desirable that the district should be united, and that the judge should continue to discharge the duties that had devolved on him up to that time. I spoke to the Attorney General of British Columbia on the subject, and said that I would make no further recommendation until it became evident that the legislature was not prepared to reconsider what it had done, with a view of restoring the whole district that had before been under Judge Ball, to his jurisdiction. I have waited now for some time. That has not been done. A judge of the Superior Court took charge of the duties of the county court judge in Vancouver, and has discharged them there for the past two years. I received a letter from him a few days ago, that it would be impossible for him longer to continue to discharge those duties and it would be necessary, therefore, to make the appointment. I am making the appointment for which provision was made some time ago, both in this case and in the Kootenay district. It will be necessary to appoint two county court judges, one in New Westminster and the other in Kootenay, so this proposition is now brought forward, having no other object than simply to pay those two judges when appointed the same salaries that have been paid to county court judges heretofore. I have waited long enough to give the local legislature every opportunity to reconsider the question, so far as Vancouver is concerned; and with regard to the Kootenay country, so large a population has gone in there, a mining population, and there is so much legal business to be attended to, and the means of communication between one district and the other are so far roundabout, it becomes necessary, in the interest of the administration of justice, to appoint a junior county court judge in that district to fill up a place for which the local legislature had made provision in the city of Vancouver two years ago.

Hon. Mr. BAKER—I am sure the explanation will be found eminently satisfactory, but it has not been made quite clear why the competence of the Senate should have been assailed by the Minister of Justice.

Hon. Mr. MILLS—I did not assail it.

Hon. Mr. MACDONALD (B.C.)—Will the new judges be barristers?

Hon. Mr. MILLS—Certainly.

Hon. Mr. MACDONALD (B.C.)—And taken from the Bar of the province?

Hon. Mr. MILLS—I have no doubt.

The motion was agreed to, and the Bill passed through its final stages under a suspension of the rule.

PENITENTIARY ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (155) An Act further to amend the Penitentiary Act.

The Bill was read the first time.

Hon. Mr. MILLS moved the second reading of the Bill. He said: The sole purpose of this Bill is to provide for the appointment of a second inspector. It has been found that it is impossible for one inspector to make a proper inspection of all the penitentiaries. In fact, the inspector has not visited the Manitoba penitentiary since I have become a minister, and we have sent out an accountant to visit the penitentiaries of the west this year; besides, the attention of the inspector has been given to the eastern penitentiaries. I propose, under this Bill, to take power to appoint a second inspector. In fact, it is most important that the rules and regulations of the penitentiaries should

be carefully observed, and it is most difficult to secure a careful observance of those rules and regulations. The only way it can be done is by frequent inspection, and by requiring the inspectors to make a full report, in order that every failure of duty on the part of any public officer may be reported to the department, and form a part of the report that will be given to parliament for its information in order that the rules and regulations may be strictly observed.

Hon. Mr. McMILLAN—How are the duties to be divided ?

Hon. Mr. MILLS—We might give to one inspector one section of the Dominion, and another to the other inspector, but my inclination is rather to have them both go over the same ground in succession, one beginning at one point, and the other at the other point. What one has gone over the first part of the year could be gone over by the other inspector another part of the year. In fact, we ought to have an inspection every three months, if possible. There can be no collusion, if that is done, between the inspector and any of the public officers. It is a department in which it is important the inspector should have no favourites—that there should be the strictest impartiality in the discharge of the duties of those officers, and that those who do well should have commendation for the good they do.

Hon. Sir MACKENZIE BOWELL—There are only about seven penitentiaries altogether.

Hon. Mr. SULLIVAN—I think it is a good idea, and I do not know of a better Bill the government has brought in than this. I know something of the working of penitentiaries, and it is most desirable that there should be thorough inspection, and also that there should be more than one inspector. One man is apt to get into a groove and have favourites in the different institutions, and it is highly desirable, in the interests of the public, and also in the interest of improving the moral condition of the country, that this Bill should be passed. I cordially support it.

The motion was agreed to, and the Bill passed through its final stages under a suspension of the rules.

CUSTOMS TARIFF AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (156) 'An Act to amend the Customs Tariff, 1897.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said : The object is to allow beet-root sugar machinery to come in free of duty for a certain time.

Hon. Mr. MACDONALD (P.E.I.)—It would be well if we had some explanation of the effect of this Bill. We know it is proposed to establish beet-root sugar factories in certain provinces. Whether that is to be done under encouragement by the province, or some premium is to be given on the manufacture of sugar I am not aware, but I understand it is expected that the Dominion government will give some bonus to the manufacturers. I should like to ascertain whether that is the extent of the benefits they are going to confer on those who are starting the manufacture of beet-root sugar.

Hon. Mr. SCOTT—This is the limit of the concessions which are being made, for the present at all events. In the province of Ontario, a bounty is being given for the raising of sugar beets, and the government were approached and asked if they would not at all events allow machinery to come in, as there were certain factories in Michigan whose owners would be willing to come over and locate in Ontario if they were allowed to bring in their plant free of duty, and to that extent, at all events, the government are favouring the industry. Of course, it would apply all over the Dominion.

Hon. Sir MACKENZIE BOWELL—The point is as to the extent to which the concession is made. I confess I cannot understand what is meant by structural iron.

Hon. Mr. SCOTT—The proposal was made to bring in the whole factory, to take down the boards, roof, and everything of that kind, which would be a rather preposterous thing to do, and so it is limited to the permanent work.

Hon. Sir MACKENZIE BOWELL—It says : 'Machinery of every kind and structural iron.' Is that for the purpose

of erecting the building in which the work is to be done ?

Hon. Mr. SCOTT—Supposing the building is made of iron joists or braces. they would be allowed to come in.

Hon. Sir MACKENZIE BOWELL—To me it seems to be an extraordinary provision.

Hon. Mr. SCOTT—The application was for the factory to be moved over into Canada, and it was to meet a case of that kind.

Hon. Sir MACKENZIE BOWELL—That is, where there is a sugar factory in a foreign country, of structural iron, they are to be permitted to bring it into the country.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That may be the intention, but you could bring in structural iron to any extent under the regulations to be made by the Minister of Justice for the purpose of a sugar refinery.

Hon. Mr. SCOTT—It is only under the title of immigrants' effects that you could bring it in—if a party brings over part of his house. However, this clause makes it clear.

Hon. Sir MACKENZIE BOWELL—My hon. friend should not try to stretch the customs law to that extent.

Hon. Mr. SCOTT—I am following the hon. gentleman's interpretation of it.

Hon. Sir MACKENZIE BOWELL—It is stretching the law to say you can bring in structural iron. I am not going to oppose it. I congratulate the government on the fact that they are becoming much more protective in their policy. In everything that pertains to the industrial pursuits of the country they have adopted, only in some cases, to a greater extent, the policy of the government which they condemned so vehemently.

Hon. Mr. SCOTT—All that was good we adopted.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman belonged to a certain religious body, I would say it was a sudden and instantaneous conversion, but I cannot lay that to his charge, considering he does not belong to that body. The government must have been converted, because they condemned this policy so strongly a short time ago, and now they are adopting it. I did not catch the answer given by the hon. Secretary of State to the question put by the hon. gentleman from Prince Edward Island. Has there been a law passed or is there one to come down, granting a bounty to the producers of beet-root sugar ?

Hon. Mr. SCOTT—No. I said this was the limit of the concession being made.

Hon. Sir MACKENZIE BOWELL—Then I am afraid it will be like very many other laws the hon. gentlemen have put upon the statute-book; it will prove abortive.

Hon. Mr. WOOD (Hamilton)—The local government have given a bounty for the beet-root sugar.

Hon. Sir MACKENZIE BOWELL—We are not discussing the action of the local legislature here. We are discussing what we propose to do and have done in the past. The late government granted a bonus to the refiners of beet-root sugar, on sugar manufactured from the beet-root. I know it is a very large amount, because I had the administration of that department myself. Unfortunately, in every instance in the past it has proved a failure. Whether the bounty which has been given by the local government to the sugar refiners—they refused it to the producers of the beet—whether that bounty, together with the free importation of the machinery for the carrying on of the work will be a sufficient inducement for them to go on, I do not know. I am only speaking of what occurred in the past, and I hope that the experiment may be a success. That is all I can say. I must confess that I do not like the putting in of the words 'structural iron.' It will materially interfere with the production of iron in this country, and there will be plenty of complaints made by manufacturers before it is in operation long—that is, if any attempt is made to bring it in—and more than that, I think all regulations made by the Minister of Customs should have the approval of the Governor in Council before they become law, because the government is making the Minister of Customs here the absolute lawmaker. If the hon. minister will look at the Customs Act, he will find that in nearly every case where the Minister of Customs

is empowered to make regulations for carrying out the provisions of the law, before it comes into effect it must receive the approval of the Governor in Council. However, the former mode of conducting business, which I think was the safest, has been ignored by the present gentlemen in power, and every man who has the honour of being at the head of a department is to run the machine as he likes. That is about it.

Hon. Mr. SCOTT—I think I may say, as far as the present incumbent is concerned, he is extremely particular about having the approval of the Governor in Council in regard to any regulations he makes.

Hon. Sir MACKENZIE BOWELL—I have no doubt about that. I have as much confidence in the present Minister of Customs as I have in any member of the government in the practical administration of his office. I have very little confidence in any of them when it comes to a question of policy, but that is another thing altogether. But the government is legislating for a man in whom they might not have the same confidence that they have in the present incumbent. I would have no hesitation in placing confidence in Mr. Paterson in a matter of this kind, but in putting a law on the statute-book, it should be such as to cover any man who might occupy that position, and to prevent the possibility of wrong being done.

Hon. Mr. MACDONALD (P.E.I.)—I fear the passage of this Bill will be a considerable disappointment to the people in our province, for the reason they were led to expect a bounty was to be given for the growth and production of beet for the manufacture of sugar. I have been informed that a gentleman, who professed to be an agent of the party now in power, went throughout the province of Prince Edward Island during the past year and induced a number of the farmers to go into the production of beets for the purpose of this manufacture, and encouraged them to do so by stating that the government was about to grant a bounty for the production of beets for the manufacture of sugar. I do not like to charge the government with having sent that gentleman around the province, but he professed to have some authority from the government to make that statement to the people to induce them to go into this business. I fear, too, that the manufacture of beet-root sugar in the province of Prince Edward Island would not prove a success. It has been tried to a considerable extent in the province of Quebec, and I believe proved a failure there. The reports given by this gentleman were of a very different character from that, and I fear the experiment would result in the same way in Prince Edward Island—that the growth of the beets would not prove a paying speculation for the farmers. It would be unwise to give up what is now a very much better system of agriculture than the raising of beets.

Hon. Mr. SCOTT—I beg to assure my hon. friend that no one was ever authorized by the present government to hold out any hope whatever that it was intended to grant a bounty on beet-root sugar. The experience of former years in Quebec and elsewhere convinced them that it should not be done.

Hon. Mr. DANDURAND—The people of Prince Edward Island could console themselves, if they were disappointed in that, by the fact that their subsidy is considerably increased.

The motion was agreed to.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On the first clause,

Hon. Mr. MACDONALD (P.E.I.)—Is it known where this factory is to be erected ? Is there any particular province for which it is designed ?

Hon. Mr. SCOTT—No ; anywhere in the Dominion.

Hon. Mr. MACDONALD (P.E.I.)—It is a general Bill ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (P.E.I.)—I understood it was for some particular factory to be located in some particular province.

Hon. Mr. SCOTT—No, it applies generally to the Dominion. It can be brought in any place.

The clause was adopted.

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

The Bill was then read the third time, and passed under a suspension of the rules.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (151) 'An Act to amend the Act respecting the Senate and the House of Commons.'

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

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

Hon. Mr. SCOTT moved that the House resolve itself into a Committee of the Whole on the Bill.

Hon. Sir MACKENZIE BOWELL—I desire, more particularly with reference to this Bill, to express my regret that the government have not seen proper to consider the whole question affecting the indemnity. I do not hesitate to say that the present terms of the Bill enable members—I will not say to abuse the provisions of the Bill, but enable members to take an advantage of the wording of the Bill which was never contemplated. For instance, members of both Houses may come here at the opening of the session and remain constantly attending to their duties to the best of their ability until prorogation, whether the session lasts three months or six months. There are others who come at the beginning of the session, answer to their names, and come occasionally afterwards, and then they are entitled to draw the indemnity for every holiday and every day on which the House does not sit. Then there is another difficulty which arose between the Auditor General and some gentlemen living in the maritime provinces, as to the route which they should take in travelling to and from the capital. Those who travelled by the longest route considered they had a perfect right to do so, and I am not so sure that, under the law, they had not the right, but the wording of the law is, as I understand it, that they should take the shortest route. The shortest route is through a foreign country and circumstances might arise which would render it not only unsafe, but impolitic to travel through that foreign country in connection with their duties in parliament. This is a point that ought to be settled beyond a doubt so that there should be no dispute between any member who conscientiously claims his money, and the Auditor General who thinks proper to take another view of the law. I hope the Minister of Justice and the members of the government will consider this matter before next session, so as to make the provision that unless a member of either House attend at least thirty days, as provided in that law, he should not be entitled to the full indemnity, but that there should be a deduction for the number of days that he is absent.

Hon. Mr. McMILLAN—Thirty sitting days ?

Hon. Sir MACKENZIE BOWELL—Yes, that is what I mean ; that would prevent abuses which might exist under the present law, which gives a member a perfect right to draw his indemnity as I have indicated has been done. I know it was a crying evil in the Lower House when I was a member there, and I speak from my own experience, and I think there are very few members—I say it who should not, who attend more regularly than I have done.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend sitting opposite me (Mr. Mills) occupies a similar position. I have been absent this session four days, and with the exception of one session, in which I had to go to Southern California, unfortunately for me, for certain purposes, four days is the most time I have lost in any one session during thirty-one years I have been in parliament. I do not boast of that. It was my duty to attend. I do not object to other people not coming, if their business keeps them away, or if they desire to stop away. What I object to is that they should have all the advantages accruing to those who attend regularly to their duties in parliament. There are plenty of gentlemen in the Senate and House of Commons whose business would not permit their being here all the time. They have to look after business or family affairs, and if the law gives them the indemnity, they are entitled to take it. I think the law should not give it. I speak as plainly as I can on this question, and I think the Minister of Justice is fully in accord with the sentiments I have uttered. I hope next session he will be prepared to so amend the law as to pre-

vent the abuse which I have indicated. I am not objecting to the Bill as it stands, but I am objecting to the law now upon the statute-book. In justice to members and the country it should be amended.

Hon. Mr. SCOTT—The criticism of the hon. leader of the opposition is well founded. Anybody who has had experience in either branch of parliament must be convinced that the law has been very much abused, and the attention of the government was drawn to it, but too late to make the change this year, after it had been decided to make any change in the indemnity. It was decided that in the beginning of next session the law will be amended in the direction indicated by the hon. gentleman opposite.

Hon. Mr. DEVER—I wish to point out, in connection with this indemnity, that there is also a provision governing the mileage.

The CHAIRMAN—Not in this Bill.

Hon. Mr. DEVER—I think it should be in this Bill. It is in the Act.

Hon. Sir MACKENZIE BOWELL—That is what I have pointed out.

Hon. Mr. DEVER—Because there is a certain dispute which involves a loss to some of our members of fifty dollars, which dispute, I think, should not exist. I was present when the Bill of 1867 was passed, and the Act which was passed in 1873, and I am fully aware that the Bill then specified that the mileage to be paid should be the nearest mail route through Canada. There was not any route at that time, except through Canada. Subsequent to that the short line was constructed through Maine, and after it had been constructed, certain members from the maritime provinces availed themselves of the privilege of coming that way. The question then arose that in coming through the State of Maine they would not be justified in receiving their mileage. It has been a disputed point for some time, and reference was made to the Speakers of the House of Commons and the Senate for their decision. All the Speakers in the Senate, that I am aware of, for the last fifteen or twenty years decided that the amount should be as it was originally—that is, that the shortest mail route through Canada should be the basis of calculating the mileage. It would appear the present Speaker feels it his duty to object to that view of the law, and he decides that the mileage shall only be counted by the Short Line. That being the case, it curtails the mileage of some members from the maritime provinces about $50. That reduces the additional indemnity from $500 to $450, if his decision is sound. In consequence of that, I think the law should be amended or instructions given to the Speaker to decide in favour of the original mode of calculating the payment, taking the shortest mail route through Canada.

Hon. Mr. TEMPLEMAN—What would you do where there was no short mail route through Canada ?

Hon. Mr. DEVER—We draw our mileage under the provisions of the law. I think at one time it was unlimited, but finally it was decided as I have described.

Hon. Mr. TEMPLEMAN—Possibly after Yukon territory obtains representation in the House of Commons, a member coming from Dawson to Ottawa will have to travel through a strip of United States territory. If the hon. gentleman wants to make his point law, how would he pay that member's mileage ? Before the Canadian Pacific Railway was opened, the hon. gentleman who sits immediately in front of my hon. friend (Mr. Macdonald, B.C.) must have travelled year after year through the United States. There was no short mail route through Canada previous to the opening of the Canadian Pacific Railway.

Hon. Mr. DEVER—There was no mail route, but now we have two mail routes, and our present Speaker decides that the mileage shall be calculated on the basis of the shorter route.

Hon. Mr. TEMPLEMAN—So it ought to be.

Hon. Mr. DEVER—That short route is not through Canada in the east, but through the State of Maine. The original Act, under the provisions of which the calculation was made for many years, provided for mileage by the shortest mail route through Canada, and in my humble opinion that should be the standard, and unless it is, I and others will not be satisfied.

Hon. Mr. POWER—I quite concur in the opinion expressed by the hon. leader of the opposition with respect to this measure. I regret that, in the hurry at the close of the session, it did not seem to be practicable to lay before parliament a carefully considered measure. The present condition of things is worse than the position when the indemnity was smaller. Under the old system a gentleman could put in an appearance at the meeting of parliament and go home and attend to his own business for the remainder of the session, and draw $700 out of the $1,000 indemnity, in addition to his mileage. He was taking money from the country for which he was giving no return. Now, it will be aggravated, for instead of drawing $700 he will probably draw $1,000 or more, and it is very much to be regretted that the hurry with which work is done in the latter end of the session has rendered it impossible to throw safeguards around it that should be provided.

Hon. Mr. DEVER—Amend it.

Hon. Mr. POWER—Unfortunately we cannot amend it. We can accept or reject it. With regard to the mileage, I presume the hon. gentleman's remarks are intended as a criticism of my action this session in certifying to mileage. The statute is clear. It provides that the Speaker shall certify to the mileage by the shortest mail route. There cannot be two shortest routes. According to the hon. gentleman from St. John, there are two shortest mail routes from the city of St. John. The hon. gentleman is mistaken in stating that the Act ever contained any provision that it should be the shortest mail route through Canada. It has not, at all events since 1877, contained any such provision. How any Speaker, with the law before him, could certify that two mail routes were both the shortest, is something I cannot understand, and have never been able to find out. Some members from the lower provinces drew their mileage, like my hon. friend, by the long line, while they travelled by the short line, but I do not think their action was praiseworthy. Several members did not do that. The hon. gentleman ought to congratulate himself on the fact that he has been able to save hundreds of dollars which, if the law had been strictly construed, he would not have had.

Hon. Mr. DEVER—I deny it.

Hon. Mr. POWER—Instead of complaining that he is not now getting fair-play, he should congratulate himself that he has not got it sooner. I quite understand, if hon. gentlemen had to pay so much per mile, there might be some possible shadow of excuse for the claim he puts forward, but, as a matter of fact, everybody knows that members of parliament travel on passes. They do not pay any mileage. A good deal might be said in favour of abolishing the mileage altogether, because the members do not spend the money coming and going; and the hon. gentleman has no grievance whatever. He ought rather to congratulate himself that he is ahead of the country to the extent of several hundreds of dollars.

Hon. Mr. DEVER—It is right that the House should know the whole of the circumstance. The hon. gentleman sets himself up as a judge to decide this law, and he tells us here there ought to be two short lines, else we would be wrong in interpreting it as we do. I hold in my hand the statute of 1873.

Mr. CHAIRMAN—The hon. gentleman is out of order. There is nothing in this Bill about mileage.

Hon. Mr. DEVER—It relates to mileage.

The CHAIRMAN—No.

Hon. Mr. DEVER—I beg pardon, it is here in the law.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is discussing what ought to be in the law?

Hon. Mr. DEVER—Yes.

Hon. Mr. VIDAL—That matter is not before us.

Hon. Mr. DEVER—I wish to put this correctly, because the Speaker has made a statement which requires contradiction. In 1873 there was no short line in existence, and here is the Act setting forth that members are entitled to ten cents a mile coming to Ottawa, and going to their respective places of residence. If there was no short line then, what line could it mean? We had the Intercolonial Railway and this Act must have referred to it, and consequently we are entitled to receive our mileage under this law. That is the mileage that I claim.

and those of us who received mileage on that basis, were sustained in our claims, until the present Speaker came into office. This Act was brought in by Sir John Thompson, because a question was raised that we could not receive mileage coming through a foreign country. Any lawyer who examines this statute will see that it has no reference to the curtailment of the mileage of members; it was simply intended that we should be entitled to receive whatever mileage was coming to us, but had no reference to the curtailing in any way of the mileage we formerly received. Under the circumstances, I hold that I and others who claimed that we should receive our mileage as we have received it for years, were right, and not only were we right in our own opinion, but our opinion was sustained by Sir John Thompson.

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

The Bill was then read the third time and passed.

LEAD REFINING BOUNTIES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (152) 'An Act to provide for the payment of bounties on lead refined in Canada.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: For nearly a year past the refiners in the United States have boycotted the silver lead industry in British Columbia. A very large amount of English capital had been invested in these mines, and the greater number of them were obliged to close down. A very small amount has been got out. A large body of gentlemen from the Kootenay district of British Columbia came here about three or four weeks ago, and brought the circumstances of their case to the notice of the government and said that unless some relief was granted to tide over the present condition of things, they would be all obliged to close down. They thought if, for a time at all events, a bounty was given to enable them to refine the silver lead in Canada, the industry would eventually be self-supporting. After giving the matter a good deal of consideration the government decided to aid them to a limited extent; that is, to the extent of an annual outlay for the first year of a sum not exceeding $100,000, a bounty would be given on every ton of lead refined in Canada during the fiscal year beginning on the first day of July, 1902, of $5 a ton. The bounty is on a scale declining each year during five years. The second year it will decline to $4, the third year to $3; the fourth year to $2 and the fifth year to $1, the greatest amount in no case to exceed $100,000 per annum.

Hon. Mr. McMILLAN—Where is the smelter?

Hon. Mr. SCOTT—A refinery will have to be built. If some substantial aid were granted, the refinery would be constructed, and the refined lead would find a market, if not in Canada, in Great Britain. Under the circumstances, the government has acceded to their request to the extent I have mentioned. It is not a large contribution for a mining industry.

Hon. Sir MACKENZIE BOWELL—I congratulate the government on another important conversion.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I took the opportunity a year or two ago to read the uterances of the hon. Secretary of State and also of the present Minister of Justice upon what they termed the iniquities of the bounty system. The abstract principle of protection was always condemned—not always, because the Secretary of State was once on our side of the House—but since he was converted——

Hon. Mr. WOOD (Hamilton)—When the Secretary of State was on the other side of the House the Conservative party were always free traders.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Hamilton, notwithstanding his hair has turned gray and has got thin, is labouring under a misapprehension, and is only repeating improperly what has been uttered by members of the party of which he belongs. I know he is one of the most avowed outspoken and consistent protectionists that I ever had any connection with—for I assisted him once in getting his views on record on that question, when his friends were all advocating free trade. I am

sorry, for I think it had something to do with his defeat in the elections which followed, but he is one of those peculiar politicians who hold the strong views that have guided and actuated those with whom he has not been in accord for a lifetime, and he supports—or rather did support, because they are all converted now—and helped to return to power, men who dissented from his views on the traiff question. He is one of those political conglomerates whom no one can account for, except that he has identified himself with the party in power, and no matter what their views are he cannot sever himself from them. I merely rose to congratulate the government on the intensified form in which they are adopting the policy of the old Conservative government, which they hounded to the death for nearly twenty years until they had obtained power themselves. They have gone further in the iron bounties and in this Bill than was ever proposed by the Conservative government. I congratulate them, and will give the Bill my most hearty support, but when they go to bed at night I hope they will try and reconcile the views they expressed so strongly and vehemently a few years ago in opposition to protection, with their action to-day, and if they can reconcile their consciences—but politically they have not got any, so there will be no difficulty whatever in their sleeping soundly—on the idea of their having taken the policy of their opponents. I know there are a great many free traders in this House, as well as in the other, but party exigencies make them swallow whatever is provided for them, and that too without choking. Their throats have become so large they can swallow anything without difficulty.

Hon. Mr. WOOD (Hamilton)—I am very much obliged to my hon. friend for the very high character he has given me here to-day. I can say truthfully that he himself has been a very consistent protectionist for many years. But he must admit that he was the only protectionist in the Conservative party twenty-five years ago. He knows and remembers well the very day Sir Charles Tupper, when he was the leader of the opposition in the other House, became a protectionist. He can remember the very hour almost—between six and eight o'clock on the 26th February, 1876—when that gentleman found there was to be no change in the tariff. He came prepared to attack the government for increasing taxation, but when he found they did not do so, he attacked the government in the evening, at 8 o'clock, for not protecting the industries of this country. On that occasion he became the leader of the protectionist party, and my hon. friend here, who has been giving me such a character to-day, was his humble and submissive follower for many years. But he must admit that those of the party to which he belongs, and of which he is such a distinguished ornament, were not a unit even then. The late Hon. Mr. White, of the Montreal Gazette, was utterly opposed to it for a long time. The leading Conservative papers of the country—the London Free Press, and the Spectator of Hamilton, were all opposed to it at that time, until they were whipped into line, and so my hon. friend must not say that we are simply following in the footsteps of the Conservative party. I thank him for the handsome character he has given me here, and I hope he will remember in future that the Conservative party were really converts to protection about twenty-five years ago.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of Sir Charles Tupper, not Sir John Macdonald.

Hon. Mr. WOOD—Sir John Macdonald was one of the same kind. I had the honour of introducing a resolution, the first I ever introduced in the House of Commons, to get a committee to investigate the manufacturing industries of the country. Sir Charles Tupper and the present leader of this House joined in opposing getting that committee, and said it was the thin end of the protectionist wedge, and the committee should not be granted. Some time after I got the committee, Sir John Macdonald came to my seat, and asked what I wanted—did I want protection? I said, No, but I want to go back to the Galt tariff of 1858, the best tariff we had for years. He said: 'Wood, if you want protection you cannot get it here. For one reason the revenue would not permit of it, and for the second reason, we could not protect the frontier.' That was Sir John Macdonald's position prior to 1876, and the national policy was never mentioned until the 26th of February, 1876. That was Sir John Macdonald's position.

Hon. Mr. MACDONALD (P.E.I.) These historical facts are very interesting. When people enter parliament at an early stage in their lives, they are very likely to change their opinions in the course of a quarter of a century or so. I am pleased that the government has introduced this measure, not alone because it is in accordance with the principles which had been advocated by the Conservative party, but because I believe it is a measure that is necessary, and required in the interests of Canada itself. We know that mining is becoming a very important industry in this country, and lead mining can be developed to a very great extent. I read a letter yesterday in one of the newspapers, that in one single mine in East Kootenay, which had closed down to a great extent some six or eight weeks ago, they had taken on 100 hands additional in that single mine when they heard this measure had been introduced in the House of Commons, although it had not then passed its final stages there, nor come up to this House. That single instance is sufficient to show the advantage that is likely to accrue to Canada from the introduction of a measure of this kind. We know that many lead mines in British Columbia—and that is where they are principally—have been closed down to a certain extent, owing to disadvantages under which they labour in having to pay such a very heavy duty on their exports to the United States, which was the principal and almost the only market of which they could take advantage. A measure of this kind will cause refineries or smelters to be established within the Dominion, and I only regret that the amount of the bounty has been limited to $100,000, because I believe that the production will so extend within the next year, that $100,000 will not suffice to give the amount of bounty per ton that it is proposed to grant under this Bill. The measure, I think, is in the general interest of Canada, and I am pleased to give it my support.

The motion was agreed to.

The Bill passed through its final stages under a suspension of the rule.

RAILWAY SUBSIDIES BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons, with Bill (146) 'An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.'

The Bill was read the first time.

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

Hon. Mr. MACDONALD (B.C.) Some days ago I put a notice on the Order paper to ask the government about subsidies to lines of railway in British Columbia. A delegation came over last winter to interview the government about certain railways in British Columbia, and I fully expected this year to have seen a subsidy voted for a railway from Kootenay down to the coast, but there is no vote in this Bill for that purpose. I now wish to know the intention of the government in this matter. Some time ago the question was put to the premier in the House of Commons, and he said a subsidy would be given, but he did not indicate at what time it should be done. The question is causing very much anxiety in British Columbia. The province is borrowing largely for railway purposes, and hoped to be helped by the Dominion government in consequence of the large revenue we pay, and any benefit from our expenditure on railways goes more to the Dominion than to the local government. If the government are not prepared to answer to-day, I should like to have a reply to-morrow.

Hon. Mr. MILLS—It may not be at all possible to give the hon. gentleman to-morrow the information which he seeks. What is done in the Bill now before us, providing subsidies for certain roads, is to confine the granting of subsidies to those roads that were already projected and undertaken, and that the parties were prepared to go on with immediately. So that, the lines embraced in this Bill are lines that are either actually under construction, or the construction of which the parties interested are prepared to proceed with without delay. I did not understand that that was exactly the case with the roads to which my hon. friend has referred. I understand the position with respect to those roads is, that they are regarded as desirable, and highly beneficial to a section of the country, if constructed, but, I do not understand that up to the present time there is any company organized and capital subscribed,

with parties ready to undertake the roads referred to, if an appropriation was made. In fact, it is not considered desirable to load down a Bill like this with large sums of money in aid of roads that are not even as yet projected, and no company organized or authorized to undertake the construction. That has been avoided in the present Bill. I have no doubt whatever, if it is thought necessary and highly important for the public interest that certain roads should be constructed in British Columbia, and if companies are organized to undertake their construction, and are ready to go on, simply waiting for the ordinary amount of subsidy which the government would be prepared to give, or are in the habit of giving to undertakings of that sort, that parliament, at another session, will favourably consider any projects of that sort in British Columbia, or elsewhere, precisely as those projects that are provided for by the Bill now before the Senate are considered.

Hon. Mr. MACDONALD (B.C.) My hon. friend is quite right. There is a new road projected, but the hon. minister will see what a wonderful advantage it would be to the government making the contract to be able to fall back on the subsidy if it had been granted this year. If it had been voted this year it would not be used. The contract is not yet let, and the subsidy is not paid till a year after the road is completed.

Hon. Mr. MACDONALD (P.E.I.) As I have been in the past opposed to measures of this kind when they were brought before the Senate at a late hour of the session, as is the case on the present occasion, I must say that I have not changed my mind in respect to railway subsidies. Since I have come into the Senate I believe on every occasion on which a Bill of this kind has been introduced or proposed, I have spoken against it, and I see no reason to change the view that I then entertained, that the system of granting railway subsidies was one not altogether in the interest of the Dominion or of the public. It would be interesting to look at the mode which is followed in obtaining those subsidies. In the first place, parties apply for an Act of incorporation and when they have obtained that Act, with provisions in it which enable them to do many things possibly besides building a railroad, with powers to bond their road when it is built, or partly built, for a large sum of money, and possibly they may obtain a bonus or a subsidy or a grant from the provincial government, or if it is a railway that is really in the interests of some locality where they reside, they may get something from the municipality itself. Then, their next move, when they have started this road, is to apply to the Dominion and obtain a subsidy, such as we see granted in the present Bill for the roads which are referred to there. Many of those roads are not really required in the localities to which these subsidies apply. They are promoted by persons in their own interests, or in the interests of the party in power, in some cases, and if they can succeed in obtaining a subsidy from parliament, the probability is that they put that subsidy into their pockets, and build the road on the bonds which they have issued, and on the amounts that they can obtain from the provincial government, or from the municipalities. These roads are not entirely in the interests of the Dominion. No person can stand up in parliament and say that all the roads which have obtained subsidies in parliament are in the interests of the Dominion, and until we introduce some new system with respect to railway charters, I believe it will be difficult to do away entirely with subsidies, because this system of log-rolling prevails to such an extent——

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MACDONALD (P.E.I.)—To such an extent that pressure is brought to bear on members of parliament and on the ministers through certain members, and they obtain the subsidies. I understand there are some three million dollars in railway subsidies provided under this Bill. That three million dollars is the amount of money which has been procured by this system of log-rolling during the present session.

Hon. Mr. SCOTT—Half of that amount is a revote, and half is a new vote.

Hon. Mr. MACDONALD (P.E.I.)—Then the log-rollers have only got a million and a half? The other million and a half they obtained in some former session, either from this government or the government which preceded it. I believe that it is a

vicious system, in whichever government it prevails. If we consider the amount of money that has been paid by the Dominion in railway subsidies, we will see what a large sum it is. I have a note of it here, and I think it amounts to very nearly fifty million dollars. I believe forty-eight million dollars is the precise amount. There has been something like a thousand millions of money expended by the Dominion and by the railway corporations in the construction of railways throughout the Dominion. The Dominion government has paid 16 per cent, or a little over 16 per cent of that amount. The provinces have paid 3 per cent, and the municipalities about 1 per cent; so that you will see that two hundred millions of money has been expended by the Dominion parliament, by the provincial legislatures, and by the municipalities in forwarding railway construction throughout the Dominion. Many of these roads which have obtained this large amount of money are really of very little benefit, and some of them possibly will not continue to run after they have earned their subsidy, or will not continue to run as permanent roads that would be for the benefit of the locality in which they are situated. I know of instances in which this is the case to some extent. Roads that have received subsidies from the provincial government and from the municipalities and from the Dominion, which were expected to run continuously two or three times a day, have run at very uncertain seasons, possibly daily in certain seasons, but during the winter time they run at very irregular times. I think that the government of the day should repeal this Act which grants these subsidies to railway companies, and that subsidies should not be paid for railways that are situated within the provinces or sections, in which there is a numerous population. In such places these roads may pay, and it is not necessary to give them a subsidy from the government. Why should the province of Prince Edward Island contribute to a subsidy to a railroad away out in Algoma? Why should not the people of Ontario contribute those subsidies themselves? Why should not Nova Scotia, if they want a railroad built there, contribute a subsidy to that road if it is a good and valuable asset to the province? Why should the people of the Dominion generally contribute to roads which are of local benefit only? We see this year, that there are many applications for roads extending away out to Hudson Bay—not only one line or road, but several. Some few years ago, when the proposition was before parliament or before the people, to construct one line of railway out in that section, or towards James Bay, it was looked upon as a visionary scheme. It received no support whatever, and now we see three or four charters applied for and granted for roads to be built away out to Hudson Bay and James Bay, and in that locality, and each of those roads will, in the course of time, make an application to parliament, and probably receive a subsidy if it is not provided already in the present Bill, as we have not heard the particular clauses of this Bill read yet. I just refer to the general principle, and I should like to see that law, under which these subsidies are provided, repealed, so that if persons wanted railway charters they should be in the position to carry them out themselves. They should have some substance of their own, some capital of their own before applying for a charter at all. There should be some regulation made by the government, some law passed by which those people would have to show their own bona fides, that they were able to build a road, and that they would do it with their own means, after receiving a charter of incorporation and being given power to issue bonds. That would prevent many of these wild-cat schemes from coming before parliament, and we would not be wasting the money of the Dominion by granting all these subsidies. It is quite true that some of them may be in the interest of the Dominion, but the great majority of them are not so, and therefore I am opposed to this Bill, and if I had sufficient support I would vote against it.

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

The SPEAKER—The question is on the motion to go into Committee of the Whole.

Hon. Mr. SCOTT—The Supply Bill or a purely money Bill never goes to the Committee of the Whole.

The SPEAKER—I think there is no exception. All Bills should go to the Committee of the Whole.

Hon. Mr. FORGET—The Judges' Bill went to a Committee of the Whole a minute ago, and it was a money Bill.

Hon. Sir MACKENZIE BOWELL—The only exception is the Supply Bill. I think last year the Subsidy Bill was allowed to go through in the same way, but if there is any Bill which should go to the committee for a general discussion, if there is to be a discussion, it is this measure. First of all, there is a principle involved, and then again, we might object to some portion of it. Whether the Senate would have the power to separate one portion from the other I am not prepared to express an opinion upon just now, but my impression is that we can strike out clauses.

Hon. Mr. SCOTT—We can reject the whole Bill.

Hon. Sir MACKENZIE BOWELL—I understand we have the power to reject the whole Bill, and I am also of the opinion we can reject any paragraph of that Bill.

The SPEAKER—There are numbers of conditions attending that question. There is no rule.

The motion was agreed to, and the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On clause 7,

Hon. Sir MACKENZIE BOWELL—Is this provision new ?

Hon. Mr. MILLS—No, it was in last year's Bill.

Hon. Mr. SCOTT—They are to be aided by a subsidy of steel rails made in Canada.

The clause was adopted.

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

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

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the minister to the point I raised a few moments ago. If we live to come back again, I hope the Speaker will look into this question as to the power of the Senate to strike out, if we thought proper to do so, any clause of a Bill of this kind. I am quite satisfied we have the right to alter or amend the conditions on which the subsidy is given. If we think fit in future to take up these subsidies, or amend the conditions on which they are paid, we should have the right to do it. I wish to put myself on record on that point. It is a very great crime, if I might so state it—I do not attribute it to this government more than to former governments—that such Bills are brought down just before the prorogation, and no time given to members to look into the merits of such measures. We know the session before last subsidies were granted to a road which was supposed to be in existence. The subsidy has never been applied for or taken up. We have a right to infer when such subsidies are proposed, that they are proposed for a political motive. I am not blaming this government more than former governments. We learn something, however, as our ideas of right and wrong mature, as mine have in this particular. I have come to the same conclusion that the hon. gentleman from Prince Edward Island has reached, that the sooner we put a stop to this log-rolling and granting of railway subsidies the better.

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

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

After Recess.

THIRD READING.

Bill (67) An Act to incorporate the Quebec Terminal and Railway Company.—(Hon. Mr. Baker.)

THE ROYAL MINT BILL.

THIRD READING.

Hon. Mr. MILLS moved that the House resolve itself into a Committee of the Whole on Bill (143) 'An Act respecting the Ottawa branch of the Royal Mint.' He said: It will be seen that this Bill provides for the establishment of a branch of the Royal Mint, here in Canada, and an expenditure may be incurred not exceeding $75,000, for the purpose of establishing this branch of the mint. There is a strong public sentiment in favour of the object which this Bill is intended to serve, that is, for coining into money the gold that is mined in the differ-

ent parts of Canada. Whether the public will derive any advantage from that or not is another question, but that there is a sentimental feeling in favour of the course for which this Bill is intended to make provision, there can be no doubt whatever. It is hardly to be expected that gold will become a medium of exchange instead of bank notes in this country. The banks have been remarkably safe and stable in their character, and there can be no question that paper is a more convenient representative of money and medium of exchange than gold or silver. We can represent a hundred pounds as easily by bank note as we can represent one dollar. It requires no more space, and as an article of money, it is no more inconvenient than if it were for a very much smaller sum. That the coining of gold in Canada may affect the government circulation and may affect to some extent the bank circulation, there can be very little doubt, and to that extent it will affect the profits of the government on the government notes now in circulation, and correspondingly affect the profits of the banks upon their circulation; but to what extent it will become a medium of exchange is a mere matter of conjecture. It may affect it to a very considerable extent, or it may simply, after being coined into money, be exported from the country and go into circulation in those parts of the empire where the banking system has not been found so complete and so convenient as the banking system of Canada, but there can be no doubt that there is a feeling amongst a very considerable class of our people, based upon a patriotic sentiment, that the gold that is mined in Canada ought to be coined into money in Canada, and this is to that extent a compliance with that feeling. It is a yielding to a patriotic feeling that exists in the country, and may be of no other advantage than the mere compliance with the sentiment to which I have referred, but the people of this country would not be satisfied without a very great deal of argument and discussion if we were to refuse to comply with their wishes in this regard.

Hon. Mr. DRUMMOND—I desire to state that in what I am about to say I represent my own views exclusively and represent no interest otherwise. This Bill has come up to us from the House of Comons with such a universal acclaim of assent on both sides, that it is difficult, perhaps impossible, to hope to defeat it, even if that were my object. It is not my object to press any objections which I may submit to the judgment of this House to an issue, because I think it well that this subject should be threshed out, and as the Bill is permissive in its character, and merely gives the government the power of carrying out the prospective establishment of the mint, if they see fit to do so, I am not disposed to go further than to give a few arguments which they may digest at their leisure, and which perhaps may have something to do with a final determination. I am the more readily impelled to do so, as there is an air of fallacy running throughout a great deal of the debates one hears in the newspapers, and as I have to-night, for the first time, had the privilege of reading the 'Hansard' and knowing what has been said in the House of Commons, I can perceive through that also that vagueness of apprehension and doubtful logic which impel me to say what I do now. I object, in the first place, to any legislative interference with the present financial position of the country. The circulating medium of Canada is, probably, without being a gold issue, as nearly one as any country has ever seen. It is perfect in itself, self-regulating, and has been the envy and the admiration of outside communities, and the fact that there have been some disastrous failures in banks issuing notes had had no effect whatever upon the holders of their promissory notes, but, as a matter of fact, in consequence of the system whereby a deferred payment of these notes bears interest at a considerable rate, they have been sought after by institutions and have been taken up accordingly. The public, in fact, have not suffered in any degree from the failure of those banks, as far as the holders of notes are concerned. It is always dangerous to intrude on a system which is reasonably near perfection, and I look with some little apprehension on any project having for its ultimate result the interfering with and modifying our present system. If the proposed mint were to occupy itself with the minting of gold and silver and other coins exclusively Canadian, we could manage it ourselves, but as it is perfectly obvious that no establishment equipped for the purposes

of a mint would find more than a few weeks' occupation during the whole year in minting an exclusively Canadian metallic currency, the project now before us proposes to fill up the time in coining English sovereigns. The consequence of that is, beyond all question, that it must be, as is stated in the Bill, a branch of the royal mint. Not only so, but the government and management of the institution must be English. The managers, the deputy masters, and I suppose the most responsible officials must be delegates from the English mint. The estimated cost of the establishment, according to the hon. the Finance Minister, is supposed to be, in plant, machinery and building, some $320,000 or $330,000, the interest on that sum, and the maintenance of this building and plant, altogether in his estimate making an annual charge of $75,000, which is provided for in the Bill. Now, the first question which will come up is, is it likely to be a profitable transaction? I omit any reference to the question of sentiment, because there is a question of sentiment at the bottom of the desire to see a Canadian coinage. We have it in silver, we have it in bronze, but not in gold, and we are driven to use United States or English coins. To avoid that is a legitimate sentiment, to my view. But there is no call, none that I know of—I have never seen any evidence of it—on the part of the public for a metallic golden coinage. As has already been said by the hon. leader of the House, the public is accustomed to, and satisfied with bills, and, as far as the interest of the country is concerned, you will please note, the difference between the metallic coinage of gold, and paper representing the equivalent for gold, for, as I have already said, the present paper currency of the country is practically a gold coinage and is well assured. The banks have the power of issuing notes to the extent of their paid-up capital. The government has the right of issuing up to $20,000,000 with only a gold reserve, according to one piece of information, of 15 per cent, according to another 10 per cent—I think it is ten per cent. When it exceeds twenty millions of dollars, they must have dollar for dollar of a reserve, and as the present issue is twenty-eight millions of dollars, in round figures, some ten millions of dollars must be held in reserve in gold by the government for that issue. Now, I take it—and this is my argument with reference to the relative economy of the paper issue as compared with the gold issue—that to the extent of the gold held in reserve for the issue, there is no real profit on the issue at all. If, on the credit of the government, or the credit of the banks, the public are content and well content to take a paper note instead, and no gold is to be held in reserve, the average rate of interest for the time being is a clear gain on the issue of that circulation. But if a gold reserve equivalent to it is held, then there is no gain, because the gold itself costs money. For instance, the $10,000,000 held by the government as security for their notes cost them ten millions, no more or less. If that ten millions had been borrowed, for example, they would have had to pay interest on it. Now, in so far as the substitution of the gold coin for paper is concerned, it is not a matter of profit. On the contrary, it is a clear loss that has not been taken into account. The Finance Minister, in proposing the erection of this branch of the Royal Mint, took into consideration what he knew to be the fact, the profit that the government now has from the coinage of silver and copper, but that is evidently improper. I presume the arrangement the government make with the English mint at the present moment is that for a current charge, which is moderate in amount, the bullion is cut up, stamped, and handed to them. Now, the silver coinage consists of a token, which is branded one dollar, but really contains only 60 cents worth of silver. There is the profit on that. There is likewise a profit on the bronze coin, and altogether these two profits amount to about $94,000 a year. To my mind, it is entirely unwarranted to take a profit which we have at once without a mint and credit it to an expenditure which we propose to make in building a mint. I do not think there can be any argument on that question. We have got this profit already without this expenditure, and we will get no more when we make the expenditure, because I will proceed to show that, in my opinion, the new mint never can make any money more than we are making already, for it is absolutely the case that there is no profit in coining gold—none whatever—on the contrary, I believe it to be a fact that the Australian mints lose money. Talk-

ing of Australia, the example of Australia as having mints of its own is held out to us. But the position of Australia and the position of Canada are totally different. True, both are colonies, and dependencies, but the local situation of Australia and the local situation of Canada are entirely different. Isolated from Great Britain, isolated from Europe by a very long sea passage, it would occur to Australians readily enough that the gold which is produced in their own country might be utilized for their own purposes, and when that is granted they drop into the same system as is contemplated here, and with the consent of Great Britain, their gold is minted into English sovereigns, which circulate in Great Britain. The mere cutting and clipping of a metal into a definite weight, and stamping it, costs very little money, and in regard to gold it adds nothing to the value, so that there is no profit on the gold. The profit on the silver we have already. The profit on the copper, or bronze, we have already, and there we are. We have before us the question whether, from a matter of sentiment, a desire to see the thing going on under our own eyes, we shall expend three hundred and fifty thousand or four hundred thousand in plant, and have an establishment, the running of which will, in my opinion, be a constant drag to a considerable extent. If we coin Canadian gold bearing the name of Canada and bearing the denomination, let us say, of two and a half, five and ten dollars, that coinage will be totally and absolutely valueless, except as bullion outside the borders of Canada. Obviously it will not circulate in England—it cannot. The United States people will take very great care that it does not circulate there, for they are sharp enough to turn our bills back, and we are weak enough to permit theirs to circulate to a large extent in our country.

Hon. Sir MACKENZIE BOWELL—Hear, hear ; and silver too.

Hon. Mr. DRUMMOND—And the old fable will be realized in that instance also, and the bigger bully will carry the day. We will have no chance whatever of having an outlet for the various denominations of coin in the United States. So that, if an emergency should arise—let us say, for instance, an emergency which arises every now and then in times of peace—I think I will be backed up by instances in which the sudden emergency arises of sending gold to New York or Chicago or some place for Canadian purposes. United States gold is legal tender the very moment it reaches its destination. Let us send Canadian gold and it is bullion only. After due assay, it can be handed over and sold as bullion, but not otherwise. Consequently, the mere fact of minting that gold counts for nothing. If we had it in dust, or in bars, or in any other shape, it would be equally marketable and equally available for the purpose of a sudden demand. Take the other way ; our banks, it is quite true, hold a certain proportion of gold—not a certain proportion : I am wrong in saying a certain proportion—they all do more or less hold some gold. There is a talk of a reserve, but according to my reading of the Banking Act, no bank is called upon to hold a specific reserve for its liability. All that the bank takes care of is that, of the reserves which are held by the bank, not less than forty per cent shall be in Dominion notes, and I have known an incident happen in which a great bank has been fined for having inadvertently too much gold. That sounds like a tale of Baron Munchausen, but it is a fact that a bank in this country has been fined for having too much gold. However, that is apart from my argument, which is that the banks which hold gold have, nearly all of them, more or less, agents or correspondents and business in New York, Chicago and great mercantile centres, and do more or less business there, necessarily, for their customers, and so on, and a remittance of gold is an almost every day occurrence or a frequent occurrence, and a pure Canadian issue of gold would not be available for that purpose, or at least, would be only equally available with bar gold or gold dust. There is sometimes a confusion on this subject—I noticed it to exist in the House of Commons—between an assay office and a mint. To my mind the establishment of a government assay office, or more than one, where gold is produced, is not only desirable, but absolutely essential.

Hon. Mr. MACDONALD (B.C.)—Hear, hear : that is the right thing.

Hon. Mr. DRUMMOND—When a miner comes down with gold dust mixed more or less with foreign matter, as all of it is, he ought to have the power of going to an institution which has no interest whatever in cheating him, getting his gold assayed, and obtain a certificate which he can take to the nearest bank and get the money and buy goods. So that I give my unhesitating approval, if it is a part of the government project, to the establishment of government assay offices duly equipped, and no reasonable amount of expenditure in equipping them properly should be a consideration for a moment. Now, holding that a mint in this country would certainly yield no profit and would be only occupied for a very short time in coining Canadian coins, we have to consider the question from the point of view which an industrial expert, or a man accustomed to business, would take. We are to look upon the further question, can any profit be made in the coining of English sovereigns? It is contrary to all experience—contrary to my experience, and I am sure it is contrary to the experience of every man of business here—that a small establishment— a remote establishment, with the cost of superintendence spread over a small value, can ever be conducted as economically as a large one doing a big business. That is so self-evident that I will not argue it, and I have therefore the conclusion forced upon me that it is impossible to do the work ourselves in a Canadian mint as economically as it is done for us. But I am going perhaps a shade too far there, inasmuch as I do not actually know at this moment what charge the English mint exacts from Canada for the mere mechanical act of weighing and stamping, but I presume that it is a moderate charge. I will go the length of saying that I do not believe, under any circumstances, that a Canadian mint can coin it cheaper than an English mint can do it—that is, apart from the charges. I notice that one hon. gentleman in the House of Commons went the length of recommending the government to coin plenty of silver and they would make plenty of money. There is the silver question in a nutshell. There it is redivivus—by some necromantic art establish that sixty cents is a dollar, and get the people to take it in limited quantities we certainly will make a very profitable thing of it. But can you? One fear that I have from the establishment of this mint, is that it may probably introduce the question of unlimited coinage of silver, given the difference between sixty cents and a dollar as a temptation, and you will have the silver question upon us before you know where you are. I presume the intention of the government would be to take all the gold dust, or unmanufactured gold that was offered to them, at a price. They would have to give a price fully equivalent to what could be got elsewhere, perhaps a shade better. They would give the current value of the gold at the time, and take all that there was of it. Have the government any statistics as to the quantity of gold which would be brought to their mint under these circumstances? Have they any idea how long that gold would keep the mint going? I have had a calculation made that the coinage would not keep it going more than three or four months in a year, and, if so, the cost of running the mint would be considerable. I look at Whitaker, and I find that the deputy minister of the mint—who I presume is the man charged with the oversight in England —gets fifteen hundred pounds a year. That is seven thousand five hundred dollars—a good deal more than one of the Chief Justices of one of our provinces—in Sydney, N.S.W., he gets eleven hundred pounds, and in Melbourne twelve hundred, and the superintendent below him gets nine hundred. I presume it is beyond all question that the gentleman to be sent here by the British government and put in charge of our mint would receive the same. We could not give him any less, and I can imagine the feelings of the deputy ministers and civil servants generally, who are receiving two or three thousand dollars a year, when they have a gentleman with easy duties earning double. That is not a very serious matter, however. I come to the point that with the coinage of gold it is sure to flow into the banks, and as long as the present provision of the Banking Act lasts, calling for forty per cent of the whole of their cash reserves to be held in Dominion notes, a bank might find itself on the last day of the month in the dilemma, of having a heavy deposit of gold which they had to get rid of before the day was out, on some principle or other, and no doubt they would have to ship it by express out of the country and wash

their hands of it. So that there would be a constant effort on the part of the bank to get rid of the gold which would be handed to them, or the changes in our banking legislation, which are sure to follow with commerce here. I do not see that there is going to be any equivalent returned to us for the institution of this new manufacture. I may mention one objection to the denominations of two and a half and five dollars. The coin would be indistinguishable, I fancy, in size and weight, by ordinary methods, from the English half sovereign and sovereign, and in a rough way the public, if they ever took these coins outside of Canada, would be very apt to say, 'Oh, this is just a sovereign, and I will give you a sovereign for it, and you would lose sixpence on each coin, or something like that. So that, I should say that two dollars and four dollars, the present Dominion denominations, would be far better. I do not think that beyond a few coins that may be held by people, just as postage stamps are accumulated, a demand for gold coinage exists in this country. In calculating, therefore, the financial results of this new enterprise, you must add to loss already alluded to of $75,000 a year due to capital expended, an indefinite amount due to insufficient employment of an expensive staff, and a still larger and more formidable charge due to the displacement of the government issue of Dominion notes, of which I estimate there are about $18,000,000 not covered by gold reserves. You are therefore faced by this dilemma, if the public does not take kindly to your gold coinage, your mint will not be employed. If it does, your Dominion note issue will be curtailed, with a corresponding and indefinite deficit to be charged to this enterprise. I do not give the mint the slightest share of the profit now being made in the coining of silver and bronze, but I debit it with the loss which will accrue from the diminished circulation of notes both of the government and of the banks and a much larger proportion to the government than to the banks. Finally, I think any government should hesitate before disturbing a financial system which has been proved, through good times and bad times, to be equal to the demands of the country, to be safe, simple, inexpensive and satisfactory to the community at large. I merely throw out these remarks as pertinent to the question at hand, and if the Bill is passed, as I have no doubt it will be, for I have no intention to oppose it, they will furnish the government with food for reflection.

Hon. Mr. MACDONALD (B.C.)—There is no doubt, the great want of the country, and of the gold-producing part of the country especially, is assay offices. They will be a convenience to the miners, and a source of profit to the country, and they should be taken in hand before a mint is established. As to the profit or loss from a mint, I am not prepared to say anything, but the quantity of gold required in the country is so small, that I do not think the mint would pay. I hope the government will urge, first of all, the establishment of assay offices, at Dawson and in British Columbia. The country would get a profit from it and keep the gold in the Dominion. I urge the government to see, before establishing a mint, that there are assay offices established.

The motion was agreed to.

The House resolved itself into a committee of the whole on the Bill.

(In the Committee.)

Hon. Mr. MILLS—I might say there is scarcely anything in the observations which were addressed to the House, before going into committee, by the hon. senator from Montreal, from which I at all dissent. I think that every member of the government has considered all the points which the hon. gentleman has brought forward, and no one is expecting that any important profits could be derived from the coinage of gold and silver in this country, or any special advantage will be derived by the people of this country by putting gold into circulation, because, to the extent it so circulates, it will no doubt displace the bank circulation. My opinion is that it will be found that it will not pass into circulation in this country to any extent. It would only be during a period when there might be a run upon the banks, or some distrust for the moment created, that the people would, for a short time, ask to be paid in gold coin ; but except under financial excitement of that sort, the circulating medium that is now put in the hands of the people by the banks of the country, is likely to continue. I do not

think there will be any loss on the coinage in this country. There is not in England. The alloy is supposed to pay the expense of coinage, and interest upon the value of the gold deposited for the short period that elapses between the time that bullion is put in the hands of government officers until it is converted into money.

Hon. Sir MACKENZIE BOWELL—But gold is the principal medium of circulation in England, and not bills. That makes all the difference.

Hon. Mr. MILLS—I know it is the principal circulation, but my hon. friend will see we could not pay more for coinage here. They are to pay expenses, and interest on the value of the gold deposited from the time it is put into the hands of the officers of the mint until it is converted into coin. It might be that the profits here would be very much less, but it is perfectly obvious that you could not undertake to pay a larger sum for coining here than is paid in the United Kingdom or in the United States, for if you attempted to do that, you would at once have bullion from the United States, or from other countries, sent in here for the purpose of being converted into money. There would be a larger profit on the bullion in Canada, if that were done, than anywhere else. So that there is never likely to be any extra sum paid in that respect. If the coining does not pay expenses, of course the loss must fall upon the public treasury of the country, and I have no doubt the cost of coining a pound in Canada will be more than the cost of coining a pound in England, on account of the smaller amount done here than in the United Kingdom. There is also this fact to be borne in mind, that the loss of a bank note is an intrinsic loss only to the extent of the cost of engraving and printing the note. While the individual who holds the note may lose five pounds, if it be a five pound note the bank itself would gain the five pounds, so that the loss of the individual would be undoubtedly the gain of the bank. The actual loss, I say, is only the cost of printing and engraving a note. That is not so, of course, when a gold coin is lost, because that is an intrinsic loss to the value the coin represents, which is entirely different from the loss of a bank note, and so, both in the matter of convenience and in the matter of risk, our present system is, no doubt, more advantageous than any system of metallic circulation that could possibly be devised.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman considered this point: what is to become of the gold coin made in this country? If it does not enter general circulation, and take the place of bank notes or Dominion notes, what is to become of it? Could it be sent to England in payment of our debts? Would it be a legal tender there? You could not send it to the United States, for it would not be legal tender there. I remember a circumstance which occurred while I was acting for Sir Leonard Tilley for a short time. The demand for gold in the United States was very great, and a large profit accrued to the bankers who had the gold, and sent it there, and they made what might be termed a run on the Dominion treasury for gold. They presented Dominion notes, and demanded gold for them, until the gold held in reserve by the government was almost depleted. On consultation with the deputy minister, we decided that the only way we could possibly stop that run was to cable to England to send over about half a million in gold. It was done in about ten days, and as soon as the bankers presented the bills, they were offered British gold coin. They said, 'We cannot use this in the United States; it is not legal tender there.' That stopped the run. I mention this fact to show you of what use gold manufactured in Canada would be to pay debts in the United States. If you could, I could easily understand how it could be used. If it goes to the United States, it must go as bullion, and be re-minted, I suppose, into United States coin. What is to become of it? It must either go into circulation or be sold as bullion. I am fully in accord with the sentimental part of the measure.

Hon. Mr. MILLS—A part of the gold coin might be held by the banks, under the existing law, as a portion of their reserve. A part of it, if you were to coin $5 or $2½ pieces might go into circulation in the United States at its par value. My hon. friend has never seen gold coins of the United States, offered in payment of a debt in this country, refused for their face value?

Hon. Sir MACKEZIE BOWELL—I will tell you where I have seen British gold coin refused : I saw an English sovereign refused in Honolulu, and a Yankee who was present exclaimed : 'By Jove, I never saw gold refused before.'

Hon. Mr. MILLS—I have no doubt a very considerable part of the money coined in this country may ultimately disappear in the payment of half-yearly interest upon our obligations, and a part of it may go into circulation in the neighbouring republic. I do not apprehend that there will be any difficulty in that regard. I do not think that it can go into permanent circulation in this country and displace the bank notes. If you were to have a bank failure, you might have a few parties demanding payment in gold, but it would only be for a very short period indeed. I do not apprehend that this branch of the Royal Mint, if established in Canada, is going to seriously interfere with the bank circulation. My impression is, that when the patriotic sentiment is satisfied with the experiment, they will not insist upon a substitution of gold coinage for the present paper currency of the country.

Hon. Mr. FORGET—I am quite in accord with the sentimental part of the project myself. I think it is a good move if we are willing to stand the cost of it. I believe it is going to interfere with the circulation of the Dominion and bank notes in time. It will quietly take the place of small notes, because people prefer very much to have clean gold pieces to having dirty bills, as ours are for the most part, in their pockets. An hon. gentleman near me says that the dirtiest bills in circulation are the Dominion notes. That is the only circulation, I believe, you are going to have. It will be a progressive circulation with the public, not with the banks, unless you prohibit the circulation of United States gold coin in Canada. Unless you do that, the banks will take United States gold in preference to Canadian gold. Why ? Because, while our own people might use it, Canadian gold will not serve the object of a business man who trades in the United States, or even in the United Kingdom. If I have to remit to New York to-morrow a million dollars, as I have had to do more than once, it must be in gold, and this gold must be available the moment it reaches Wall street. If our Canadian banks are obliged to have Canadian gold, I will not be able to get any other gold. When I send it to New York in payment of my debt, I will have to send it as bullion, that is to say, New York will receive the gold, because gold is gold all over the world, but being stamped as Canadian gold, it will not be taken there except as bullion, to be assayed, and the value will be put upon it. It takes two or three days to do that, and I will be allowed whatever the assay office says it is worth. I will be a loser.

Hon. Mr. MILLS—You will be charged the rate of exchange.

Hon. Mr. FORGET—The rate of exchange will be against Canada, naturally. For that reason, I think our Canadian banks will not take Canadian gold as a reserve, because it will be good only for domestic purposes. They will not be able to pay their debts abroad with it. And then the banks, knowing that they will never have any demand for Canadian gold, naturally will not accept it from the public. They will take United States gold, or sovereigns, in preference, so that the circulation of Canadian gold, you will find, after a few months, will be curtailed. You will have a good circulation the first year, perhaps, and possibly it may go up to ten millions of dollars, but after you have reached a certain figure, it will remain there, and you will not be able to force any more on the public, unless, as I said before, you prohibit United States gold circulating in this country, and to do that you will have to amend the banking law, and injure the trade of the country in general. That is my opinion and the way I look at the question.

Hon. Mr. MILLS—Do I understand the hon. gentleman to contend that if we were to coin here, in a branch of the Royal Mint, sovereigns instead of $5 pieces, they would then have the same value, if they were of the same weight and fineness, as the English sovereign ?

Hon. Mr. FORGET—Yes.

Hon. Mr. MILLS—And they would go in the New York market the same as the English sovereign ?

Hon. Mr. FORGET—English sovereigns are not accepted there. If you have to remit to New York you must remit in United

States coin. They will take other gold coin as bullion, but not as coin. As I have said, I have remitted once or twice within the last five or six years a million dollars at a time to New York. I had to get United States gold. Of course, the gold has its value, but when you remit to New York in panicky times, or a merchant pays his debts in big financial transactions, it must be available immediately the day it reaches New York, or, if it is not, they will charge interest as if the debt had not been paid. You have to pay interest until you are told the value of your bullion. It may take a day or two days for that. I have had no experience on that point. Every time I remitted I bought United States gold on the market, because I knew very well that I could not send sovereigns. They were not legal tender.

Hon. Mr. DEVER—Were they taken at a discount ?

Hon. Mr. FORGET—It is practically a discount—the gold is taken as bullion. I think my hon. friend from Montreal (Hon. Mr. Drummond) will corroborate what I have said.

Hon. Mr. DRUMMOND—Yes, I do. When you send gold to New York it is a case of hurry—it must be at once. You must not give the man who is to get it the option of refusing it. You could not do that with anything but United States gold. Your gold is gold, and will be taken as bullion when duly melted and assayed.

Hon. Mr. FORGET—The move is a good one. My hon. friend from Montreal has a large interest in banking. I have also, indirectly. I believe this will interfere with the circulation of bank notes and still more with the circulation of Dominion notes. It is not known generally by the public, but we know it in our business, that if you present ten, fifteen or twenty-five thousand dollars of legal tenders at the Receiver General's office in Montreal and demand gold for it, you cannot get it. The public supposes that the government is obliged to redeem its notes in gold. Well, they will not give you gold for it ; they say 'the notes are legal tender.'

Hon. Mr. MACDONALD (P.E.I.)—Why ?

Hon. Mr. FORGET—I do not know, but it is a fact. So if you want to make a circulation of your gold you must redeem your legal tenders. You must pay any man who goes to the Receiver General's office, in any city of the Dominion, gold when he wants it. If you do not do that, as I have said, the circulation will not increase. At the first, while it is a new thing, everybody will be glad to get the gold. Every one would prefer to have gold rather than silver coin in his pocket, but there is a limit to that. After a few months you will find you will have to do something—either amend the banking law, or pay gold for your legal tenders, to increase the circulation of the gold coin.

Hon. Mr. DRUMMOND—The purpose of the few remarks I have made is simply to place before the government the fact that this is not all plain sailing, and that they ought to consider well before they break in on a system which experience has proved to be satisfactory and equal to the demands of the community.

Hon. Mr. MILLS—My hon. friend fully realizes also that a paper circulation is a promise to pay. The circulation of gold is payment. You cannot have a dollar in paper put in circulation without some one incurring a liability to that extent. If you have $45,000,000 in bank notes in circulation, somebody in the country, or a number of persons in the country, must have incurred indebtedness to the bank to that extent. Not a dollar of paper money can be put in circulation without incurring indebtedness and borrowing money to that extent. That is not the case with gold or silver put in circulation. The gold or silver is absolute payment. A bank note is a promise to pay, and is value only on account of the undoubted credit of the person who has made that promise. In this case, it may be that, when the gold is coined, you may stimulate the business of the country so as to require a larger amount of medium of exchange than you required before, and if that be so, the bank circulation and the circulation of government notes will be less interfered with than might be expected by putting a gold coin in circulation. But I have no doubt of this, that if, upon the experiment being tried—and it is a wholly tentative experiment—the bank circulation, or the government note circulation, is to any extent encroached upon, then there will be very much less coin-

ing, after that fact becomes known, than before.

Hon. Sir MACKENZIE BOWELL—There is one point brought out to-night which I must confess I was ignorant of. The hon. gentleman (Mr. Forget) stated that if you go to the Receiver General's office with a quantity of legal tender notes and demand the gold for it, you cannot get the gold. If that is the case, there is no redemption of those notes. I understand if you go to a bank with a thousand dollars, or ten thousand dollars of their notes and demand gold, there are certain centres where they are obliged to redeem them in gold, but, from what has been stated, that does not apply to the office of the Receiver General. I was always under the impression that he had to give you the gold for Dominion notes. My hon. friend says no, they will not. What will they offer you in return—another $10,000 ?

Hon. Mr. MILLS—The government do not redeem in that way. The only redemption of government notes will be from the banks—no officer of the government will undertake to redeem them.

Hon Sir MACKENZIE BOWELL—What is the object of the Receiver General's office then ?

Hon. Mr. FORGET—If you have ten thousand dollars in Dominion notes, and you go to your bank and say : 'I want gold for this.' They say : 'Yes, we will give you gold at a price.' They will not give you gold at par. They say, 'These are not our notes.' They will pay gold for their own notes only. If I take the Dominion notes to the Receiver General, he will not give me gold. I have tried it.

Hon. Mr. DANDURAND—What did he answer ?

Hon. Mr. FORGET—He said, 'Go to the bank.' The government is supposed to redeem its notes in gold, but it does not do so. For instance, if you take a bag of silver to the Receiver General he will not take it.

Hon. Mr. BERNIER—Are we to understand that a man going with ten thousand dollars in Dominion notes to the Receiver General, or to the bank, cannot get gold for it or has to pay a discount ? If that is so, there is something wrong.

Hon. Mr. MILLS—No.

Hon. Mr. FORGET—It is explained in this way : these notes are circulated on the credit of the government, and the government keep a reserve in the treasury.

Hon. Mr. PERLEY—Then why do they not redeem their notes ?

Hon. Mr. FORGET—They must keep ten or fifteen per cent to meet their circulation. If two or three big bankers go to the Receiver General's office to-morrow and ask them for a couple of million dollars, the government would not have the gold to give.

Hon. Sir MACKENZIE BOWELL—As I have stated, when the bankers came to the Receiver General and demanded large amounts of gold, we had to pay it, and the only way we stopped it was to bring in English gold, which is legal tender under our law, and that stopped the run. I never knew before that the Receiver General could refuse to redeem Dominion notes in gold. I always supposed that if I went to the Receiver General with Dominion notes I could get the gold.

Hon. Mr. BERNIER—I have never been a banker, and consequently cannot throw any light on the effect that this will have on the circulation or on trade of the country. My first impression was that Canada being a gold-producing country, it would be an advantage to the Dominion to have a mint. But here we are told by leading bankers of the Dominion that the creation of a mint would interfere seriously with the circulation of bank and Dominion notes, and although, from a sentimental point of view, we might afford the luxury of losing something from the establishment of a mint, it is a different matter to interfere with the banking business of the country and injure our money market or our trade relations. It is a very serious matter. The bankers have taken the trouble to warn us. Their remarks should be taken into very serious consideration.

Hon. Mr. DRUMMOND—I have nothing to add to what has been said except this : I should like to see the government, in counting the cost of this, take into account, first, the expense of a mint, and, second, the amount of the interest they will lose, to the full extent of the point at which the new

coinage will displace their circulation. You have to do that.

Hon. Mr. MILLS—Certainly.

Hon. Mr. DRUMMOND—Now that is something which cannot be determined, but when the hon. gentleman (Hon. Mr. Forget) seriously made that remark, I think his anticipations were correct, that at the start every one would wish to have some of these new coins, and possibly the circulation might reach ten million dollars. The bulk of it would displace the present circulation and you might count on losing three or four times the amount estimated in the Bill as being the annual deficit on account of the establishment of a mint.

Hon. Mr. MILLS—I have no doubt of what the hon. senator says in that regard. There are, in every community, a few people who hoard money. They do not put it in the bank. They feel that it is safer in their possession. It is earning nothing, but they are content to have it in their possession rather than to have it earning something. They do not want to lose control over it. They would prefer gold, for the purpose of hoarding, to bank notes, and a certain portion of the gold coin put in circulation will be withdrawn from circulation by the hoarding.

Hon. Mr. FORGET—When it is taken out of circulation the interest on it is lost.

Hon. Mr. MILLS—Yes.

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

The Bill was then read the third time, on a division, and passed under a suspension of the rules.

EUDORA SIBBALD RELIEF BILL.

COMMONS AMENDMENTS CONCURRED IN.

A Message was received from the House of Commons returning Bill (T) 'An Act to confer on the Commissioner of Patents certain powers for the relief of Eudora Sibbald' with amendments.

The SPEAKER—I will explain the nature of the amendments. Instead of the usual fee required for the term of eight years, the Commons propose to insert a fee of twenty dollars, and they may grant to Eudora Sibbald a certificate for the payment of the said fee. Then there is the extension of the letters patent for a term of three years instead of eighteen years, and at the close, it is for a term of three years from the 20th September, 1901, instead of a term of nine years.

Hon. Mr. DANDURAND moved concurrence in the amendments.

The motion was agreed to.

MONTREAL & SOUTHERN COUNTIES RAILWAY BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (112) 'An Act respecting the Montreal & Southern Counties Railway Co.'

The Bill was read the first time.

Hon. Mr. DANDURAND moved a suspension of the rules.

Hon. Sir MACKENZIE BOWELL—What is the use of suspending the rules in the case of a Bill which will have to be sent to a committee? The Railway Committee will not meet again.

Hon. Mr. DANDURAND—I think they met this afternoon and adjourned sine die, with an understanding that they could be convened at a moment's notice.

Hon. Mr. FORGET—What Bill is that?

Hon. Mr. DANDURAND—It is a Bill passed two or three years ago—the Montreal and Southern Counties Railway Company.

Hon. Mr. FORGET—It is a tramway Bill passed five years ago.

Hon. Mr. DANDURAND—Going to St. Lambert and through the southern counties.

Hon. Sir MACKENZIE BOWELL—It is an omnibus Bill.

Hon. Mr. DANDURAND—I have not the Bill before me. The amendments are here. It seemed to be objected to in certain particulars, and all that the objectors complained of is wiped out by the present Bill. An extension of time is sought, and the right to amalgamate and make agreements with a certain number of railways. That is all.

Hon. Mr. FORGET—It is a great Bill—it is a very great Bill.

Hon. Mr. DANDURAND—I am very glad that my hon. friend thinks so because I will give the promoters his name as a prospective shareholder.

Hon. Mr. FORGET—The hon. gentleman may take my name in opposition to it first.

Hon. Mr. DANDURAND—Any member can stop the Bill and kill it now. I say the promoter of this Bill has shown a great deal of energy in bringing it before us at this stage, after receiving so many checks in the other Chamber, the Bill having been referred to the Standing Orders Committee, and then to the Railway Committee. I say the promoter deserves to have his Bill treated very leniently and examined into by the Railway Committee. If the hon. gentleman examines the Bill in its present shape, he will see that it is absolutely harmless. It simply asks for an extension and the right to amalgamate and to make certain agreements.

Hon. Mr. FORGET—When is the time up ?

Hon. Mr. DANDURAND—I think there is still a part of the year. Some work has been commenced, according to my information, and plans have been made. Of course I have not seen the plans. I think all this should be examined into. I move that the rules of this House be suspended so far as they relate to this Bill. It is the last Bill coming before us which needs a little help, and I hope it will be treated as the last child of the family.

Hon. Mr. FORGET—My hon. friend wants to be too sentimental. We passed a measure with a good deal of sentiment a short time ago, and I think we have had enough sentiment for this session. But I should like some further information about the Bill. The hon. gentleman has not explained anything about it.

Hon. Mr. VIDAL—I entirely object to a suspension of the rules. To introduce a Bill of this kind when the session is just about to close, when it is utterly impossible to give it any consideration in committee, and entirely out of order, is altogether out of the question. I object to the suspension of the rules.

Hon. Mr. DANDURAND—It is not the fault of the promoter. It was before the House two or three weeks ago, but when it returned from the Railway Committee it appears they had gone beyond the demand in the petition and the Bill had to be sent back so as to be amended.

Hon. Mr. BERNIER—I am sorry an objection has been taken to the suspension of the rules.

The SPEAKER—I do not think there can be any discussion after the objection has been taken.

Hon. Mr. BERNIER—Is it out of order to appeal to the hon. gentleman's feelings ?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from St. Boniface is not out of order.

Hon. Mr. BERNIER—I do not claim to know the particulars of the Bill which is now before this House, but I happen to know pretty well the county where that railway is to go, and I say that the railway will be of great advantage to that section, and, therefore, I am sorry that objection is taken to the suspension.

The SPEAKER—Does the hon. gentleman from Sarnia withdraw his objection ?

Hon. Mr. VIDAL—No.

The SPEAKER—The hon. gentleman persisting in his objection, the Bill cannot be advanced any further to-day.

Hon. Mr. DANDURAND—Then I move that the Bill be read a second time to-morrow.

The motion was agreed to.

A MORNING SITTING.

MOTION.

Hon. Mr. MILLS—I move that when the House adjourns to-day it do stand adjourned till twelve o'clock to-morrow, and that we hold two sittings to-morrow, the first at twelve and the second at three, both sittings to be considered as separate sessions of the House. The House of Commons will meet at eleven, and if we meet an hour earlier that will give us time to consider any business that may be brought before us to-morrow.

Hon. Sir MACKENZIE BOWELL—There is nothing but the Supply Bill.

Hon. Mr. MILLS—I think that is all.

Hon. Sir MACKENZIE BOWELL—That is not much. It is only sixty millions. We can pass a million a minute.

Hon. Mr. DE BOUCHERVILLE—Why is it necessary to have two sittings ?

Hon. Mr. MILLS—It is the usual practice, and if any one objects to a Bill it will be killed unless we have two sittings of the House.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

THURSDAY, May 23, 1901.

The SPEAKER took the Chair at 12 o'clock, noon.

Prayers and routine proceedings.

QUEBEC HARBOUR COMMISSIONERS' BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (157) 'An Act to amend the Acts of 1899 and 1900 respecting the Quebec Harbour Commissioners.'

The Bill was read the first time.

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

Hon. Mr. MACDONALD (P.E.I.)—I should like to know what charges it imposes on the revenues of the Dominion.

Hon. Mr. SCOTT—I do not know that it imposes any ; I do not think it does. I think the Canada Atlantic and the city of Quebec would be good for the interest.

Hon. Mr. LANDRY—It confirms another Bill we passed yesterday respecting the Great Northern Railway.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Giving to the Great Northern Railway Company power to borrow the money and to give a mortgage pari passu on the bridge as well as on the road.

Hon. Mr. SCOTT—I suppose so. That is the contract referred to.

Hon. Sir MACKENZIE BOWELL—It is giving a guarantee for the interest by the government.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Who is responsible for it ?

Hon. Mr. SCOTT—The Great Northern Railway and the city of Quebec, I suppose.

Hon. Sir MACKENZIE BOWELL—Is it the line of the Great Northern Railway which becomes responsible to the government, or is it the city of Quebec ?

Hon. Mr. SCOTT—The authority is 'that the Quebec Harbour Commissioners, hereinafter called the corporation, may guarantee the interest for twenty years at 3 per cent per annum on special bonds, to be known as the Quebec elevator bonds.' I understand there is security on the elevator.

Hon. Sir MACKENZIE BOWELL—It is a loan by the Harbour Commissioners for building an elevator, which the government endorse.

Hon. Mr. SCOTT—Yes.

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

The House resolved itself into a Committee of the Whole on the Bill.

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

The Bill was then read the third time, and passed under a suspension of the rules

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (158) 'An Act for granting to His Majesty certain sums of money required for the public service for

the financial years ending respectively the 30th June, 1901, and the 30th June, 1902.'

The Bill was read the first time.

Hon. Mr. MILLS moved the second reading.

Hon. Sir MACKENZIE BOWELL—I know it is almost a matter of form for us to deal with a question of this kind. This Bill is somewhat of a voluminous character. Could not the hon. gentleman give us some little information as to the amount?

Hon. Mr. MILLS—I may say to my hon. friend that the amount is $49,045,275, and there are nearly $11,000,000 chargeable to capital account; so that the total expenditure chargeable to revenue and chargeable to capital account will foot up $60,000,000.

Hon. Sir MACKENZIE BOWELL—It is useless discussing a question of this kind, unless we are prepared to reject the whole Supply Bill, and I do not suppose the House is prepared to do that. I can only wonder how it is that these gentlemen can sleep at night without the ghosts of the former Senator Scott, now Secretary of State, and the Hon. David Mills, now Minister of Justice, haunting them from the moment they enter their bedrooms until they get up in the morning. When the Conservative government had a total expenditure of about $38,000,000, these gentlemen were horrified; the whole country was deluged, not only with placards and circulars and election dodgers, but the hon. gentlemen themselves on every stump were denouncing it as outrageous and robbery of the people.

The hon. gentleman himself, who sits opposite, when discussing the question in the west, prior to their accession to office in 1896, and which was repeated by his chief, the premier, told the people, with apparent solemnity, when the expenditure was under forty millions, that if they were in power, they could reduce the ordinary expenditure some three or four millions of dollars. It is charitable to suppose that at the time he thought they could. He did not have experience. He now tells us it is over forty-nine instead of thirty-eight millions. If I read the estimates right, parliament is voting the immense sum of $67,326,729. I do not wish to be understood as saying that all this money will be expended this year, but the country is committed to it. That is not all. We were told a few days ago by the hon. gentlemen opposite that their consciences could not allow them to increase the salaries of the judges, because it would be adding so much more to the debt of the country. There are two or three items to which I wish to direct attention. One is the additional subsidy to Prince Edward Island, which my hon. friend from that province says is not enough, and they are going to demand more. That increases the debt of the country directly one million dollars, because capitalized at 3 per cent it amounts to that. We are to have three additional judges in the province of Quebec, two additional judges in British Columbia, and one additional judge in the Yukon. That will add about $25,000 per annum for the judiciary. That capitalized at 3 per cent represents seven hundred odd thousand dollars added to the debt. I am making this calculation on the basis the hon. gentleman laid down himself. Then the sessional indemnity which we have been discussing is another hundred and fifty thousand dollars, or an addition of five million dollars to the debt of the country. So that there are six or seven millions of dollars added to the debt of the country by these items. Then there is the settlement of an old claim of Nova Scotia amounting to $681,000. Every government, from the time of the transfer of those railways, had repudiated that claim, as having no legal basis. Sir John Thompson, in his report, said distinctly that these transactions did not impose upon the Dominion the claim which was made. I heard a very passionate speech delivered by the Minister of Finance last night on this question, but he never touched the main issue as to the action of Nova Scotia. Now, Sir Leonard Tilley was, I think, as keen a representative of the province of New Brunswick as they have ever had since confederation. He always repudiated the claim which New Brunswick made in connection with their railway running up to Moncton. That was investigated over and over again, and the Finance Minister at that time declared they had no legal claim under the law, or under the Confederation Act, but now these gentlemen have given a large

amount to settle it. They justify their action on the ground of the award made by arbitrators appointed to investigate these two points to which I have called attention, but in referring the matter to the arbitrators, they took the precaution to waive all their legal rights in connection with the settlement at confederation and after the union. Ergo, the judge, and those who investigated the matter, said 'If your contention is right and the legal rights of the Dominion are not enforced, then you have spent so much money and you are entitled to so much money.' It is just like a man claiming from another a sum of money to which he has no legal right, and the claim being referred to arbitrators they say 'We think you ought to give him so much money,' and he gets it. A claimant in another case had no legal right to the sum he got, but the late government referred the claim to Walter Shanley, who awarded a certain amount as having been spent by the contractor upon a road, over and above his contract. The late government refused to pay it. The present government have paid him a certain sum. If they recognize that as an equitable claim, they should pay the interest upon it and the balance of the principal. He is just as much entitled to the balance of the award as he was to the amount he got, unless he made an agreement with the government to wipe out his claim for that sum. There is another matter in connection with this Nova Scotia claim. There is a claim for interest upon this $681,000. If the government of Nova Scotia was entitled to the $681,000, which was awarded them by the arbitrators, the Dominion government having set aside their legal defence, then I say in equity, and from every other consideration, they are entitled to interest for the last twenty years, and you may depend upon it there will be another claim for interest in the future. Other claims for interest, after having been in existence for years, have been settled. The government has yielded. Whenever the government of Nova Scotia gets into a financial difficulty, and there is a political issue before the people, and it is necessary to sway the votes of that province, I venture the prediction that a claim for interest will be brought up and they will get it. If the government is to continue this kind of raking up of old claims, for which there are no legal rights, and they are to increase the annual amount paid to the provinces, there is no telling where it is going to end. We have had this "finally final" settlement three or four times. The indebtedness on which they were allowed to draw interest in all the provinces was readjusted some years ago, and that was a finally final settlement, and so is this, and so I suppose will be the next. It is exceedingly unfortunate that we are continually opening up those old claims. I have never, in my experience, found where a contractor took a job and made half a million dollars out of it, that he was ever patriotic enough to say 'I have made too much and I will pay some of it back.' But the contractor who thinks he has lost some money or claims that he has, comes to the government and says 'You are rich, I think you should pay me and not allow a poor unfortunate fellow to suffer.' If we are acting as a charitable institution it is all right enough. I am not laying this charge exclusively to this government. I merely say they have gone further than other governments in this direction, but it is a principle which should be abandoned, otherwise having work done by contract becomes a farce. If you can only have a friend to go to the government and get them to accede to your claim, there is no end to the demands that may be made, nor is there any use in advertising for tenders. It would be better to adopt the principle on which some of the ministers work, and give out jobs to your friends without tender. Notwithstanding the able defence of the Finance Minister of the extraordinary expenditure to which this country is being put, the people will begin to look askance and wonder where this is going to stop. When we reached an expenditure of thirty millions of dollars it was looked upon as an extravagant expenditure. I admit the country is growing, but this sixty millions is not all of the expenditure. I have called attention to six or seven million dollars added to the perceptible debt of the country, because it does not appear in the report of the Auditor General, nor in the Finance Minister's statement of the gross debt of the country. I instance it as a fact that the interest upon that amount has to be

provided in the future in perpetuity, and so we are going on, and if we continue at the same ratio, we will have an estimate and vote of parliament in a few years of about $100,000,000. The basis is, we are a growing country, and I am very glad we are growing, but it is not good policy or good management to increase the expenditure more rapidly than the growth of the country in wealth and population would justify. There is very much more I should have said on this question, but I have simply given expression to my views and pointed out what has been imposed upon the country by the legislation of this session. I know that possibly explanations will be given that this is not all to be paid this year. It matters not. If the enterprises to which we have given this money, above three or four million dollars, are railways which, if not built this year will probably be built next year, they should be of a character that justifies the granting of a subsidy or it should not be given. So, I repeat, it involves the country in an indebtedness of that amount, but we have to submit to it with the best grace possible, particularly as it comes from a proposedly economical government.

Hon. Mr. MILLS—The hon. gentleman has called the present government an economical government, and so it is.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. MILLS—Our predecessors in office, it is true, incurred a smaller expenditure for ordinary expenses in a year than we are incurring at the present time, but it was an expenditure which was unprofitable. Our expenditure has proved a profitable investment, and each year the country has grown in greater proportion than the expenditure made. The revenue was less than $35,000,000 a year under a higher tariff, the year before the present government came in; while at the present time our revenue, under a lower tariff, is upwards of fifty millions of dollars. Now, what made the difference? The difference was due to the fact of the enormous expansion of the commerce and trade of the country, and our expenditure in proportion to our revenue is less than it was at the period which the hon. gentleman has mentioned. The hon. gentleman opposite has spoken about an expenditure this year chargeable to revenue and capital account of $67,000,000. He is mistaken about the expenditure for the coming year.

Hon. Sir. MACKENZIE BOWELL—I did not speak of the expenditure for the present year. I referred to the votes and estimates, because there was an expenditure last year above the estimates and we have to pay for it this year.

Hon. Mr. MILLS—There was an expenditure last year on capital account. My hon. friend has followed the leader of the opposition in the House of Commons and charged parts of that expenditure to the current year. In that he has made a mistake. I am not going to undertake to defend the expenditure which has taken place; all I can say is it has been a profitable expenditure for the country, and there has been a great expansion of the population and resources of the country in consequence of that expenditure, and that is our justification. If time permitted me, I think I could make a triumphant vindication of the expenditures which the government has made. I am not going to do that at this moment. I am anxious that this Bill should go back to the House of Commons in order that we may be ready for the prorogation, which will take place an hour and a half from the present time.

Hon. Mr. MACDONALD (P.E.I.)—If the hon. gentleman is so anxious that this Bill should go back to the House of Commons, the government should have treated the Senate with a little more courtesy than they have done on the present occasion. They sent down a notice at one o'clock that the Senate is to be adjourned at 3 o'clock. After that notice is received here, there are laid on the Table two or three Bills, one of them, the Supply Bill, appropriating $5,000,000 a month for the next twelve months. We have no opportunity to look into the various heads under which this money has been appropriated. Some of them, I have no doubt, are good financially, and may be justified by the country, but there are some which I, as a representative of the people, would not feel justfied in advocating before any assembly of electors in this country.

Hon. Mr. TEMPLEMAN—The Prince Edward Island subsidy, for instance.

Hon. Mr. MACDONALD (P.E.I.)—That subsidy sticks in the crops of gentlemen from the larger provinces. Those gentlemen were inclined to look, at one time, on the maritime provinces as the shreds and patches of the Dominion. They find now that the maritime provinces are the mainstay.

Hon. Mr. WATSON—What about the West ?

Hon. Mr. MACDONALD (P.E.I.)—Who made the West ? Was it not the people of this Dominion ? Where was the West, I should like to know, until Sir John Macdonald and the Conservatives came to the front and built the Canadian Pacific Railway and extended it away out in the prairies ? Those gentlemen who now talk so loudly about the West and its production, how they sneered a few years ago when it was said by some of the leading men of the Conservative party in parliament that before many years, there would be fifty million bushels of grain grown in that very North-west. How they sneered at that period ! Now they can appreciate the foresight of the men who looked forward, at that time, to seeing it verified, and that the west would thrive and grow up as the maritime provinces are. We of the maritime provinces are contributing our share in opening up the North-west. We are giving them bonuses to extend their railways through that country—railways which are of very little benefit to us. In fact, some of them are opposed to the interests of the maritime provinces, but that is a question I do not intend to refer to. I hope hereafter, when the Supply Bill comes up, the Senate will be treated with a little more courtesy, and that a little more time will be given us to look into the provisions which are made under that Bill and for which members of the Senate, jointly with the members of the other branch of parliament, are held responsible, and which we are required to justify before the people when we address them, although we may not be directly amenable to their votes.

Hon. Sir MACKENZIE BOWELL—I take exception to one remark made by the Minister of Justice. I congratulate him on the fact that he did not enter into a detailed defence of the expenditure, but when he referred to the capital account, if he had thought for a moment he would have been in a much better position not to have raised that question. If the charges which are made to capital account, as proven by the Auditor General's report, had been charged to current account, as they ought to have been, the ordinary expenditure for the year would have been millions more than the amount presented to-day. The present Minister of Railways has added to the capital account of the Intercolonial Railway thirteen millions of dollars. Take the Auditor General's report, and we find the most trumpery charges—a few shingles on a building—clapboards—the re-erection of a small building, and the whole amount of the heavier rails for re-railing the Intercolonial Railway all charged to capital account.

Hon. Mr. MILLS—Yes, and should be.

Hon. Sir MACKENZIE BOWELL—The government had no right to do that. If they had a 54 or 64 pound rail, and that has been used until it has become necessary to put a 96 pound rail there, you have only a right to charge the difference between the original cost of the rail and that which you now pay to capital account. Otherwise you may charge every locomotive and every freight car and passenger car that is built and put upon the road to take the place of those which are worn out and destroyed, to capital account, and I should like to know where you would stop. There is food enough in the Auditor General's report, and in the report of the Minister of Railways, to show that if there ever has been, since the world began, a gross cooking of accounts for the purpose of attempting to show that what has been done in connection with the Intercolonial Railway has resulted in a profit instead of a loss, it is in this case. I am not going to follow the example of my hon. friend. I have said about that capital account all I intended to have said in the first place, that it is a new system.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may shake his head until doomsday, but that does not alter the fact. I say, without the slightest fear of successful contradiction, that no railway in existence has ever been managed upon that principle,

and no predecessor of the present Minister of Railways has ever attempted to charge such things to capital account. Why, you are beginning to charge now the public buildings you are constructing throughout the Dominion to capital account. Take the estimates, and you find it stated there that they are charged to capital account. You are building court-houses and custom-houses, and charging them to capital account. Do you mean to tell me that that has been done before or since confederation ? These expenditures have always been charged to current revenue, but in order to give the people an idea that the expenditure is kept down, you are charging to capital account that which has always been paid out of ordinary revenue in the past. Go on in that way and you will have no ordinary expenditure at all.

Hon. Mr. WATSON—With regard to the charge made for re-railing the Intercolonial Railway, I think it is right and proper that the government should charge to capital account the 80 pound rails on the Intercolonial Railway, because the 56 pound rails are not worn out. They are worth almost as much as they were when new. It is certainly right and proper to charge the new and heavier rails to capital account. It is not that the old rails are worn out, but that the necessity of traffic requires a heavier rail, and I suppose the old rails are put on other lines owned by the government.

Hon. Sir MACKENZIE BOWELL—Of course, if the hon. gentleman thinks so, there is an end to the argument.

Hon. Mr. DANDURAND—We always hear of the sum total of the budget, but the amounts which were included in the appropriations of last year, and which are re-voted now, should be deducted when you want to hold the government responsible for the sums belonging to this year, because there are over four million dollars in re-votes with which the government was debited last year, and these four million dollars should not be counted twice against the government.

Hon. Mr. LANDRY—They do not count that against last year if the amounts were not spent.

Hon. Mr. MILLS—You counted them.

The motion was agreed to. and the Bill passed through its final stages.

ANIMAL CONTAGIOUS DISEASES BILL.

WITHDRAWN.

The Order of the Day being called,

Committee of the Whole House on Bill (127) 'An Act to amend the Animal Contagious Diseases Act.'

Hon. Mr. MILLS moved that the Order of the Day be discharged.

The motion was agreed to, and the Order was discharged.

MONTREAL AND SOUTHERN COUNTIES RAILWAY BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (112) 'An Act respecting the Montreal and Southern Counties Railway Company.'

Hon. Mr. MACDONALD (P.E.I.)—Bills of this kind should have been in here at a much earlier period, and I am surprised that the Senate should consent to the passage of Bills introduced at the very last moment of the session—Bills for which no reasonable explanation has been given to show why they were not in at an earlier period. How is it possible for the House to look into Bills like this, involving such complicated questions as appear to be connected with the Bill under consideration.

The SPEAKER—If the hon. gentleman will allow me to suggest, the committee to which the Bill must be referred will not be required to report this session.

Hon. Mr. DANDURAND—I explained yesterday why this Bill came so late. It had its second reading about six weeks ago in the House of Commons, and was referred to committee and reported to the House, and was sent to the Committee on Standing Orders to be examined in conjunction with the petition, and was returned to the Railway Committee, and through these various movements the Bill was only passed yesterday in the Commons. The promoters used all due diligence, and it was no fault of theirs that the Bill was delayed in the House of Commons.

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

Hon. Mr. DANDURAND moved the suspension of the rules in so far as they relate

to this Bill, with a view to referring it to a committee of the whole House.

Hon. Mr. DeBOUCHERVILLE—Has a Private Bill ever been sent to a committee of the whole instead of to a standing committee ?

Mr. SPEAKER—I do not remember anything of the kind ever being done. Inasmuch as two members object to the suspension of the rule, it cannot be done.

Hon. Mr. DANDURAND—I should like to know who objects.

Hon. Mr. MACDONALD (P.E.I.)—I object. I objected when the motion was made, and I object now.

Hon. Mr. PRIMROSE—And I object.

The Senate adjourned.

SECOND SITTING.

The SPEAKER took the Chair at 2.30 p.m.

THE PROROGATION.

This day, at Three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Excellency the Governor General, viz. :—

1. An Act respecting the Nakusp and Slocan Railway Company.

2. An Act respecting the Great North-west Central Railway Company.

3. An Act respecting the Klondike Mines Railway Company.

4. An Act respecting the Edmonton, Yukon and Pacific Railway Company.

5. An Act respecting the British Columbia Southern Railway Company.

6. An Act respecting the British Yukon Railway Company.

7. An Act to incorporate the Canadian Patriotic Association.

8. An Act to amend the Inland Waters Seamen's Act.

9. An Act respecting the Mather Bridge and Power Company.

10. An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

11. An Act respecting the Hudson's Bay and Pacific Railway Company.

12. An Act to make certain provisions necessitated by the Demise of the Crown.

13. An Act to amend the Unorganized Territories Game Preservation Act, 1894.

14. An Act respecting the Culling of Timber and the Inspection of Staples.

15. An Act to amend the General Inspection Act.

16. An Act respecting Inquiries and Investigations into Shipping Casualties.

17. An Act respecting the Guelph Junction Railway Company.

18. An Act respecting the Atlantic and Lake Superior Railway Company.

19. An Act to incorporate the Fort Qu'Appelle Railway Company.

20. An Act to incorporate the Canada National Railway and Transport Company.

21. An Act respecting the Ottawa and Gatineau Railway Company, and to change its name to 'The Ottawa, Northern and Western Railway Company.'

22. An Act respecting the Columbia and Kootenay Railway and Navigation Company.

23. An Act respecting the Saskatchewan and Western Railway Company.

24. An Act respecting the Vancouver and Lulu Island Railway Company.

25. An Act respecting the Alberta Railway and Coal Company.

26. An Act respecting the Canadian Northern Railway Company.

27. An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

28. An Act to incorporate the United Empire Life Insurance Company.

29. An Act respecting the London Mutual Fire Insurance Company.

30. An Act respecting the Eastern Canada Savings and Loan Company (Limited).

31. An Act respecting the Dominion Burglary Guarantee Company (Limited).

32. An Act respecting the E. B. Eddy Company.

33. An Act respecting W. C. Edwards & Company (Limited).

34. An Act to incorporate the Bishop of Keewatin.

35. An Act to incorporate the Ottawa and Hull Power and Manufacturing Company (Limited).

36. An Act respecting the Rathbun Company.

37. An Act to incorporate the Canadian Mutual Aid Society.

38. An Act respecting Victoria Day.

39. An Act respecting the Western Assurance Company.

40. An Act to incorporate the Sovereign Bank of Canada.

41. An Act respecting the British America Assurance Company.

42. An Act to amend the Interpretation Act.

43. An Act to provide for the Marking and Inspection of Packages containing Fruit for Sale.

44. An Act to further amend the Act respecting the Safety of Ships.

45. An Act respecting the Columbia and Western Railway Company.

46. An Act to incorporate the Vancouver, Westminster and Yukon Railway Company.

47. An Act to incorporate the Kootenay Central Railway Company.

48. An Act to incorporate the Similkameen and Keremeos Railway Company.

49. An Act to amalgamate the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Railway Company (Limited), the Portage and North-western Railway Company and the Waskada and North-eastern Railway Company under the name of the Manitoba Railway Company.

50. An Act respecting the Canadian Pacific Railway Company.

51. An Act to confer on the Commissioner of Patents certain powers for the relief of John Abell.

52. An Act to amend the Dominion Lands Act.

53. An Act further to amend the Post Office Act.

54. An Act to incorporate the Alberta Central Railway Company.

55. An Act to amend the Act respecting the Judges of Provincial Courts.

56. An Act respecting Pensions of Officers of the Permanent Staff and Officers and Men of the Permanent Militia, and for other purposes.

57. An Act respecting the Canadian Northern Railway Company and the Northern Pacific and Manitoba Railway Company, the Winnipeg Transfer Company (Limited), the Portage and North-western Railway Company and the Waskada and North-eastern Railway Company.

58. An Act to amend the Yukon Territory Act and to make further provision for the Administration of Justice in the said Territory.

59. An Act to amend the Railway Act.

60. An Act to amend the Act respecting the Department of Public Printing and Stationery.

61. An Act for the relief of James Ward McDonald.

62. An Act for the relief of Lilias Middleton.

63. An Act respecting the Manitoba and Northwest Loan Company (Limited).

64. An Act to incorporate the St. Lawrence Lloyds.

65. An Act to incorporate the Arnprior and Pontiac Railway Company.

66. An Act to incorporate the Century Life Insurance Company.

67. An Act respecting the McClary Manufacturing Company.

68. An Act to incorporate the Algoma Iron and Nickel-Steel Company of Canada.

69. An Act to incorporate the Debenture and Securities Corporation of Canada.

70. An Act to incorporate the Kootenay and Arrowhead Railway Company.

71. An Act to incorporate the Manufacturers and Temperance and General Life Assurance Company.

72. An Act to amend the Franchise Act, 1898.

73. An Act further to amend the General Inspection Act.

74. An Act to provide for a further annual allowance to the Province of Prince Edward Island.

75. An Act to incorporate the St. Mary River Bridge Company.

76. An Act respecting the Grand Falls Water Power and Boom Company.

77. An Act respecting the Ontario, Hudson Bay and Western Railway Company.

78. An Act incorporating the Kettle River Valley Railway Company.

79. An Act respecting the Manitoulin and North Shore Railway Company.

80. An Act to incorporate the St. Lawrence Power Company.

81. An Act respecting the Algoma Central Railway Company, and to change its name to the Algoma Central and Hudson Bay Railway Company.

82. An Act to incorporate the Interprovincial and James Bay Railway Company.

83. An Act respecting the Nova Scotia Eastern Railway Company (Limited).

84. An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

85. An Act to amend the Gas Inspection Act.

86. An Act to amend the Electric Light Inspection Act.

87. An Act further to amend the Act relating to Ocean Steamship Subsidies.

88. An Act to provide for further advances to the Harbour Commissioners of Montreal.

89. An Act respecting the St. Lawrence and Adirondack Railway Company.

90. An Act to amend the Act to restrict the Importation and Employment of Aliens.

91. An Act to amend the Pacific Cable Act, 1899.

92. An Act to remove Doubts concerning the continuance in office of Judges of the Dominion and Provincial Courts upon the Demise of the Crown.

93. An Act further to amend the Criminal Code, 1892.

94. An Act to incorporate the Kamloops and Atlin Railway Company.

95. An Act respecting the Great Northern Railway of Canada.

96. An Act to amend the Inland Revenue Act.

97. An Act to further amend the Railway Act.

98. An Act further to amend the Act respecting the Judges of Provincial Courts.

99. An Act further to amend the Penitentiary Act.

100. An Act respecting the Ottawa Branch of the Royal Mint.

101. An Act to amend the Customs Tariff, 1897.

102. An Act to amend the Dominion Elections Act, 1900.

103. An Act respecting the Packing and Sale of certain Staple Commodities.

104. An Act to amend the Act respecting the Senate and House of Commons.

105. An Act to incorporate the Quebec Terminal and Railway Company.

106. An Act to amend an Act passed during the present Session, intituled : 'An Act to incorporate the Fort Qu'Appelle Railway Company.'

107. An Act to confer on the Commissioner of Patents certain powers for the relief of Eudora Sibbald.

108. An Act to provide for the payment of Bounties on Lead Refined in Canada.

109. An Act to authorize the granting of Subsidies in aid of the Construction of the Lines of Railway therein mentioned.

110. An Act to amend the Acts of 1899 and 1900 respecting the Quebec Harbour Commissioners.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

'In His Majesty's name, His Excellency the Governor General doth assent to these Bills.'

Then the Honourable Speaker of the House of Commons addressed His Excellency the Governor General, as follows :—

MAY IT PLEASE YOUR EXCELLENCY :

The Commons of Canada have voted the supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bill :—'An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively June 30, 1901, and June 30, 1902,' to which I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :—

In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the First Session of the Ninth Parliament of the Dominion with the following Speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from further attendance in parliament I desire to thank you for the assiduity and zeal with which you have considered the many important subjects that have been brought before you.

It has been pleasing to note that the Act making the 24th day of May a legal holiday has met with such general approval, evincing, as it does, a desire to pay a worthy tribute to the memory of a sovereign who was so endeared to her subjects.

The establishment of a branch of the Royal Mint in Canada marks a new departure in our monetary system and is gratifying to the pride of the people, evidencing, as it does, the increasing wealth and prosperity of the Dominion.

I am glad to observe the interest shown in so many cities and towns throughout Canada in the approaching visit of the Duke and Duchess of York. It affords an assurance that they will receive a hearty welcome.

The subsidy granted for the establishment of a line of steamers between Canada and France will, I am confident, aid materially in developing and increasing a trade with France that will prove advantageous to both countries.

The Act providing for a further allowance to the province of Prince Edward Island removes from controversy a long pending claim against the Dominion, and has been accepted in full satisfaction for all damages arising out of the alleged non-fulfilment of the terms of union in respect to intercommunication between the island and the mainland during the winter season.

Gentlemen of the House of Commons :

I thank you for the liberal supplies you have granted towards the development of our resources. This action is amply justified owing to the expanding revenue of the last two years.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I congratulate you upon the adoption of many important measures in addition to those named, and I do not doubt but that they will contribute to the general advancement and prosperity of the Dominion.

The SPEAKER of the Senate then said :

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

It is His Excellency the Governor General's will and pleasure, that this parliament be prorogued until Wednesday, the third day of July next, to be here held, and this parliament is accordingly prorogued until the third day of July next.

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PART I—SENATORS

The following abbreviations are used : 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill: B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P.O., Post Office; Ques., Question; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m. h., Six Months' Hoist; Wthdn., Withdrawn.

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(G) To make certain provisions necessitated by the demise of the Crown (Mr. Mills). Introduced, 122 ; 2nd R.*, 164 ; in Com., 187 ; title amended, 187 ; rep. from Com. (Mr. Prowse) and 3rd R., 187 ; R. A., 558. (c. 37.)

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(H) Respecting the Dawson City Electric Ry. Co. (Mr. Macdonald, B.C.). Introduced, 164 ; 2nd R. and rem., 189 ; M. (Mr. Macdonald, B.C.) to refer B. back to Com. on R. T. and H., and rem., 326 ; Mr. Kirchhoffer, 326 ; Mr. Primrose, Sir M. Bowell, 327 ; Mr. Templeman, 328 ; Sir M. Bowell, Mr. Baker, Mr. Vidal, 329 ; Mr. Primrose, Mr. Kirchhoffer, Mr. Wood (Hamilton), and Mr. Speaker, 330 ; Mr. Macdonald (B.C.), Mr. Miller, Mr. Prowse, Mr. De Boucherville, Mr. Mills, 331; Mr. McDonald (C.B.), Mr. McCallum, Mr. Scott, 332 ; M. rejected, c. 17, n.c. 19 ; M. (Mr. Macdonald (B.C.), to place B. on orders of the day, 335 ; rem., Sir M. Bowell, 335 ; Mr. Miller, Mr. Macdonald (B.C.), and Mr. Scott, 336 ; M. allowed to stand as notice, 336 ; M. (Mr. Macdonald, B.C.) to refer B. to comte. of the whole, 340 ; rem., Mr. Miller, Mr. Speaker, Mr. Macdonald (B.C.), 340 ; Mr. Miller, the Speaker, Mr. Ferguson, 341 ; M. (Mr. Macdonald, B.C.) to restore B. to orders of the day, 344 ; rem., Mr. Macdonald (B.C.), 344-346 ; Mr. Kirchhoffer, 346 ; Mr. Landry, the Speaker, and Mr. De Boucherville, 347 ; M. rejected, c. 28, n. c. 22 ; M. (Mr. Macdonald, B.C.) to refer B. back to Com., 381 ; rem., Mr. Vidal, Mr. Wood (Hamilton), Mr. Mills, and Mr. Macdonald (B.C.) 381 ; Sir M. Bowell, Mr. Prowse, Mr. McCallum, and Mr. Bernier, 382 ; Mr. Ferguson and Mr. Vidal, 383 ; M. agreed to, 383 ; rep. from Com. on R. T. and H. (Mr. Baker) 413 ; M. (Mr. Macdonald, B.C.) to concur in rep., agreed to, 413.

(I) To incorporate the Alaska and Northwestern Ry. Co. (Mr. McKeen). Introduced, 164 ; 2nd R.*, 189 ; rep. from Com. on R. T. and H. (Mr. Baker) 365.

(J) Respecting Applications for Ry Charters (Mr. Casgrain, de Lanaudière). Introduced, 195 ; 2nd R. moved, 209 ; rem., Mr. Lougheed, 209 ; Mr. McKeen, 210 ; M. agreed to, 211 ; rep. from Com. on R. T. and H. (Mr. Baker) 412 ; M. (Mr. Casgrain, de Lanaudière) to concur in rep., 412 ; rem., Mr. Macdonald (P.E.I.) and Mr. Allan, 412 ; M. agreed to, 412.

(K) For the relief of James Stovel (Mr. Perley). Introduced, 199 ; 2nd R.*, 282.

(L) To amend the Act 50-51 Victoria, Cap. 16, intituled 'An Act to amend the Supreme and Exchequer Courts Act, and to make better provision for the Trial of claims against the Crown (Mr. Mills). Introduced, 199 ; rem., Mr. Mills, Sir M. Bowell, Mr.

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Lougheed, Mr. Mills, 276 ; order postponed, 276 ; M. (Mr. Mills) to postpone 2nd R., 320 ; rem., Sir M. Bowell, 320 ; Mr. Mills, 321-324 ; M. agreed to, 324 ; B. withdrawn, 338.

(M) Respecting the St. Lawrence and Adirondack Ry. Co. (Sir M. Bowell). Introduced, 234 ; 2nd R.*, 256 ; 3rd R.*, 297 ; M. to concur in Commons amts, 515 ; rem., Sir M. Bowell, the Speaker, 515 ; M. agreed to, 515 ; R. A., 559. (c. 82.)

(N) To amend the Patent Act (Mr. Dandurand). Introduced, 244 ; 2nd R. moved, 263 ; debate, Mr. Dandurand, Sir M. Bowell, 263 ; Mr. Ferguson, Mr. Scott, and Mr. Jones, 264 ; Mr. Drummond, and Mr. Mills, 266 ; Mr. Jones and Mr. Wood (Hamilton) 267 ; Sir M. Bowell, Mr. Dandurand, 268 ; Bill referred to Special Comte, 268.

(O) To incorporate the Institute of Chartered Accountants, Actuaries and Finance (Mr. Lougheed). Introduced, 277 ; 2nd R.*, 333; rep. from Com. on B. and C. (Mr. Drummond) 339 ; rem., Mr. Drummond, and Mr. Mills, 339.

(P) To amend the Interpretation Act (Mr. Mills). Introduced, 278 ; 2nd R., 333 ; 3rd R., 333 ; R. A., 558. (c. 11.)

(Q) Further to amend the Criminal Code, 1892 (Mr. Mills). Introduced, 278 ; 2nd R.*, 338 ; in Com., 421 ; M. (Mr. Dandurand) to amend 205th sec., 421 ; rem., Sir M. Bowell, Mr. Dandurand, 421, 422 ; rep. from Com. (Sir A. Pelletier) and 3rd R., 422 ; R. A., 558. (c. 42.)

(R.) Further to amend the North-west Territories Representation Act (Mr. Perley). Introduced, 347; 2nd R., 422 ; 3rd R.*, 427.

(S) To amend an Act passed during the present Session intituled 'An Act to Incorporate the Fort Qu'Appelle Ry. Co. (Mr. Perley). Introduced, 347 ; 2nd R., 392 ; 3rd R.*, 427 ; R. A., 558. (c. 59.)

(T) To confer on the Commissioner of Patents certain powers for the relief of Eudora Sibbald (Mr. Baker). Introduced, and 2nd R.*, 427 ; 3rd R.*, 467 ; R. A., 559. (c. 113.)

(U) To remove doubts concerning the continuance in office of Judges of Dominion and Provincial Courts upon the demise of the Crown (Mr. Mills). Introduced, 466 ; 2nd and 3rd R., 467 ; R. A., 559. (c. 38.)

(6) Respecting the Supreme Court of the Independent Order of Foresters (Mr. Kerr). Introduced, 116 ; 2nd R.*, 118 ; rep. from Com. (Mr. Drummond) and rem., 163 ; 3rd R.*, 184 ; R. A., 200. (c. 100.)

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(7) Relating to the G. T. R. Co. of Can. (Sir M. Bowell). Introduced, 91 ; 2nd R., 118 ; 3rd R.*, 134 ; R. A., 200. (c. 60.)

(8) Respecting the G. T. R. Co. of Can. (Sir M. Bowell). Introduced. 128 ; 2nd R., 132 ; rem., Sir M. Bowell, 132-133 ; 3rd R.*, 134 ; R. A., 200. (c. 61.)

(12) Respecting the London Mutual Fire Insurance Co. of Can. (Mr. Jones). Introduced, 221 ; 2nd R., 249 ; 3rd R.*, 311 ; R. A., 558. (c. 103.)

(13) To incorporate the Canada National Ry. and Transport Co. (Sir John Carling). Introduced, 197 ; 2nd R. moved, 221 ; rem., Sir M. Bowell, 221 ; M. agreed to, 221 ; M. (Sir M. Bowell) to refer B. to Com. on B. and C., 221 ; rem., (Mr. Scott) 221 ; Mr. Wood (Hamilton) 222 ; M. agreed to, 222 ; 3rd R.*, 297 ; R. A., 558. (c. 51.)

(14) To incorporate the Century Life Insurance Co. (Mr. Clemow). Introduced, 164 ; 2nd R.*, 189 ; 3rd R.*, 311 ; R. A., 558. (c. 93.)

(19) Respecting the Eastern Can. Savings and Loan Co., Lmtd. (Mr. Wood). Introduced, 221 ; 2nd R.*, 249 ; 3rd R.*, 311 ; R. A., 558. (c. 96.)

(20) Respecting the Nakusp and Slocan Ry. Co. (Mr. Kirchhoffer). Introduced, 128 ; 2nd R., 133 ; rem., Mr. Kirchhoffer and Mr. Templeman, 133 ; 3rd R., 202 ; R. A., 559. (c. 75.)

(21) Respecting the B. C. Southern Ry. Co. (Mr. Templeman). Introduced, 182 ; 2nd R.*, 189 ; 3rd R., 202 ; R. A., 558. (c. 49.)

(22) Respecting the Columbia and Western Ry. Co. (Mr. Wood, Westmoreland). Introduced, 277 ; 2nd R.*, 298 ; 3rd R.*, 383 ; R. A., 558. (c. 56.)

(23) Respecting the Guelph Junction Ry. Co. (Mr. Fiset). Introduced, 188 ; 2nd R. moved, 196 ; rem., Mr. Ferguson and Mr. Fiset, 196 ; M. agreed to, 197 ; rep. from Com. on R. T. and H. (Mr. Baker) 204 ; 3rd R.*, 221 ; R. A., 558. (c. 64.)

(24) Respecting the South Ont. Pac. Ry. Co. (Mr. Wood. Westmoreland). Introduced, 118 ; 2nd R.*, 128 ; 3rd R.*, 164 ; R. A., 209. (c. 85.)

(25) To incorporate the Ottawa and Hull Power and Manfg Co., Ltd. (Mr. Perley). Introduced, 221 ; 2nd R.*, 249 ; 3rd R.*. 311 ; R. A., 558. (c. 108.)

(26) Respecting the Canadian Pacific Ry. Co. (Mr. Casgrain de Lanaudière). Introduced, 338 ; 2nd R., 343 ; 3rd R.*, 383 ; R. A., 558. (c. 54.)

BILLS—*Seriatim*—Con.

(27) Respecting the Atlantic and Lake Superior Ry. Co. (Mr. Owens). Introduced, 188 ; 2nd R.*, 197 ; 3rd R. moved, 296 ; rem., Mr. Landry, 296 ; M. to refer B. back to Com. on R. T. and H. (Mr. Landry) 296 ; rem., Mr. Owens and Mr. Landry, 297 ; amt. rejected, and B. read 3rd time, 297 ; R. A., 558. (c. 48.)

(29) To amend the Dominion Lands Act (Mr. Scott). Introduced, 199 ; 2nd R. moved, 244 ; rem., Mr. Scott, Mr. Ferguson, 244 ; M. agreed to, 244 ; in comte., 250 ; on 1st cl., rem., Mr. Scott and Mr. Ferguson, 250 ; on 2nd cl., rem., Mr. Scott, Mr. Ferguson, Mr. Lougheed and Mr. Power, 250 ; on cl. 3, Mr. Scott, 251 ; on cl. 4, Mr. Macdonald (B.C.), Mr. Perley, Mr. Scott, Sir M. Bowell, 251 ; on cl. 5, Mr. Scott, Sir M. Bowell, 251; Mr. Mills, Sir M. Bowell, 252 ; Mr. Scott, Mr. Lougheed, 254 ; on cl. 6, Mr. Scott, 254; on cl. 7, Mr. Scott, 254 ; progress reported (Mr. Wood, Westmoreland) 254 ; in comte., 257 ; rem., Mr. Scott, 257 ; rep. from comte. (Mr. Snowball) 257 ; 3rd R.*, 273 ; R. A., 558. (c. 20.)

(31) Respecting the Orford Mountain Ry. Co. (Mr. Owens). Introduced, 118 ; 2nd R.*, 128 ; 3rd R.*, 134 ; R. A., 200. (c. 79.)

(32) To provide for the marking and inspection of Packages containing Fruit for Sale (Mr. Mills). Introduced, 197 ; 2nd R. moved, 222 ; deb., Mr. Mills, 222 ; Mr. Ferguson, 222-228 ; Mr. Watson, 228 ; Sir M. Bowell, 229 ; Mr. Mills, 230-233 ; Sir M. Bowell, Mr. Ferguson, 233 ; M. agreed to, 233 ; order for Com. of the Whole, called and postponed, 256 ; comte. stage, postponed, 271 ; order called and postponed, 277 ; in comte., 282 ; rem., on cl. 3, Mr. Ferguson and Mr. Mills, 282 ; on cl. 4, Mr. Ferguson and Mr. Mills, 282 ; on cl. 6, Mr. Ferguson and Mr. Mills, 283 ; Mr. Allan, Mr. Mills and Mr. Ferguson, 284 ; Mr. Mills, Mr. Power, and Sir M. Bowell, 285 ; Sir M. Bowell, Mr. de Boucherville and Mr. Mills, 286 ; Mr. Power, 287 ; Mr. Ferguson, Mr. Macdonald (P.E.I.), Mr. Allan and Mr. Mills, 288 ; Mr. Sullivan, Mr. Ferguson, Mr. Power and Sir M. Bowell, 289 ; cl. lost on division, 290 ; on cl. 7, M. (Mr. Ferguson) to strike out cl. 290 ; M. agreed to, 290 ; rem., Mr. Ferguson, Mr. Mills, 290 ; on cl. 8, rem., Mr. Ferguson, 291 ; on cl. 10, rem., Mr. Ferguson, Sir M. Bowell and Mr. Sullivan, Mr. Mills, 291 ; on cl. 11, rem., Mr. Ferguson, 292 ; on cl. 14, rem., Mr. Ferguson, 292 ; Mr. Scott, Sir M. Bowell and Mr. Mills, 293 ; Mr. Sullivan, Mr. Power and Mr. Snowball, 294 ; cl. amended and adopted, 295 ; on cl. 16, rem., Mr. Ferguson and Mr. Mills, 295 ; progress reported (Mr. Lougheed) 295; again in comte., 301 ; M. (Mr. Ferguson) to add cl. 'a,' 301 ; rem., Mr. Mills, 301-302 ; Mr. Ferguson, 302-304 ; Mr. Scott and Mr. Ferguson, 304 ; Mr. Mills, Mr. Power, 305 ; Sir M. Bowell, 306 ; amt. withdrawn, 307 ; on cls. 8 and 9, rem., Mr. Ferguson and Mr. Scott, 307 ; Mr. Ferguson, Mr. Watson, Mr. Mills, Mr. McCallum, 308 ; Mr. Watson, Sir M. Bowell, Mr. McCallum, Mr. Ferguson, 309 ; rep. from comte. (Mr. Kirchhoffer) 310 ; again in comte., 325 ; M. (Mr. Mills) to amend cl. 16, agreed to, 325 ; rep. from comte. (Mr. Wood, Westmoreland) 326, and 3rd R., 326 ; R. A., 558. (c. 27.)

(33) Respecting Victoria Day (Mr. Mills). Introduced, 338 ; 2nd R. moved, 341 ; rem., Mr. Mills, 341 ; Mr. Macdonald (B.C.), Mr. Prowse, 342 ; Mr. Drummond, 343 ; M. agreed to, 343 ; 3rd R., 343 ; R. A., 558. (c. 12.)

(34) To incorporate the Canadian Patriotic Fund Assn. (Sir M. Bowell). Introduced, 182 ; 2nd R.*, 189 ; 3rd R., 202 ; R. A., 558. (c. 92.)

(35) Respecting the Mather Bridge and Power Co. (Mr. Jones). Introduced, 163 ; 2nd R., 184 ; rep. from Com. on R., T. and H. (Mr. Baker) 203 ; rem., Mr. McCallum, 203 ; rep. adopted, 204 ; 3rd R.*, 221 ; R. A., 559. (c. 106.)

(36) Respecting the Gt. North-west Central Ry. Co. (Mr. Wood, Westmoreland). Introduced, 163 ; 2nd R., 184 ; 3rd R., 202 ; R. A., 559. (c. 63.)

(37) To incorporate the Bishop of Keewatin (Mr. Lougheed). Introduced, 221 ; 2nd R.*, 249 ; 3rd R.*, 311 ; R. A., 558. (c. 102.)

(40) Respecting the British Yukon Ry. Co. (Mr. Macdonald, B. C.) Introduced, 182 ; 2nd R.*, 189 ; 3rd R., 202 ; R. A., 558. (c. 50.)

(41) Respecting the Saskatchewan and Western Ry. Co. (Mr. Landerkin). Introduced, 257 ; 2nd R.*, 271 ; 3rd R.*, 297 ; R. A., 558. (c. 83.)

(42) Respecting the Klondike Mines Ry. Co. (Mr. Kirchhoffer). Introduced, 163 ; 2nd R.*, 184 ; 3rd R., 202 ; R. A., 558. (c. 69.)

(43) To incorporate the St. Lawrence Lloyds (Mr. Wood, Westmoreland). Introduced, 234 ; 2nd R.*, 256 ; rep. from Com. on R., T. and H. (Mr. Drummond) 310 ; M. (Mr. Dandurand) to concur in amts., 310 ; rem., Mr. Vidal, Mr. Dandurand, Mr. McCallum, 310 ; The Speaker, 311 ; M. agreed to, 311 ; 3rd R.*, 338 ; R. A., 558. (c. 110.)

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(44) Respecting the Ottawa and Gatineau Ry. Co., and to change its name to the Ottawa, Northern and Western Ry. Co. (Mr. Kirchhoffer). Introduced, 257 ; 2nd R.*, 262 ; 3rd R.*, 297 ; R. A., 558. (c. 80.)

(45) To amend the Pac. Cable Act, 1899 (Mr. Scott). Introduced, 466 ; 2nd R. moved, 500 ; rem., Mr. Scott, 500 ; Sir M. Bowell, Mr. Templeman, Mr. Scott, 501 ; M. agreed to, 501 ; in comte., 516 ; rem., on cl. 3. Sir M. Bowell, Mr. Mills, 516 ; Sir M. Bowell, Mr. Power, 517, 518 ; Mr. Dandurand, Mr. Scott, 519 ; rep. from comte. (Mr. Macdonald, B. C.) 520 ; rem., Mr. Scott, 520 ; 3rd R., 520 ; R. A., 559. (c. 5.)

(46) To amend the Unorganized Territories Game Preservation Act, 1894 (Mr. Mills). Introduced, 199 ; 2nd R., 244 ; in Com., 254 ; rem., Mr. Mills, 254 ; Sir M. Bowell, Mr. Lougheed, 255 ; rep. from comte. (Mr. Snowball) and 3rd R., 255 ; R. A., 558. (c. 21.)

(47) To amend the Act to Restrict the Importation and Employment of Aliens (Mr. Mills). Introduced, 433 ; 2nd R., m. 483 ; debate, Mr. Mills, 483-485 ; Sir M. Bowell, 485 ; M. agreed to, 485 ; 3rd R.*, 516 ; R. A., 558. (c. 13.)

(48) Respecting the Edmonton, Yukon and Pacific Ry. Co. (Mr. Landerkin). Introduced. 163 ; 2nd R., 134 ; 3rd R., 202 ; R. A., 558. (c. 57.)

(49) Respecting the Niagara, St. Catherines and Toronto Ry. Co. (Mr. McCallum). Introduced, 189 ; 2nd R.*, 197 ; 3rd R.*, 221 ; R. A., 558. (c. 76.)

(50) To incorporate the Canadian Mutual Aid Society (Mr. Casgrain, Windsor). Introduced, 272 ; 2nd R.*, 277 ; 3rd R.*, 326 ; R. A., 558. (c. 91.)

(51) To incorporate the Algoma Iron and Nickel-Steel Co. of Canada (Mr. Dandurand). Introduced, 221 ; 2nd R.*, 259 ; rep. from Comte. (Mr. Drummond) on B. and C., 311 ; M. (Mr. Dandurand) to concur in amt., agreed to, 311 ; 3rd R.*, 326 ; R. A., 558. (c. 89.)

(52) Respecting the Vancouver and Lulu Island Ry. Co. (Mr. Templeman). Introduced, 257 ; 2nd R., 271 ; rem., Mr. Templeman and Sir M. Bowell, 271 ; 3rd R.*, 297 ; R. A., 558. (c. 86.)

(53) Respecting the Manitoba and North-west Loan Co. Ltd. (Mr. Aikens). Introduced, 234 ; 2nd R., 256 ; 3rd R.*, 311 ; R.A., 558. (c. 104.)

BILLS—*Seriatim*—Con.

(54) To incorporate the Fort Qu'Appelle Ry. Co. (Mr. Lougheed). Introduced, 189 ; 2nd R.*, 197 ; 3rd R.*, 297 ; R.A., 558. (c. 58.)

(55) To incorporate the Arnprior and Pontiac Ry. Co. (Mr. Landerkin). Introduced, 189; 2nd R.*, 197 ; 3rd R.*, 298 ; R. A., 558. (c. 47.)

(56) Respecting the Columbia and Kootenay Ry. and Navigation Co. (Mr. Macdonald, B.C.). 1st R., 257 ; 2nd R.*, 262 ; 3rd R.*, 297 ; R. A., 558. (c. 55.)

(58) To incorporate the Kootenay and Arrowhead Ry. Co. (Mr. Macdonald, B.C.). 1st R., 257 ; 2nd R.*, 262 ; 3rd R.*, 297 ; R. A., 558. (c. 70.)

(59) To incorporate the Similkameen and Karemeos Ry. Co. (Mr. Templeman). Introduced, 277 ; 2nd R.*, 333 ; 3rd R.*, 383 ; R. A., 558. (c. 84.)

(60) To incorporate the United Empire Life Insurance Co. (Mr. Watson). Introduced, 164 ; 2nd R.*, 189 ; 3rd R.*, 311 ; R. A., 558. (c. 115.)

(61) Respecting the W. C. Edwards Co., Ltd. (Mr. Clemow). Introduced, 263 ; 2nd R.*, 275 ; 3rd R.*, 311 ; R. A., 558. (c. 98.)

(63) To amend the Franchise Act, 1898 (Mr. Scott). Introduced, 338 ; 2nd R. m. 369 ; debate, Mr. Scott and Mr. Templeman, 369 ; Sir M. Bowell, 370 ; Mr. Scott, 371, 372 ; Mr. McCallum, Mr. Scott, Sir M. Bowell, and Mr. Mills, 373 ; Mr. Mills and Mr. McCallum, 374 ; Sir M. Bowell, 375 ; Mr. Scott and Mr. Ferguson, 377 ; Mr. Mills, 377-379 ; Mr. Bernier, 378 ; M. agreed to, 379 ; in Com., 469 ; rem., Mr. Scott, Mr. Macdonald (B.C.) 469 ; Mr. McCallum, 469-471 ; Mr. Scott, 471-473 ; Mr. Perley, Mr. Scott, Mr. Macdonald (P.E.I.) 473 ; Sir M. Bowell, 474-475 ; Mr. Mills, 475-478 ; Mr. Scott, 478 ; Mr. McCallum, 479, 480 ; Sir M. Bowell, 480-481 ; on 3rd cl., rem., Sir M., Bowell, Mr. Scott. 481 ; rep. from Com. (Mr. Snowball) and 3rd R., 481 ; R. A., 559. (c. 15.)

(64) To amend the Dominion Elections Act, 1900 (Mr. Mills). Introduced, 339 ; 2nd R. m. 379 ; rem., Mr. Mills, 379, 380 ; Sir M. Bowell, and Mr. Mills, 380 ; Mr. Scott, 381 ; M. agreed to, 381 ; comte. stage postponed, rem., Mr. Scott and Sir M. Bowell, 411 ; M. (Mr. Mills) to postpone 2nd R., 424 ; rem., Sir M. Bowell, 424 ; M. agreed to. 425 ; in Com., on 2nd cl., rem., Mr. McCallum, 458-459 ; Mr. Mills, 459-460 ; Mr. McCallum, Mr. Bernier, Mr. Power, 460 ; Sir M. Bowell, 461 ; Mr. Mills, 461-

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462 ; Sir M. Bowell, Mr. Jones, 462 ; Mr. Landerkin, 463-464 ; on 3rd cl., M. (Sir M. Bowell) to amd. 41st sec., 464., rem., Sir M. Bowell, Mr. Mills, 464 ; cl. allowed to stand, 464 ; on 4th cl., Mr. Power, 464 ; Mr. Mills, 465 ; on 5th and 6th clses., Mr. Power, Mr. Mills, Sir M. Bowell, 465 ; on 7th cl., Sir M. Bowell, Mr. Mills, 465 ; on 9th cl., Mr. Mills, Mr. Power, Mr. Scott, 466 ; progress reported (Mr. Perley) 466 ; again in com., 497 ; on amts. proposed by Sir M. Bowell; rem., Mr. Mills, 497 ; Sir M. Bowell, Mr. Mills, Mr. Scott, 498, 499 ; rep. from com. (Mr. Perley) and 3rd R., 499 ; R. A., 559. (c. 16.)

(67) To incorporate the Quebec Terminal and Ry. Co. (Mr. Landry). Introduced, and 2nd R.*, 469 ; 3rd R.*, 540 ; R. A., 558. (c. 81.)

(68) Respecting the McClary Manf'g. Co. (Mr. Watson). Introduced, 204 ; 2nd R.*, 222 ; 3rd R.*, 311 ; R. A., 558. (c. 107.)

(69) To incorporate the St. Lawrence Power Co. (Mr. Kirchhoffer). Introduced, 413 ; 2nd R., 441 ; 3rd R.*, 506 ; R. A., 558. (c. 111.)

(70) Respecting the E. B. Eddy Co. (Mr. Clemow). Introduced, 263 ; 2nd R.*, 275 ; 3rd R.*, 311 ; R. A., 558. (c. 97.)

(71) Respecting the Hudson Bay and Pacific Railway Co. (Mr. McCallum). Introduced, 189 ; 2nd R.*, 197 ; 3rd R.*, 221 ; R. A., 559. (c. 65.)

(73) To incorporate the Vancouver, Westminster and Yukon Ry Co. (Mr. Templeman). Introduced, 277 ; 2nd R.*, 298 ; 3rd R.*, 383 ; R. A., 558. (c. 87.)

(75) Respecting the Can. Northern Ry. Co. (Mr. Kirchhoffer). Introduced, 263 ; 2nd R.*, 275 ; 3rd R.*, 298 ; R. A., 559. (c. 52.)

(79) Respecting the Lindsay, Bobcaygeon and Pontypool Ry. Co. (Mr. McHugh). Introduced, 263 ; 2nd R.*, 275 ; 3rd R.*, 298; R. A., 559. (c. 72.)

(80) To incorporate the St. Mary River Bridge Co. (Mr. Baker). Introduced and 2nd R.*, 433 ; 3rd R.*, 506 ; R. A., 559. (c. 112.)

(81) Respecting the Algoma Central Ry Co., and to change its name to the Algoma Central and H. Bay Ry. Co. (Mr. Dandurand). Introduced, 413 ; 2nd R.*, 427 ; 3rd R.*, 506 ; R. A., 559. (c. 46.)

(82) Respecting the Rathbun Co. (Mr. Young). Introduced, 204 ; 2nd R. moved, 222 ; rem., Sir M. Bowell, Mr. Watson, 222 ; M. agreed to, 222 ; 3rd R.*, 311 ; R. A., 558. (c. 109.)

BILLS—*Seriatim*—Con.

(83) To incorporate the Kootenay Central Ry. Co. (Mr. Templeman). Introduced. 263 ; 2nd R.*, 298 ; 3rd R.*, 383 ; R. A., 558. (c. 71.)

(84) Respecting the Alberta Ry. and Coal Co. (Mr. Lougheed). Introduced, 263 ; 2nd R.*, 275 ; 3rd R.*, 298 ; R. A., 559. (c. 45.)

(85) To incorporate the Alberta Central Ry. Co. (Mr. Watson). Introduced, 263 ; 2nd R.*, 276 ; 3rd R.*, 427 ; R. A., 558 (c. 44.)

(87.) To amalgamate the Northern Pacific and Manitoba Railway Co., the Winnipeg Transfer Railway Co., Ltd., the Portage and North-western Ry. Co., and the Waskada and North Eastern Ry. Co., under the name of the Northern Pacific and Manitoba Ry. Co. (Mr. Kirchhoffer). Introduced, 277 ; 2nd R.*, 333 ; 3rd R.*, 383 ; R. A., 559. (c. 73.)

(89) Respecting the Grand Falls Water Power and Boom Co. (Mr. Wood, Westmoreland). Introduced, and 2nd R.*, 427 ; 3rd R.*, 506; R. A., 559. (c. 99.)

(90) Respecting the Dominion Burglary Guarantee Co., Ltd. (Mr. Dandurand). Introduced, 263 ; 2nd R.*, 276 ; 3rd R.*, 311 ; R. A., 559. (c. 95.)

(91) To amend the Inland Waters Seamen's Act (Mr. Scott). Introduced, 189 ; 2nd R. moved, 197 ; rem., Mr. Scott, Mr. Ferguson, 197 ; M. agreed to, 197 ; in comte., 202 ; rep. from comte. (Mr. Lougheed) 203 ; 3rd R.*, 209 ; R. A., 559. (c. 33.)

(92) To further amend the Act respecting the Safety of Ships (Mr. Mills). Introduced, 189 ; 2nd R., 197 ; in comte., 245 ; rem., Mr. Mills, Mr. Ferguson, 245; on cl. 2, Mr. Ferguson, 245 ; Mr. Wood, Mr. Ellis, Mr. Carmichael, 246 ; Mr. Power, Mr. Ferguson, Mr. Wood, Mr. Snowball, 247; Mr. Macdonald (P.E.I.), Mr. Snowball, Mr. Baker, Mr. Mills, Sir M. Bowell, Mr. Lovitt, Mr. Ellis, 248; Mr. Baker, 249; progress reported (Mr. Lougheed) 249; comte. stage postponed, 262; in comte., 271; rem., Mr. Mills, 271; Mr. McCallum, Mr. Wood (Westmoreland) and Mr. Ferguson, 272; rep. from com. (Mr. Lougheed) 272 ; 3rd R. moved, 273 ; rem., Mr. McCallum, 273 ; Mr. Prowse and Mr. Mills, 274 ; M. agreed to, 275 ; considn. of Commons amts., called, 338 ; rem., Mr. Mills and Sir M. Bowell, 338 ; order postponed, 338 ; M. (Mr. Mills) to recede from Senate amts., 368 ; rem., Sir M. Bowell, Mr. Mills and Mr. Macdonald (P.E.I.) 368 ; M. agreed to, 369 ; R. A., 558. (c. 34.)

BILLS—*Seriatim*—Con.

(93) Respecting inqs. and investigations into Shipping Casualties (Mr. Mills). Introduced, 195 ; 2nd R. moved, 211 ; rem., Mr. Mills, 211 ; Mr. Ferguson, 212 ; M. agreed to, 212 ; in comte., 261 ; rem., on cl. 5, Mr. Mills, Mr. Ferguson, 261 ; Mr. Ferguson, Mr. Mills and Sir M. Bowell, 262 ; on cl. 8, Mr. Mills, 262 ; rep. from comte. (Mr. Lougheed) 262 ; 3rd R.*, 271 ; R. A., 559. (c. 35.)

(95) Respecting the Ontario, Hudson Bay and Western Ry. Co. (Mr. Baker). Introduced, and 2nd R.*, 433 ; 3rd R.*, 506 ; R. A., 559. (c. 78.)

(97) To incorporate the Manufacturers and Temperance and General Life Assurance Co. (Mr. Lougheed). Introduced, 255 ; 2nd R.*, 259 ; 3rd R.*, 326 ; R. A., 559. (c. 105.)

(98) Incorporating the Kettle River Valley Ry. Co. (Mr. Templeman). Introduced, and 2nd R.*, 433 ; 3rd R.*, 506 ; R. A., 559. (c. 68.)

(99) Respecting the Crédit Foncier du Bas-Canada, and to change its name to Le Crédit Hypethecaire du Bas-Canada (Mr. Landry). Introduced, 281 ; 2nd R. moved, 324 ; rem., Mr. Mills, Sir M. Bowell, Mr. Dandurand, 324 ; 2nd R. postponed, 325 ; 2nd R. called and postponed, 338 ; M. (Mr. Scott) to discharge order, 367 ; rem., Mr. Landry, Sir M. Bowell, 367 ; M. agreed to, 367.

(103) Respecting the Can. Northern Ry. Co., and the Northern Pac. and Man. Ry. Co., the Winnipeg Transfer Co., the Portage and N. W. Ry. Co., and the Waskada and N. E. Ry. Co. (Mr. Kirchhoffer). Rep. from Com. on S. O. and P. B. (Mr. McKay, Colchester) 198 ; M. (Mr. Kirchhoffer) to adopt rep., 198 ; rem., Mr. Young, Mr. Sullivan, Mr. Macdonald (B.C.), Mr. Ferguson, Mr. Primrose, 198 ; Mr. Dever, Mr. Prowse, Mr. Landerkin and Mr. Kirchhoffer, 199 ; M. agreed to, 199 ; 1st and 2nd R., 413 ; 3rd R.*, 427 ; R. A., 559. (c. 53.)

(104) To incorporate the N. S. Eastern Ry. Co. Lmtd. (Sir M. Bowell). Introduced, 433 ; M. to ref. B. to Com. on S. O. and P. B., agreed to, 438 ; 2nd R.*, 467 ; 3rd R.*, 506 ; R. A., 559. (c. 77.)

(105) To incorporate the Kamloops and Atlin Ry. Co. (Mr. Templeman). Introduced, 426 ; 2nd R.*, 446 ; 3rd R.*, 526 ; R. A., 559. (c. 67.)

(106) Respecting the South Shore Ry. Co. (Mr. Casgrain, de Lanaudière). Introduced, 469; M. (Mr. Dandurand) to suspend rules ; M. objected to (Mr. Owens) 469; 2nd R. moved, 511 ; objection (Mr. Landry) 511 ; 2nd R. postponed, 512 ; 2nd R. moved, 520 ; amt. (Mr. Vidal) to ref. B. to Com. on S. O. and P. B., rem., Mr. Vidal, Mr. Dandurand, 520, 521 ; Mr. Mills, 521-522 ; amt. withdrawn, 522 ; rem., Mr. Baker, 522 ; M. agreed to on a div., 522; rep. from comte. (Mr. Baker) and M. to adopt rep. agreed to, 526.

(107) To confer on the Commsr. of Patents certain Powers for the relief of John Abell (Mr. Perley). Introduced, 263 ; 2nd R.*, 277 ; 3rd R.*, 383 ; R. A., 559. (c. 88.)

(108) Respecting the Manitoulin and N. Shore Ry. Co. (Mr. Baker). Introduced, and 2nd R.*, 433 ; 3rd R.*, 506 ; R. A., 559. (c. 74.)

(109) To incorporate the Sovereign Bank of Can. (Mr. McMillan). Introduced, 281 ; 2nd R.*, 325 ; 3rd R.*, 347 ; R. A., 559. (c. 114.)

(110) To incorporate the Debentures and Securities Corporation of Can. (Sir M. Bowell). Introduced, 296 ; 2nd R.*, 325 ; rep. from Com. on B. and C. (Mr. Drummond) 339 ; M. (Sir M. Bowell) to concur in amts., 339; M. agreed to, 339 ; 3rd R.*, 347 ; R. A., 559. (c. 94.)

(111) To incorporate the Interprovincial and James' Bay Ry. Co. (Mr. Landerkin). Introduced, 426 ; 2nd R.*, 446 ; 3rd R.*, 506 ; R. A., 559. (c. 66.)

(112) Respecting the Montreal and Southern Counties Ry. Co. (Mr. Dandurand). Introduced, and M. to suspend rules, 550 ; objection (Mr. Vidal) 551 ; rem., Mr. Dandurand, Mr. Forget, Mr. Bernier, 551 ; M. for 2nd R., 557 ; rem., Mr. Macdonald (P.E.I., Mr. Dandurand, 557 ; M. agreed to, 557 ; M. to suspend rules, 557 ; objected to (Mr. Macdonald, P.E.I., and Mr. Primrose) 558.

(114) For Granting to His Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending June, 1901, and for other purposes relating to the public service (Mr. Mills). Introduced, 182 ; M. to suspend rule, 182; rem., Sir M. Bowell, 182; Mr. Mills, Mr. Scott, Mr. Ferguson, 183, 184 ; M. agreed to, 184 ; 2nd and 3rd R., 184 ; R. A., 201. (c. 1.)

(115) To amend the General Inspection Act (Mr. Mills). Introduced, 233 ; 2nd R.*, 256; in comte., 259 ; rem., Mr. Mills and Sir M. Bowell, 259 ; Mr. Prowse, Mr. Watson, Mr. Young, 260 ; Mr. Perley, 261 ; rep. from comte. (Mr. Templeman) 261 ; 3rd R.*, 271; R. A., 558. (c. 24.)

(116) Respecting the Culling of Timber and the Inspection of Staples (Mr. Scott). Introduced, 233 ; 2nd R. moved, 249 ; rem., Mr. Scott, Sir M. Bowell and Mr. Ferguson, 249; M. agreed to, 250 ; in comte., 256 ; rem.,

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(117) Respecting the Packing and Sale of certain Staple Commodities (Mr. Mills). Introduced, 393 ; 2nd R. moved, 452 ; rem., Mr. Mills, Mr. Bernier, 452, 453 ; M. agreed to, 453 ; in comte., 485 ; rem., Mr. Macdonald (P.E.I.) 485 ; Mr. Mills, 486 ; on 3rd cl., Mr. McKay (Truro), Mr. Wood (Hamilton), Mr. Snowball, 486 ; Mr. Power, Sir M. Bowell, 487 ; Sir M. Bowell, Mr. Dever, 488 ; Mr. Mills, Mr. Dever, Mr. Macdonald (P.E.I.), 489 ; Mr. Macdonald (P.E.I.), Mr. McCallum, 490 ; Mr. Jones, Mr. Mills, Mr. McMillan, Mr. Dever, 491 ; Mr. McKay (Truro) Mr. Wood (Hamilton), Mr. Snowball, 492 ; Mr. Vidal, 493 ; M. in amt. (Mr. Snowball) 493 ; rem., Mr. Dever, 494; amt. rejected, c. 9, n.c. 21. 494 ; on 5th cl., Mr. Bernier, 494 ; Mr. Watson, Mr. Power, 495; Mr. Watson, Sir M. Bowell, Mr. Jones, 496; Mr. Power, Mr. Mills, Mr Macdonald (P.E.I.) 497 ; rep. from comte. (Mr. Templeman) and 3rd R., 497 ; R. A., 559. (c. 26.)

(120) Respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada (Sir M. Bowell). Introduced, and 2nd R.*, 426 ; 3rd R.*, 506 ; R. A., 559. (c. 101.)

(121) Further to amend the Post Office Act (Mr. Mills). Introduced, 339 ; 2nd R., 367 ; in com., on cl. 2, rem., Mr. Ferguson, 386, 387 ; Mr. Mills and Mr. Power, 387, 388 ; Mr. Wood (Hamilton), Mr. Mills and Mr. Macdonald (P.E.I.) 388 ; Mr. Mills, Mr. Ferguson, and Mr. Perley, 389 ; Mr. Power, Mr. Prowse, Mr. Snowball and Mr. Macdonald (P.E.I.) 390 ; on cl. 3, Mr. Macdonald (P.E.I.) 390 ; Mr. Mills, Mr. Macdonald (P.E.I.), Mr. Prowse, Mr. Scott, Mr. Ferguson and Mr. McDonald (C.B.) 391 ; Mr. Mills, Mr. Macdonald (P.E.I.), and Mr. Prowse, 392 ; rep. from Com. (Mr. Wood, Westmoreland) 392 ; M. (Mr. Mills) for 3rd R., 414 ; rem., Sir M. Bowell, 414 ; Mr. Mills, 415 ; M. agreed to, 415 ; R. A., 559. (c. 19.)

(122) Further to amend the General Inspection Act (Mr. Scott). Introduced, 394 ; 2nd R., 425 ; in com., on 1st cl., rem., Mr. Scott, Sir M. Bowell, 441, 442 ; on 2nd cl., Mr. Scott, Mr. Power, Sir M. Bowell, 442, 443 ; progress reported (Mr. Templeman) 443 ; again in com., 481 ; on 2nd cl., rem., Mr. Scott, Mr. Power, 481 ; Mr. Scott, Mr. Power, Sir M. Bowell, 482 ; Mr. Mills, Sir

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(124) Respecting the Western Assurance Co. (Mr. Lougheed). Introduced, 282 ; 2nd R.*, 325 ; 3rd R.*, 347 ; R. A., 559. (c. 116.)

(125) Respecting the British-American Assurance Co. (Mr. Lougheed). Introduced, 282; 2nd R.*, 325 ; 3rd R.*, 347 ; R. A., 559. (c. 90.)

(127) To amend the Animal Contagious Diseases Act (Mr. Scott). Introduced, 347 ; 2nd R. m., 422 ; rem., Mr. Sullivan, 422-423 ; Mr. Primrose, 423 ; Mr. Mills, 424 ; M. agreed to, 424 ; M. to postpone Com., stage., 511 ; M. to withdraw B. agreed to, 557.

(131) To amend the Act respecting Judges of Provincial Courts (Mr. Mills). Introduced, 347 ; 2nd R. m., 383 ; rem., Mr. Mills, 383 ; Mr. Miller and Mr. Mills, 384 ; Mr. Macdonald (B.C.), Mr. McDonald (C.B.), Mr. Mills and Mr. Ferguson, 385 ; M. agreed to, 386 ; in Com., 415 ; rem., Mr. Macdonald (B.C.) and Mr. Mills, 415 ; Mr. Macdonald (P.E.I.), Mr. Mills and Sir M. Bowell, 416 ; Sir M. Bowell, Mr. Mills, 417, 418, 419 ; on 3rd cl., Mr. Landry, Mr. Dandurand, 419, 420; Mr. Macdonald (B.C.) Mr. Mills, 420, 421 ; rep. from com. (Mr. Baker) 421 ; M. for 3rd R., 435 ; M. (Mr. Landry) to strike out 3rd cl., 435., rem., Mr. Landry, Mr. Mills, 435, 436 ; Mr. Baker, 436, 437 ; amt. rejected, c. 16. n.c., 17 ; Mr. Landry objects to mode of taking division, 437 ; rem., Sir M. Bowell, 437 ; Mr. Landry, Sir M. Bowell, the Speaker, 438 ; 3rd R., 438 ; R. A., 559. (c. 39.)

(133) Respecting Pensions to Officers of the Permanent Staff and Officers and Men of the Permanent Militia, and for other purposes (Mr. Scott). Introduced, 394 ; 2nd R. m., 425 ; rem., Mr. Scott, Sir M. Bowell, 425, 426 ; M. agreed to, 426 ; in Com. on 3rd cl., rem., Mr. Scott, Sir M. Bowell, 443 ; on 5th cl., Sir M. Bowell, Mr. Power, Mr. Scott, 443 ; on 6th and 7th cls., Sir M. Bowell, Mr. Scott, 444 ; on 8th cl., Mr. Power, Sir M. Bowell, 444 ; on 9th cl., Mr. Scott, 444 ; on 14th cl., Mr. Power, Mr. Scott, Sir M. Bowell, 444, 445 ; on 17th cl., Mr. Power, Mr. Mills, 445 ; on 22nd cl., Mr. Scott, Sir M. Bowell, 445 ; Mr. Macdonald (P.E.I.), Mr. Scott, Mr. Power, 445; Mr. Macdonald (P.E.I.), Sir M. Bowell, 446 ; rep. from Com. (Sir A. Pelletier) and 3rd R.*, 446 ; R. A., 559. (c. 17.)

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(135) Respecting the Great Northern Ry. Co. of Canada (Mr. Landry). Introduced, and 2nd R.*, 469 ; 3rd R.*, 526 ; R. A., 559. (c. 62.)

(136) To amend the Ry. Act (Mr. Mills). Introduced, 413 ; 2nd R. m., 440 ; rem., Mr. Mills, Mr. Bolduc, 440 ; Sir M. Bowell, 441; M. agreed to, 441 ; in Com., rem., Mr. Mills, Mr. Bolduc, 453, 454 ; Mr. Landry, Sir M. Bowell, Mr. Bolduc, Mr. Mills, Mr. de Boucherville, 455 ; Mr. Mills, Mr. de Boucherville, Mr. Bernier, Mr. McCallum, Sir M. Bowell, 456 ; on 3rd cl., Mr. Landry, Mr. Mills, 457 ; on 8th cl., Mr. Landry, Mr Mills, Mr. Scott, Sir M. Bowell, 457 ; on 9th and 11th clses., Mr. Landry, Mr. Mills, 457, 458 ; rep. from com. (Mr. Primrose) and 3rd R., 458 ; R. A., 559. (c. 31.)

(137) To amend the Act respecting the Dept. of Public Printing and Stationery (Mr. Scott). Introduced, 426 ; 2nd R.*, 446 ; in com., rem., Mr. Scott, 466 ; rep. from Com. (Mr. Snowball) and 3rd R., 466 ; R. A., 559. (c. 18.)

(138) To provide for a further allowance to the Province of P.E.I. (Mr. Mills). Introduced, 446 ; 2nd R. m., 501 ; rem., Mr. Mills,, 501-502 ; Mr. Macdonald (P.E.I.) 502; Sir M. Bowell, 503-504 ; Mr. Dandurand, Mr. Perley, Mr. Bernier, Mr. Mills, 504 ; Mr. Macdonald (P.E.I.) 505 ; M. agreed to, and 3rd R., 505 ; R. A., 559. (c. 3.)

(139) To amend the Gas Inspection Act (Mr. Scott). Introduced, 469 ; 2nd R., 512 ; in com., 512 ; rep. from com. (Mr. Perley) and 3rd R., 512 ; R. A., 559. (c. 28.)

(140) To amend the Electric Light Inspection Act (Mr. Scott). Introduced, 469 ; 2nd R., 512 ; in com., 512 ; rem. on 1st cl., Mr. Scott, Sir M. Bowell, Mr. Sullivan ; on 4th cl., Sir M. Bowell, Mr. Landry ; on 7th cl., Mr. Macdonald (P.E.I.), Mr. Scott, 513 ; rep. from com. (Mr. Owens) and 3rd R., 513 ; R. A., 559. (c. 29.)

(141) Further to amend the Act relating to Ocean Steamship Subsidies (Mr. Mills). Introduced, 469 ; 2nd R. m., 513 ; rem., Sir M. Bowell, Mr. Mills, Mr. Dandurand, 514 ; M. agreed to and 3rd R., 515 ; R. A., 559. (c. 6.)

(142) To provide for further advances to the Harbour Commissioners of Montreal (Mr. Mills). Introduced, 469 ; 2nd R., 515 ; in com., rem., Sir M. Bowell, Mr. Mills, 515 ; rep. from com. (Mr. Baker) and 3rd R., 515 ; R. A., 559. (c. 9.)

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(143) Respecting the Ottawa Branch of the Royal Mint (Mr. Mills). Introduced, and 2nd R.*, 520 ; M. to ref. B. to Com. of the Whole, 540 ; debate, Mr. Mills, 540-541 ; Mr. Drummond, 541-545 ; Mr. Macdonald (B.C.) 545 ; in com., rem., Mr. Mills, 545-546 ; Sir M. Bowell, Mr. Mills, 546, 547 ; Mr. Forget, 547-548 ; Mr. Drummond, Mr. Mills, 548 ; Sir M. Bowell, Mr. Forget, Mr. Bernier, Mr. Drummond, 549 ; rep. from com. (Mr. Dandurand) and 3rd R., 550 ; R. A., 559. (c. 4.)

(144) To amend the Inland Revenue Act (Mr. Scott). Introduced, and 2nd R. m., 526 ; rem., Sir M. Bowell, Mr. Scott, 526 ; 3rd R., 526 ; R. A., 559. (c. 23.)

(145) Further to amend the Ry. Act (Mr. Mills). Introduced and 2nd R. m., 526 ; rem., Sir M. Bowell, Mr. Mills, 527 ; 3rd R., 527 ; R. A., 559. (c. 32.)

(146) To authorize the granting of Subsidies in aid of the construction of the Lines of Railway therein mentioned (Mr. Mills). Introduced, and 2nd R. m., 537 ; rem., Mr. Macdonald (B.C.), Mr. Mills, 537 ; Mr. Macdonald (P.E.I.) 538, 539 ; M. agreed to, 539 ; in com., 540 ; rep. from com. (Mr. Baker) and M. for 3rd R., 540 ; rem., Sir M. Bowell, 540 ; M. agreed to, 540 ; R. A., 560. (c. 7.)

(150) Further to amend the Act respecting Judges of Provincial Courts (Mr. Mills). Introduced, and 2nd R. m., 527 ; rem., Mr. Baker, 527 ; Mr. Mills, 528 ; 3rd R., 528 ; R. A., 559. (c. 40.)

(151) To amend the Act respecting the Senate and House of Commons (Mr. Scott). Introduced, and 2nd R., 532 ; in Com., rem., Sir M. Bowell, 532 ; Mr. Scott, Mr. Dever, Mr. Templeman, 533 ; Mr. Power, Mr. Dever, 534 ; rep. from com. (Mr. Perley) and 3rd R., 535 ; R. A., 559. (c. 14.)

(152) To provide for the Payment of Bounties on Lead Refined in Canada (Mr. Scott). Introduced, and 2nd R. m., 535 ; rem., Mr. Scott, Sir M. Bowell, 535 ; Mr. Wood (Hamilton) 536 ; Mr. Macdonall (P.E.I.) 537 ; R. A., 559. (c. 8.)

(155) Further to amend the Penitentiary Act (Mr. Mills). Introduced, and 2nd R. m., 528 ; rem., Mr. Mills, 528-529 ; Mr. Sullivan, 529 ; 3rd R., 529 ; R. A., 559. (c. 43.)

(156) To amend the Customs Tariff, 1897 (Mr. Scott). Introduced, and 2nd R. m., 529 ; rem., Mr. Macdonald (P.E.I.) Mr. Scott, Sir M. Bowell, 529, 530, 531 ; in com., 531 ; rep. from com. (Mr. Sullivan) and 3rd R., 531 ; R. A., 559. (c. 22.)

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(157) To amend the Acts of 1899 and 1900, respecting the Quebec Harbour Commissioners (Mr. Scott). Introduced, and 2nd R. m., 552 ; rem., Mr. Macdonald (P.E.I.), Mr. Landry, Mr. Scott, Sir M. Bowell, 552 ; 3rd R., 552 ; R. A., 560. (c. 10.)

(158) For granting to H. M. certain sums of money required for the public service for the financial years ending respectively the 30th June, 1901, and the 30th June, 1902 (Mr. Mills). Introduced, and 2nd R. m., 553 ; debate, Sir M. Bowell, 553-555 ; Mr. Mills, 555 ; Mr. Macdonald (P.E.I.) 555-556 ; Sir M. Bowell, 556-557 ; Mr. Watson, Mr. Dandurand, 557 ; M. agreed to and 3rd R., 557 ; R. A., 559. (c. 2.)

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