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There are some creases in the middle of the pages.

Pages 142, 529, 590 & 591 are incorrectly numbered pages 112, 52, 592 & 593.

DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1891

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REPORTED AND EDITED BY  
HOLLAND BROS.,  
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FIRST SESSION—SEVENTH PARLIAMENT.



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

1891.



THE DEBATES  
OF THE  
SENATE OF CANADA

IN THE

FIRST SESSION OF THE SEVENTH PARLIAMENT OF CANADA, APPOINTED TO  
MEET FOR DESPATCH OF BUSINESS ON WEDNESDAY, THE TWENTY-  
NINTH DAY OF APRIL, IN THE FIFTY-FOURTH YEAR OF  
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

*Ottawa, Wednesday, 29th April, 1891.*

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 Hon. ALEX. LACOSTE to be the Speaker of the Senate.

The said commission was then read by the Clerk, and the Speaker took the Chair.

NEW SENATORS.

THE SPEAKER presented to the House returns from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor General had summoned to the Senate—

JOSEPH TASSÉ, of the City of Montreal, for the Division of De Salaberry.

HIPPOLYTE MONTPLAISIR, of Cap de la Magdeleine, for the Division of Shawinigan.

Hon. JOHN CARLING, of the City of London, Ont.

The Hon. Messrs. TASSÉ, MONTPLAISIR and CARLING were then introduced and took their seats.

THE OPENING OF THE SESSION.

A Message was received from the Governor General's secretary, announcing that the Chief Justice of the Supreme Court, in

his capacity as Deputy Governor, would open the Session of Parliament at 3 p. m.

The House was adjourned during pleasure.

After some time the House was resumed. The Hon. W. J. RITCHIE, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated in the Chair on the Throne,

THE SPEAKER commanded the Usher of the Black Rod to proceed to the House of Commons, and acquaint that House "It is the desire of the Honourable William Johnstone Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, they attend him immediately in this House."

Who, being come,

THE SPEAKER said :—

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

The Hon. William Johnstone Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, does not see fit to declare the causes of summoning the present Parliament of Canada until a 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 the Governor General will declare the causes of his calling this Parliament.

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

The Senate adjourned at 3:30 p. m.

## THE SENATE.

Ottawa, Thursday, 30th April, 1891.

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

Prayers.

THE SPEAKER presented to the House a communication from the Governor General's secretary announcing that His Excellency would open the Session at three o'clock.

The House was adjourned during pleasure.

After some time the House was resumed.

## THE SPEECH FROM THE THRONE.

At Three o'clock p. m., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber and took His Seat upon the Throne. The Senators being assembled, His Excellency was pleased to command the attendance of the House of Commons. The members of that body, preceded by their Speaker, appeared at the Bar. The Hon. PETER WHITE then informed His Excellency that the choice of the House of Commons had fallen upon him to be their Speaker; and he prayed for the Members thereof the customary Parliamentary privileges.

After which HIS EXCELLENCY was pleased to open the FIRST SESSION of the SEVENTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech:

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

I am glad to welcome you to the duties of the first session of a new Parliament, which I hope will be memorable for wise deliberations, and for measures adapted to the progress and development of the Dominion.

The season in which you are assembled has opened auspiciously for the industries of our people. Let us hope that their labours may be crowned with fruitful returns from land and sea, and that the great resources of Canada may continue to reward the toil and enterprise of its inhabitants.

My advisers, availing themselves of opportunities which were presented in the closing months of last year, caused the Administration of the United States to be reminded of the willingness of the Government of Canada to join in making efforts for the extension and development of the trade between the Republic and the Dominion, as well as for the friendly adjustment of those matters of an international character which remain unsettled. I am pleased to say that these representations have resulted in an assurance that, in October next, the Government of the United States will be prepared to enter on a Conference to consider the best means of arriving at a practical solution of these important questions. The papers relating to this subject will be laid before you.

Under these circumstances, and in the hope that the proposed Conference may result in arrangements beneficial to both countries, you will be called upon to consider the expediency of extending, for the present season, the principal provisions of the protocol annexed to the Washington Treaty, 1888, known as the "Modus Vivendi."

A disposition having been manifested in the United Kingdom to impose on sea-going ships engaged in the cattle trade increased safeguards for life and greater restrictions against improper treatment, a careful enquiry has been made as to the incidents of that trade in so far as this country is concerned. The evidence elicited on this enquiry will be laid before you. While I am glad to learn that our shipping is free from reproach in that regard, your attention will be invited to a measure which will remove all reasonable apprehensions of abuses arising in the future in connection with so important a branch of our commerce.

The early coming into force of the Imperial Statute relating to the Vice-Admiralty Courts of the Empire has made it necessary to revise the laws in force in Canada respecting our courts of maritime jurisdiction, and a measure will therefore be laid before you designed to reorganize those tribunals.

A Code of the Criminal Law has been prepared in order that this branch of our jurisprudence may be simplified and improved, to which your best attention is invited.

Measures relating to the Foreshores of the Dominion and to the obstruction of its navigable waters, will be submitted to you, and you will also be asked to consider amendements to the Acts relating to the North-West Territories, to the Exchequer Court Act, and to the Acts relating to Trade Marks.

*Gentlemen of the House of Commons:*

The Accounts for the past year will be submitted to you. The Revenue, after providing for the services to which you appropriated it, has left a surplus for the works which you designed to be carried on by Capital expenditure.

The Estimates for the coming year will be laid before you at an early date.

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

I pray that in the consideration of these matters, and in the performance of all the labours which will devolve on you, your deliberations may be Divinely aided, and that your wisdom and patriotism may enlarge the prosperity of the Dominion, and promote in every way the well-being of its people.

## BILL INTRODUCED

Bill (A) "An Act relating to Railways."  
(Mr. Abbott.)

The Senate adjourned at 4 p.m.

## THE SENATE.

Ottawa, Friday, May 1st, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE ADDRESS.

MOTION.

HON. MR. TASSÉ moved

That the following Address be presented to His Excellency the Governor General, to offer the respectful thanks of this House to His Excellency for the

gracious Speech he has been pleased to make to both Houses of Parliament: namely:—

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

MAY IT PLEASE YOUR EXCELLENCY:—

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

We also respectfully thank Your Excellency for your reception of us in assuming the duties of the first Session of a new Parliament, and for your gracious expression of the hope that it will be memorable for wise deliberations and for measures adapted to the progress and development of the Dominion.

We rejoice to hear from Your Excellency that the season in which we are assembled has opened auspiciously for the industries of our people. We hope that their labours may be crowned with fruitful returns from land and sea, and that the great resources of Canada may continue to reward the toil and enterprise of its inhabitants.

We receive with a full sense of its importance the information that Your Excellency's advisers, availing themselves of opportunities which were presented in the closing months of last year, caused the Administration of the United States to be reminded of the willingness of the Government of Canada to join in making efforts for the extension and development of the trade between the Republic and the Dominion, as well as for the friendly adjustment of those matters of an international character which remain unsettled. We are pleased to hear from Your Excellency that these representations have resulted in an assurance that, in October next, the Government of the United States will be prepared to enter on a conference to consider the best means of arriving at a practical solution of these important questions, and we thank Your Excellency for informing us that the papers relating to the subject will be laid before us.

Your Excellency having been pleased further to inform us that under these circumstances, and in the hope that the proposed Conference may result in arrangements beneficial to both countries, we shall be called upon to consider the expediency of extending, for the present season, the principal provisions of the protocol annexed to the Washington Treaty, 1888, known as the *Modus Vivendi*, we beg leave to assure Your Excellency that any measure for that purpose shall receive our most careful consideration.

We hear with much interest that a disposition having been manifested in the United Kingdom to impose on sea-going ships engaged in the cattle trade increased safeguards for life and greater restrictions against improper treatment, a careful enquiry has been made as to the incidents of that trade in so far as this country is concerned. We thank Your Excellency for the assurance that the evidence elicited on this enquiry will be laid before us. We are glad to learn that our shipping is free from reproach in that regard, but the attention which Your Excellency has been pleased to invite will be cheerfully given to any measure which will remove all reasonable apprehensions of abuses arising in the future in connection with so important a branch of our commerce.

We thank Your Excellency for informing us that the early coming into force of the Imperial Statute relating to the Vice-Admiralty Courts of the Empire has made it necessary to revise the laws in force in Canada respecting our courts of maritime jurisdiction, and we shall consider attentively the measure to be laid before us designed to reorganize those tribunals.

We are glad to learn that a Code of the Criminal Law has been prepared in order that that branch of our jurisprudence may be simplified and improved, and Your Excellency may rest assured that our best attention will be given thereto.

Your Excellency has been pleased to inform us that measures relating to the Foreshores of the Dominion and to the obstruction of its navigable waters will be submitted to us, and that we shall also be asked to consider amendments to the Acts relating to the North-West Territories, to the Exchequer Court Act, and to the Acts relating to Trade Marks. We respectfully assure Your Excellency that they shall receive our attentive consideration.

We humbly join in Your Excellency's prayer that in the consideration of these matters, and in the performance of all the labours which will devolve on us, our deliberations may be Divinely aided, and that their results may enlarge the prosperity of the Dominion, and promote in every way the well-being of its people.

He said:—

Honourables Messieurs,

En prenant la parole pour la première fois dans cette honorable chambre, la plus haute chambre du pays, je désire réclamer votre indulgence et vous dire en même temps que je suis fier d'appartenir à un corps qui compte dans son sein tant d'hommes distingués. Ces hommes distingués qui pour la plupart représentent une longue expérience, représentent aussi les deux partis qui se disputent la confiance publique, et s'ils diffèrent sur les moyens à prendre, ils sont mûs par un sentiment commun: servir la Reine, servir l'Etat.

Cette session, honorables messieurs, me semble s'ouvrir sous des auspices particulièrement heureux. Le Sénat vient d'être honoré par l'élévation à la présidence de l'un de ses membres les plus éminents, qui continuera dignement les meilleures traditions de ses devanciers. Si vous étiez fiers d'avoir pour leader un homme consommé dans l'art parlementaire, d'un autre côté vous croyiez n'être pas suffisamment représentés au Conseil Privé. Or, ce vœu a été doublement exaucé. Si nous en croyons la rumeur nous saluerons bientôt dans notre leader le président du Conseil Privé, et les hasards de la guerre vont aussi nous procurer l'avantage d'avoir au milieu de nous l'honorable ministre de l'agriculture. Pour compléter notre bonheur, j'espère que le gouvernement pourra l'un de ces jours se rendre au désir si fréquemment et si vigoureusement exprimé par l'honorable représentant de Lanaudière.

En tous temps, le Sénat a toujours été considéré comme l'une des grandes forces sociales et politiques, comme l'un des

grands remparts contre les bouleversements ou les entraînements populaires, et nul ne s'est mieux appliqué à le démontrer, et par la parole et par la plume, que mon honorable prédécesseur (M. Trudel). Ici, nous avons surtout appris à considérer le Sénat comme le protecteur des droits des minorités, du faible contre le puissant. Je ne connais pas de plus noble rôle. C'est dire que je serai heureux d'appuyer toute mesure qui pourra en augmenter l'utilité ou l'efficacité. Je suis de ceux qui croient, par exemple, qu'une plus grande initiative devrait être donnée à cette Chambre dans la législation privée.

Nous ne devons pas avoir peur de réformes. Nous devons au contraire les provoquer, les adopter quand il y a lieu, puisque toute œuvre humaine, quel que soit le génie qui l'a conçue, est nécessairement frappée d'imperfection. Nous donnerons ainsi de légitimes satisfactions à l'opinion publique, alliant avec le respect du passé notre souci des besoins du jour. *Eternal vigilance is the price of liberty!* a-t-on dit. Eh bien, cette liberté qui nous est si chère, que nous respirons pour ainsi dire en naissant, nous ne la conserverons qu'autant que nous saurons montrer que nous sommes de tous les progrès qui n'affectent aucunement d'immuables principes, et que la marche des événements amène nécessairement.

Faites-moi de la bonne politique et je vous ferai de la bonne finance! disait un jour, un grand politique français. Eh bien, Son Excellence nous a dit hier que les finances étaient florissantes, et que l'année fiscale s'était soldée par un surplus considérable. Tout le pays se réjouira d'autant plus de cette nouvelle que l'exercice courant nous promet un autre excédant. Ces deux surplus vont nous permettre de réduire la dette publique et de maintenir haut et ferme notre crédit sur les bourses européennes. Ce crédit est tel que nous pouvons à l'heure présente emprunter à meilleur marché que la plupart des grandes puissances. Tout en conseillant la prudence dans la dépense publique, je ne suis pas de ceux cependant qui s'effraient du chiffre de notre dette, pour la bonne raison que je la sais amplement représentée par un actif qui a fait la fortune publique: des chemins de fer, des canaux, des creusements dans nos ports, des télégraphes, des signaux, des édifices publics. Je sais aussi qu'il n'est guère de pays moins taxé que le nôtre. C'est le témoignage que nous

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rendent tous les économistes qui nous jugent sans parti pris. Il me suffira de citer deux libres-échangistes bien connus, M. de Molinari et M. Claudio Jannet, qui vinrent étudier notre situation économique il y a quelques années.

Honorables Messieurs, si les deux part si ne sont pas d'accord sur la politique fiscale qui a produit ces résultats, il est un point sur lequel ils s'entendent. Tous admettent qu'il serait de l'intérêt public de resserrer nos relations commerciales avec les Etats-Unis. Les uns veulent une réciprocité limitée, une réciprocité compatible avec la protection de nos industries et de notre commerce avec la métropole, et d'autres demandent une réciprocité illimitée. Baptisée plusieurs fois sous des noms différents quoique plus ils changent moins elle varie, cette dernière politique vient d'être consacré définitivement sous le nom de Libre Echange Continental—*Continental Free Trade*. Je laisse à ses admirateurs le soin de nous l'expliquer.

Ce que veulent les partisans de la réciprocité illimitée a été sanctionné par le peuple de la façon la plus solennelle aux élections de 1878, 1882, 1887 et 1891.

Je m'incline avec respect devant le verdict de cette majorité, qu'elle vienne des grandes ou des petites provinces. Au Parlement, toutes les provinces sont sur un pied d'égalité eu égard à leur population. Pour rien au monde je ne voudrais réclamer le monopole de l'intelligence ou du patriotisme pour Ontario et Québec, au détriment des provinces maritimes ou des provinces de l'ouest. Qui sait au reste si avant bien des années la masse de notre population ne se trouvera pas à l'ouest des grands lacs? Pour rien au monde aussi je ne voudrais prétendre, comme l'a écrit un politicien important, dans un moment de mauvaise humeur inhérent aux plaideurs malheureux, que cette majorité *was most literally a thing of shreds and patches, made up of ragged remnants from half a dozen minor provinces*. De telles paroles suintent une arrogance injustifiable et ne sont pas propres à cimenter les bons rapports qui doivent exister entre tous les membres de la Confédération.

Aux Etats-Unis, où le Sénat a des pouvoirs beaucoup plus étendus que le nôtre, le petit Etat du Rhode-Island a tout autant d'influence, tout autant de représentation, c'est-à-dire deux voix, que le grand Etat de New-York ou celui de la Pennsylvanie, et

le droit de la majorité qu'il dérive d'un grand ou d'un petit Etat n'est jamais contesté ou déprécié. Chacun sait qu'à l'heure qu'il est le ministre des affaires étrangères est M. Blaine, le républicain le plus important des Etats-Unis, je pourrais même dire le véritable Président, quoiqu'il représente le petit Etat du Maine. Et nous-mêmes ne devons-nous pas aux provinces maritimes plusieurs de nos hommes les plus éminents? Qu'il me suffise de mentionner les Howe, les Tupper, les Archibald, les Thompson, qui ont gravé leurs noms sur tant de pages de notre histoire.

Il est indéniable que nos voisins ont fait jusqu'à présent la sourde oreille à nos représentations; c'est en vain que nous leur avons envoyé députation sur députation, ils ont refusé de renouveler le traité de 1854 ou quelque chose d'équivalent. Les honorables messieurs du Sénat n'ont pas oublié, par exemple, la mission à Washington de l'un de leurs anciens collègues les plus éminents, l'honorable George Brown. Réussirons-nous mieux cette fois? C'est ce qu'il nous reste à voir. En tous cas, le gouvernement a montré son ferme désir de remplir sa promesse aux électeurs en entamant de nouvelles négociations qui devront être reprises au mois d'octobre prochain.

En attendant, il est de toute importance de nous créer de nouveaux marchés, d'assurer notre indépendance commerciale par tous les moyens possibles, et d'étudier même la praticabilité d'un système fiscal plus avantageux entre les différentes parties de l'empire. En attendant, je crois que le gouvernement a agi avec sagesse en continuant le *modus vivendi* concernant nos pêcheries, qui a été adopté à la suite du traité de 1888—traité qui, quoiqu'approuvé par le président, ne reçut pas la sanction du Sénat. Poussons notre bon vouloir jusqu'aux extrêmes limites compatibles avec la dignité nationale, mais n'allons pas plus loin. Les peuples qui n'ont pas soin de leur dignité sont bien proches de leur déchéance.

Je viens de faire allusion à notre commerce avec l'Angleterre—commerce qui va croissant et qui demande toute notre sollicitude. Les deux principaux articles de ce commerce se composent de l'exportation des animaux et du fromage. Songez que nous venons d'exporter dans une seule année 123,000 têtes de bétail, quand, il y a deux ans, ce chiffre ne dépassait pas 60,000.

Ce commerce est susceptible d'un développement extraordinaire et est de nature à amener une révolution agricole dans le pays. Des plaintes ayant été formulées que les animaux étaient maltraités à bord des transatlantiques, le gouvernement a eu raison de tenir une enquête, laquelle a prouvé que ces plaintes n'étaient pas fondées. La mesure qui sera soumise pour empêcher toute plainte de ce genre à l'avenir recevra, j'en suis persuadé, notre plus sérieuse considération.

Nous avons aussi appris que le gouvernement s'occupait activement de codifier les lois criminelles en les rapprochant autant que possible du système anglais. Cette nouvelle sera particulièrement agréable à la province que je représente. Déjà cette province possède un code civil, un code de procédure civile, un code municipal, un code d'instruction publique, et le code que prépare le gouvernement complètera ce grand travail de législation qui dans d'autres pays a immortalisé ceux qui y ont attaché leur nom. En pareille matière, il ne faut pas trop se hâter, et le gouvernement prendra tout le temps nécessaire, j'en suis convaincu, pour faire une œuvre qui sera le plus longtemps possible à l'abri des démolisseurs. En effet, nous ne souffrons pas de l'absence de lois, mais bien de leur surabondance qui trop souvent amène la confusion, déränge la stabilité de la jurisprudence, déroute les jurés et même jusqu'aux juges.

Poursuivant toujours la même idée, le gouvernement doit aussi présenter un projet de loi pour réorganiser les tribunaux maritimes du pays—projet qui est la conséquence de la mise à exécution prochaine du statut impérial concernant les cours de vice-amirauté. Puis nous aurons à considérer des amendements à l'acte de la cour de l'Echiquier et aux actes qui ont trait aux marques de commerce.

Personne ne sera surpris de savoir qu'il faudra nous occuper des territoires du Nord-Ouest. Ces territoires qui attirent aujourd'hui l'attention du monde entier, qui grandissent à vue d'œil, dans lesquels il nous faudra plus tard tailler des provinces entières, sont dans une période de grande activité, de grande transformation, et nous pouvons nous attendre d'ici à longtemps d'avoir à leur consacrer une bonne partie de nos travaux législatifs.

Je conçois que les esprits remuants, énergiques, qui habitent ces territoires,



soupirent après les bienfaits du système responsable, mais le gouvernement sera heureux de satisfaire leurs légitimes aspirations le jour où leurs vastes espaces seront remplis par une population plus dense.

Nous venons de commencer, honorables messieurs, le septième parlement, et l'an prochain sonnera le quart de siècle de la Confédération. C'est peu dans l'histoire d'un peuple, mais ce quart de siècle comptera beaucoup dans la nôtre. Je ne veux pas vous fatiguer par des chiffres que chacun d'entre vous connaît parfaitement, mais la statistique est là pour montrer que nous avons marché à pas de géants. Nous occupons la dixseptième partie de la terre, nous sommes l'un des plus grands pays du monde, plus grand que les États-Unis eux-mêmes, *the greater half of the continent*, comme l'a dit un homme qui a beaucoup écrit et parlé de nous dans ces dernières années.

Nous sommes un peuple du Nord, et les peuples du Nord ont généralement fini par avoir raison des peuples du Sud. Nous n'avons rien à envier à l'aigle des États-Unis qui promène son vol altier d'un océan à l'autre. S'il peut effleurer jusqu'aux glaces de l'Alaska et nous causer des ennuis parmi les phoques de la mer Behring, le castor canadien peut aller braver presque aux flots de la mer Arctique à la lueur de l'étoile polaire. Le Nord-Ouest seul renferme les meilleures terres à céréales qui existent : dans une seule année il a fourni à l'exportation quinze millions de minots de blé. Nous sommes la quatrième puissance maritime, et le sceptre de l'univers a toujours appartenu aux nations qui avaient le plus de vaisseaux sur les mers. Nous avons plus de chemins de fer que l'Italy, l'Espagne, le Brésil et le Mexique, et nous en avons autant que les États-Unis proportionnellement à la population. Nous possédons même l'un des plus grands, sinon le plus grand chemin de fer du monde,—chemin qui fait notre orgueil, l'admiration de l'Europe, et l'envie de leurs voisins, leur donne une concurrence salutaire pour leur commerce. Honneur aux hommes de génie qui, secondant l'action de nos hommes d'État, ont achevé cette colossale entreprise six ans plus tôt que la date mentionnée au contrat—date qui, curieuse coïncidence, tombait aujourd'hui même, le 1er mai 1891. C'est encore à ces hommes que l'on doit la construction de steamers à

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grande vitesse sur la mer Pacifique, qui nous permettront de transporter les produits de l'Asie à Montréal et New-York en moins de temps qu'ils ne peuvent atteindre San-Francisco. Les touristes qui viennent d'arriver du Japon et de traverser le continent en 90 heures atteindront Liverpool après vingt et un jours seulement de leur départ de Yokohama, soit quatorze jours de moins que le trajet le plus prompt par voie des États-Unis. Bientôt nous aurons un service non moins rapide sur l'Atlantique, et le Canada possédant la route la plus courte, la plus avantageuse, sur terre et sur mer, marchera glorieusement à la conquête du commerce universel. On a cru que Jules Verne rêvait, tout autant que dans son excursion à la lune, lorsqu'il écrivit son voyage autour du monde en 80 jours.—Ce rêve est plus qu'effacé, puisque ce voyage *viâ* le Pacifique Canadien s'accomplit en 72 jours.

Notre système de canaux est sans rival, quoiqu'il nous reste encore beaucoup à faire pour le compléter. Représentant d'une division qui est arrosée par le Saint-Laurent, j'applaudirai à l'achèvement de la grande œuvre que nous avons poursuivie, l'approfondissement des canaux, mais je saluerai avec bonheur le jour où nous pourrons mener à bonne fin une route qui, déjà approuvée par nos meilleurs ingénieurs, par nos hommes d'État les plus éminents, sir John Macdonald, sir George Cartier, sir Charles Tupper, l'honorable Alexander Mackenzie, est selon moi l'une des grandes entreprises qui devraient recevoir notre plus sérieuse attention si nous voulons attirer vers les ports canadiens le gros lot de l'immense commerce de l'Ouest.

Notre système d'éducation fait l'envie de nos voisins, et le cardinal Gibbons dans un ouvrage qui a obtenu une grande vogue : *Our Christian Heritage*, le cite comme modèle aux États-Unis. Pourquoi faut-il que des hommes à l'esprit étroit, anti-chrétien, qui se complaisent dans l'exploitation des mauvaises passions, qui vivent même de cette exploitation, portent aujourd'hui une main sacrilège sur un système qui contribue tant à faire de nous le peuple le plus moral et le plus heureux du globe ?

Je ne crains pas de le dire, le système d'écoles sans Dieu est le dissolvant le plus puissant de la société américaine tout comme il l'est de la France. Evitons ce terrible écueil au début même de la nou-

velle nationalité canadienne. Heureusement, que l'arbitraire, que la tyrannie est impossible sous le régime constitutionnel. L'arbitraire peut durer un temps, mais il ne saurait durer toujours. Le régime sous lequel nous vivons avec son étonnante souplesse et ses merveilleuses ressources, a des remèdes pour tous les maux. Il n'est aucun pli de notre drapeau qui ne contienne de la liberté.

Notre constitution veut que le Sénat soit converti en cour de divorce. Or, je ne crois pas que le divorce soit une preuve de moralité, il est plutôt la preuve d'une profonde démoralisation. Les sociétés où il fleurit marchent vers l'abîme. J'ai appris par la *Gazette du Canada* que sept demandes de divorce nous ont été adressées pour cette session; or les Etats-Unis en accordent 25,000 par année en moyenne. Ces chiffres accusateurs sont, à mes yeux, la preuve la plus concluante des dangers du contact d'un milieu aussi gangrené.

Malgré leurs fautes, nos voisins ont cependant une grande qualité: la fierté de leur pays. Ils la poussent même jusqu'à même jusqu'à ce que l'on a appelé le *spread-eagleism*. Je voudrais que nous leur empruntions cette qualité. Certes, je ne partage pas toutes les vues politiques de l'honorable M. Mowat, j'ai même regretté vivement de le voir se jeter dans la dernière lutte avec presque tous les autres gouvernements provinciaux—luttés de pouvoirs que je trouve déplorable à tous les points de vue; mais cela ne m'empêchera pas de dire que j'ai applaudi à deux mains lorsque je l'ai entendu s'écrier: "Je suis plus fier d'être premier ministre d'Ontario que je ne le serais d'être gouverneur de l'Etat de New-York, et j'aimerais mieux être premier ministre du Canada que d'être président des Etats-Unis."

En terminant laissez-moi dire que j'ai été heureux de pouvoir élever la voix pour la première fois ici dans la langue que je connais le moins imparfaitement. Conscient comme je le suis des beautés de cette langue qui nous a donné Shakespeare et Milton, de cette langue qui est parlée aujourd'hui par des millions d'hommes libres, il est naturel que je sois fier avant tout de la langue que ma mère m'a apprise et que la constitution de mon pays me permet de parler. Je ne puis non plus oublier que c'est le Sénat qui nous a donné ce que l'on veut nous faire perdre

aujourd'hui: la reconnaissance de notre langue au Nord-Ouest. Je n'ai de haine contre personne, je veux travailler avec tous dans l'intérêt commun. Ayant représenté pendant huit années la capitale du pays, j'ai appris à apprécier beaucoup des admirables qualités de ceux qui n'ont ni mon sang ni mes croyances; mais laissez-moi proclamer que la paix et la bonne entente nous sont indispensables pour mener à bonne fin l'œuvre de la Confédération. Ne perdons pas notre temps en des luttes stériles. Bâtissons sur l'amour et non sur la haine. La haine détruit, l'amour sauve et édifie. Or, la bonne entente, nous ne pouvons l'avoir que dans le respect des droits de chacun. Pour arriver à ce but, j'ai foi dans le bon sens, dans l'esprit de justice du peuple, j'ai foi dans les lumières de ceux qui le gouvernent. J'ai foi que les chefs sauront s'élever au-dessus des clameurs des factions et pratiquer dans toute leur plénitude les droits égaux, les véritables *equal rights*, un mot dont on a beaucoup abusé. J'ai foi qu'ils sauront comprendre que l'élément français n'est pas comme vient de l'écrire M. Goldwin Smith, dans un livre saturé de fiel et de francophobie, un élément de faiblesse, mais un élément de force pour le Canada et qu'aucune race n'est plus fortement enracinée dans le sol ou n'est plus intéressée que la nôtre dans le maintien de la Confédération. Les Normands, nos pères, ont gravé au frontispice de l'Angleterre, en lettres ineffaçables, ces mots sublimes, "Dieu et mon Droit." Restons fidèles à cette fière devise que la Métropole a promenée sur ses étendards jusqu'aux extrémités du globe, et le Canada, devenu le fidèle dépositaire du droit et des principes de l'éternelle justice, marchera sûrement vers ses grandes destinées.

HON. MR. PROWSE—I regret exceedingly that the task which has fallen to me had not been given to some hon. gentleman better able to fulfil the duties imposed upon him. I take it that I have been selected on this occasion because I happen to be the youngest senator from the smallest Province of the Dominion of Canada, and if any person is supposed to be capable of making a speech containing little; it must be myself. I am sure that we can join with His Excellency the Governor General in hoping that the present session will be memorable for wise deliberations.

It appears to me that as time goes on and as we know more of this great land of ours, the importance of the deliberations of Parliament becomes greater every year, and at the present time we are called upon most seriously to consider the best course to pursue for the future welfare, happiness and prosperity of this Dominion. We are told that the season in which we are assembled has opened auspiciously for the industries of our people. It is gratifying to hope and believe that the season will be a prosperous one. Although it is yet early to predict an abundant harvest, from present appearances there is every indication of prosperity in the country, and in this regard I am pleased to find the Minister of Agriculture occupying a position on the floor of this Senate. I am sure that every hon. gentleman will be very much pleased indeed to find that the Government have taken a new departure, and are giving us better representation in the Government of the day in this Chamber by the appointment of that hon. gentleman. I may say that in my opinion the Department over which that hon. gentleman presides has been administered with very marked ability and advantage to the agriculturists of this Dominion. The publication of the bulletins from the Experimental Farm, which I hope will hereafter be issued monthly, is of very great service indeed to the agriculturists, and the great work which is being performed by the Experimental Farms under the management of the hon. gentleman I have referred to must eventually be of inestimable value to the people of the Dominion. The information given by that Department to the farmers in general—the instruction, advice and counsel that they are receiving almost daily from that Department—must be of great service to them, not only in the management of their farms and the cultivation of their land, but in the promotion of fruit culture and dairying, which has been attended in this country with success to a very marked degree. Then there is the very great convenience of testing seeds for the farmers throughout the length and breadth of the Dominion, the introduction and supplying of new seeds of all kinds, and the inducement to farmers from all parts of the Dominion to correspond with the Director of the Experimental Farms, so that they may participate in the scientific knowledge which that gentleman

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is enabled to impart. All this must eventually be of great service to the people of Canada.

Second to the agricultural interests of the Dominion, I look upon the mines of our country as being, perhaps, almost equal, if not fully equal in importance to agriculture. I believe that we have gold and silver to a large extent in this Dominion, and, what is of still greater importance, we have iron, nickel and coal in vast quantities. These, in my opinion, will be, and I hope in the near future, fully developed, not only for the purpose of exporting the ore that is taken from these mines to foreign countries, but that we may ourselves manufacture them in our own country, and that they may be made more valuable by the labour our own people will bestow upon them. It is said that the man who makes two blades of grass grow where only one grew before is a public benefactor. The same may be said of our minerals. The ore from the mines when manufactured into useful articles of commerce and trade will become a very great source of wealth to this country, just as the wealth of Great Britain has been promoted from her mines, and the manufacture of the ores that are taken from them into useful articles, and I hope we shall ere long find on the rivers of this Dominion second Clydes, where iron ships may be built to compete with those of other countries. To do this, in my opinion it is necessary to instil into the minds of capitalists confidence in our political and our monetary institutions, that they may feel safe in making investments to develop those mines, and to manufacture those ores into useful articles of commerce.

We are also advised by the Government of this Dominion that negotiations are pending with the United States for the promotion of reciprocity between the Dominion and that country. It is very desirable and necessary that the questions which are referred to in the Speech of His Excellency should be amicably settled between these two great nations. I believe there are many articles of commerce that we might wisely exchange, articles produced in the Dominion, for those produced in the United States. I am aware that in an address of this kind I should not discuss the political questions of the day from a party standpoint, and I think that we may feel safe in referring the dis-

cussion of this question to the Government who controls the destinies of the country for the time being, and that the commissioners who may be appointed to negotiate the treaty which is proposed will be better able to negotiate for the interests of the Dominion than if they were handicapped by too much discussion of the question in the present Parliament.

As a proof of the sincerity of the Dominion of Canada, and of the desire and anxiety of the Government to form a satisfactory treaty with the United States, it is proposed to settle all the other questions that are now in dispute between the two countries—that is, the trouble with reference to the Behring Sea question, our fishing industries, the coasting trade, and all other important questions that are now agitating the two countries; and in proof of the sincerity of the present Government they are proposing to us to re-enact the *modus vivendi*, the provisions of which do not provide by any means a fair compensation for the privileges granted to the United States, but is a proof that we are desirous of entering into a fair negotiation with our neighbours. I take it that the people of the United States are not desirous of taking any undue advantage of the people of the Dominion. I take it that they are as willing that we should have fair play in the negotiations as we are. When the two countries meet each other on these conditions I think there is no doubt that a reasonable treaty can be framed between them.

It is quite satisfactory to be told by His Excellency the Governor General that our cattle trade is not likely to be seriously interfered with by the proposed legislation of Great Britain, as suggested some time ago. That shows, to my mind, as I think it must show to hon. gentlemen, that in matters of trade and commerce theory may be all very well, but it is absolutely necessary that the man who has a practical knowledge of the business in hand should be consulted on matters of this kind. Gentlemen engaged in the export of cattle must, for their own advantage and for their own benefit, see that there is sufficient care taken of the cattle going across the Atlantic; and they have no doubt done so, and have satisfied those interested in this matter that such is being done by the exporters of cattle in the Dominion. I will not say much with reference to the

legislation to come before Parliament on the present occasion; I have not had sufficient time to look into these matters to express an opinion on them, but I am sure that hon. gentlemen of this Senate will take every measure suggested by the Government, or by individual members, into serious consideration, and pass such laws as they believe to be in the best interests of the Dominion of Canada. I may say, in connection with this question, I am proud of the judiciary of the Dominion of Canada. We have a court and judges who are above suspicion. We never hear a breath of suspicion with reference to bribery or corruption in connection with the courts of our country, and I hope it will long remain so. In this large and extended country, inhabited by a sparse population, I have never yet heard, within my recollection, of an attempt at lynch law that is so prevalent in some other countries. Our judges, our courts and our laws command the confidence of the people; they are satisfied to be judged according to those laws and by our judiciary, and I trust that the past history of Canada in this respect will be continued in the future. It is satisfactory to us to be told that the revenue for the past year has been sufficient, and more than sufficient, to cover the expenditure. It indicates a certain amount of prosperity throughout the length and breadth of the Dominion. Although it is not competent for this House to have much to do with the finances of the country, it must be gratifying to all of us to know that this is the fact. In closing, I think we can all join in the prayer of His Excellency in the last paragraph of his Speech, when he says:—

I pray that in the consideration of these matters, and in the performance of all the labours which will devolve on you, your deliberations may be Divinely aided, and that your wisdom and patriotism may enlarge the prosperity of the Dominion, and promote in every way the well-being of its people.

It would be well for us to consider the importance of the position that we occupy in the councils of our country, and to remember that we are called upon here to decide to a very large extent upon the measures on which depends the future prosperity of Canada. On the decision of those who represent the people here will largely depend the success of the country, and it becomes us at all times to seek

Divine aid in the consideration of important public question. With these remarks, I have much pleasure in seconding the motion of my hon. friend.

HON. MR. SCOTT—Before the motion is adopted, it is usual to make a few observations from this side of the House. Before I proceed to make any comments on the Speech from the Throne, I wish to offer my compliments to the hon. mover and seconder of the Address for the very able manner in which they have performed their task. Both hon. gentlemen prefaced their remarks to this Chamber with the very modest assurance that they were quite unaccustomed to be placed in such an important position. I felt, as my hon. friend opposite (Mr. Tassé) proceeded with his very eloquent speech, that the apology was quite unnecessary. It is evident that he has been in the habit of addressing other assemblies than the one in which he is to-day. We know very well that he sat in another place for some years, and while there was distinguished for the very able speeches that he made on many occasions. As the hon. gentleman proceeded I thought, however, that the most entertaining parts of his speech were those that did not refer to anything in the Address. In fact, at one time I thought he had picked up the wrong notes, because I had heard from the platform recently sentiments very similar to those expressed by him to-day, and I thought it was quite out of the ordinary usage in moving the Address. It is very singular, too, although both gentlemen were fulsome in lauding the Government and speaking of the success of the Administration, that both of them hail from Provinces where those sentiments are not in accord with the views of the people as expressed in the recent election. A majority of the delegates of the people recently elected in Quebec and Prince Edward Island entertained very different opinions from those to which we have listened here to-day. I heartily concur in one part of the address of the hon. gentleman who moved the answer to the Speech. I refer to his congratulations, and the congratulations of this House, which he offered to you, Mr. Speaker, on your elevation to the Chair of the Senate. We all share in his belief that you will fill that position with honour and dignity. It is quite true, sir, that you are not an old parlia-

mentarian, and it is with regret that I say that at first you failed to take that interest which we would all like you to manifest in the proceedings of the House; but a time came when, through the illness of the leader of the House, it became your duty to lead this Chamber, and we all felt that you did so with tact and ability, and earned for yourself the consideration of the House in the discharge of that duty. But whilst speaking on this subject of a change in the Chair of the House, I do not think it would be quite proper that we should pass from it without my reminding the Senate that up to yesterday the gentleman who filled that position for the last four years had done so with marked ability and satisfaction to this Chamber. That gentleman was remarkable for calm judgment, and his suavity of manner could not be excelled. At all times his decisions on points of order which arose on questions from time to time gave the greatest satisfaction. It is quite fitting, on the present occasion, that we should express to that gentleman our entire approval of the manner in which he discharged his duties. We are very prone to talk about English precedents: in some things it would be very much better if we followed them more closely than we do. In England, when gentlemen are found to fill the Chair satisfactorily, a change in the Speakership, even in the popular branch, does not take place with a change of Government, and in the Upper Chamber the same rule is followed. Here, political exigencies take a man out of the Chair when, by his industry and ability, he has fitted himself to discharge the duties with satisfaction to himself and to the House. My hon. friend on my right (Mr. Miller) is an illustration of the disadvantage of our practice. Such changes are not in harmony with that British practice which we are so fond of invoking. Having said so much, I come to the Speech from the Throne. I confess—and it is the popular opinion—that it is not only a very barren and meagre speech, but it is scarcely such an Address as a statesman would wish to put in the mouth of His Excellency. It starts with a reference to a change in the trade relations with the country to the south of us, and here one is forcibly reminded of the causes which have brought this new Parliament together. When we separated last spring no one had the

slightest intimation that an election was to take place. On the contrary, assurances were given in another place that until the new electoral lists were prepared no dissolution should take place; yet suddenly, in the month of January or the beginning of February, the announcement went forth to the country that it became necessary to summon a new Parliament—that the House which had only been sitting four sessions had become moribund, and that its members were not fitted to discuss the great and important question of our trade relations with the United States. I was very much amused by the remark of my hon. friend from Prince Edward Island, that Parliament, in his opinion, was not at all adapted to discussing such a question. He felt disposed to leave it to commissioners, and he thought it would only embarrass the matter if Parliament discussed it. One has only to compare the announcement of the Government on the dissolution of Parliament with the Speech from the Throne to see what entertaining literature it is: it will be extremely amusing to the future historian of the country. When the Government dissolved Parliament they said that the people would naturally wish to know why an appeal was made to the country. Then they went on to say that the Dominion Government had, through Her Majesty's Government, made a proposal to negotiate with the United States, and it became necessary to consult the people afresh. It is really entertaining to go back and read a statement of that kind when we know how absurd the proposition was, and that the Government had not the slightest knowledge that the Congress of the United States were prepared to enter into any negotiations. On the contrary, did not all our debates last year turn on that important question, and were we not told, from the standpoint of the Government and their supporters, that it was impossible to establish any trade relations with our neighbours? Was not the motion made over and over again in another place for closer trade relations with the United States and voted down; and accompanied with that were not the declarations of the leading members, not alone of the Government, but of their supporters all over the country, that it was not desirable to have trade relations with the United States, that such relations as the United

States were prepared to offer were impossible, that it would disturb the National Policy—that it would be inconsistent with the policy adopted in 1878? That was the position of things, and we know very well that so late as last Session a retaliatory tariff went through Parliament. The attention of the Government was called to the fact that in view of the possibility of trade relations being entered into with the United States it was folly and madness to place high duties on important articles, and calling the attention of the United States to the fact—duties on articles that we sent to them, not that they sent to us—on barley, for instance, and on animals. Was it not talked about in this Chamber, and pointed out that many articles were put in the tariff list that we did not import—articles that we sold to our neighbours—in order to deceive the farmer and make him believe that he was protected? What was the consequence? It was just as we predicted. It was announced in this Chamber that the effect would be to induce those behind the McKinley Bill to put those very articles in their tariff at a high rate. And they did so, and though there has been some squealing, we got exactly what we deserved and what it was predicted we would get. When we commence a war of tariffs with a people twelve times our number we must reap the consequences of our folly. That warning was uttered, but it was not listened to. We were told that we were independent of the United States, and did not want their market, that it was more profitable to trade with Hayti, Jamaica and the West Indies, to cross the Pacific and the Atlantic Oceans to look for markets and to keep away from the best market in the world. That was the consequence? They hit us, and they hit us hard. It is no secret: it has been discussed all over the country. The Government knew very well that the people were beginning to understand the question better. Before that they did not understand what a tariff meant, but they now understand that it means a taxation, that it means collecting so much more from the people, and that the higher you have your tariff the more you collect from the tax-payers; so the Government wanted to snatch a verdict; and, in my judgment at all events, by, I won't say a trick, but what was an exceedingly unstatesmanlike act and a

very improper act, they announced to the world that negotiations were on foot between them and the United States when there were no negotiations whatever. We have the State papers now. We know that in December they laid the foundation of their proceedings by addressing a letter to the Colonial Secretary, telling him that they were anxious to frame a treaty with the United States, and they named some seven articles which are mentioned in the State paper. Some correspondence passed, but nothing whatever that led up to the announcement made by the Government to the people of this country, nothing to warrant the statement made that negotiations were in progress. The thing was wholly unjustified and unwarranted, and when in a few years more it comes to be written up it will in no degree reflect credit on the gentlemen who, for the time, represented this country. We know very well that the United States Government, through their Secretary of State, denied that any such negotiations were on foot. Mr. Blaine was addressed by Mr. Baker, a member of Congress, and asked whether it was true that the official announcement made by the Government of Canada had any possible justification when a new tariff was being framed. He most positively denied the statement, and said there was no intention of the kind; and he went further, and said that no treaty with Canada would be possible unless it included manufactures as well as agricultural products. We know what followed. The Government of this country, and their supporters all over Canada, proclaimed in the rural constituencies that their policy was to have a market for the farmers; and their policy in the cities and towns, where manufactures existed, was that the National Policy would not be disturbed. That cannot be denied; the speeches are on record, and can be turned up at any time. There they remain, showing the utter inconsistency of the Administration on this important question. Did they treat the Government of the United States and the statesmen of that country with anything like the ordinary courtesy that is usually extended from the public men of one country to the public men of another? They did not. I say it with regret and sorrow. The remarks made about Mr. Blaine and other gentlemen in the United States in the discussion which arose out of this

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treaty question were anything but proper and fitting to be spoken by gentlemen who represent so important a country as Canada. Our interest is to maintain the warmest friendship we can with the people to the south of us. They are much the same as ourselves. One-fifth of our population is now on the other side of the line. We have large interests there, and we share with them, to some extent, their prosperity; because in the past, as every one knows, our greatest trade has been with them. Our trade with the United States the year before last was equal to our trade with all the rest of the world put together, and therefore it was idle for any of our public men to criticise and comment in the manner they did on the motives and conduct of the statesmen of that country. We knew then, and we know very well now, the terms on which we can obtain a treaty with the United States, but it is by the sacrifice of the National Policy. If hon. gentlemen are prepared to come to their senses and admit the National Policy is a failure, we can make a treaty with the United States; but so long as the manufacturers of Canada have to be protected, or the views of the comparatively small number who derive a benefit from the fiscal policy of the country prevail, so long will it be impossible to effect a treaty with the nation to the south of us. So long as the people of Canada do not comprehend what the meaning of the word tariff is, so long will we be held in our present position. Fortunately, the education of the people is going on rapidly, and will be more rapid in the future. They are beginning to understand that tariff means not merely the payment of an increased revenue, but the incidental increase in the price of articles required by the masses, for the benefit of some special manufacturer who has operated under the tariff of the country. That education, I say, is going on rapidly from day to day, and unless the Government of this country recognizes the position, and is prepared to make a treaty in which the whole of the people will have a fair share, it will be absolutely absurd to discuss the probability or possibility of effecting anything at Washington. I need not advert here to the humiliating position occupied by the representatives of Canada when they visited Washington recently. They announced that they were going there last January, three months ago.

One would suppose that they were quite prepared, and understood the situation before placing themselves in an embarrassing position. They went to Washington prepared to remain some weeks or months to discuss the question, and they were simply told that the Government of the United States and Mr. Blaine were not prepared to discuss the matter with them at that time, and they returned home by the afternoon train. It is quite unusual that that sort of discourtesy is shown, and it is to be regretted that the Government of this country placed itself in that humiliating position, and brought upon itself, I will not say the contempt, but the reflection that resulted from their trip to Washington. It is preposterous to say that it will suit the convenience of the Government of the United States to discuss the question six months hence. It forcibly reminds us of the motion which is usually made when we wish to get rid of any objectionable matter: we move the six months' hoist; and so Mr. Blaine moved that the consideration of this question be postponed for six months, to October. The excuse was given that Mr. Harrison wanted to take part in it. It was rather singular that Sir Charles Tupper did not know that. He had been at Washington only a few days before, and it was announced that he had made everything satisfactory there, and the Government of Canada, or their representatives, would be received and negotiations informally entered upon. We found, however, that that was not the fact, and that the Government of the United States was absolutely unwilling to discuss it even in the most informal manner. The excuse was given that the President was going away; but he did not go for a week after that, and it would not have occupied a whole week had he chosen to discuss the question. I say it was extremely unfortunate, the announcement of the cause of dissolution and the course of the Government in connection with the whole question. It was exceedingly unfortunate and ill-timed, and it evidently, to my mind at all events, showed a want of judgment and of sound discretion somewhere. The United States put itself on record as to what it was willing to do. What was known as Hitt's resolution had been introduced in Congress two successive years. We knew what that meant: that they were prepared to discuss this

question on the broad basis of unrestricted reciprocity; but the very mention of that was sufficient to at once bring down on the men of this country who supported it the opprobrium of being annexationists, traitors, men who were untrue to their country. That was the cry, not alone in the press, but on the platform, and by, I am sorry to say, the present Government, who denounced one-half of this country as traitors because they believed in the wisdom of better trade relations with the United States. Is there a statesman in England that would not coincide with the view that our trade relations would be improved? Has a single public man in Great Britain declared that our loyalty, or the fealty of this country to its sovereign, would have been in any way sacrificed or compromised because we trade in manufactured goods? The Government say that it is all very well to trade in what the farm, the forest and the sea produce. Our farmers, our lumbermen, our fishermen can all trade freely, and they do not sacrifice their loyalty, but the moment you touch the manufacturer, you are a rebel and a traitor to your country. You can trade in a horse, but it is disloyal to trade in the harness or the saddle. It will be treason if we exchange such products with our neighbours. It is all very well to sell barley or hay, but it would be treason to exchange the mower or the reaper that cuts down the grass or the grain; and so, all along the line wherever manufacturers had to be protected, friends of the Administration, it was announced that it was impossible to establish trade relations with the United States, because it affected the friends of the Administration. I think it was exceedingly unfortunate that this National Policy should at all stand in the way of an improvement in our fiscal arrangements with so important a country as the United States. We can have, of course, other opportunities to discuss that question, but I could not let this first occasion pass without making some comments on the very extraordinary course taken by the Administration in dissolving the late Parliament. They declared, in fact, that it became necessary to leave this question to the people, and yet, when the people were asked to pronounce upon it, there was no policy laid down. Nobody can tell to-day what the policy of the Government was. It is the treaty of 1854 with extensions and modifications. What are



these extensions and modifications? Is it not proposterous that Parliament should be disturbed in a most unconstitutional manner—I say most unconstitutional, because until the voters' lists were revised, as the Government announced they would be, the elections should not have been held. What was the consequence of this untimely appeal to the people? Many who should have been voters last March could not vote, while people who had votes three years before were allowed to elect the representatives of the people. And who voted? Thousands came in from the United States to vote that it was disloyal to trade with the country where they earned their bread. That was the anomalous and preposterous position that things assumed. The men who are making Canada to-day had no votes. The active, vigorous young men were not on the lists, the men in the graveyard, who were personated over and over again, turned the elections. The men who came from the United States, who had long since left Canada and gone elsewhere to obtain a living came back, and, forsooth, voted that it was disloyal and unpatriotic to have trade relations with the United States, where they were living. That was the ridiculous position in which the Government placed this country by forcing on an election at so untimely a period, and when it was wholly unnecessary. Had Parliament run its due course of another session we would have had new lists that would have been fair to both parties. We should have had another year of the National Policy, and the people would have understood the position somewhat better, and we should have also had, which was an exceedingly important thing, the returns of the new census. Everybody knows that, not alone in this country, but in all countries where a census is taken at fixed periods of ten years, it is usual to re-arrange the electoral districts. It was made an excuse ten years ago to re-arrange the constituencies in this country, and what is called gerrymander them. Possibly the gerrymander had not been such a success as to induce the Government to wait another year to gerrymander the country, but it was announced that the change in the electoral divisions would be made when the census was completed; yet, on the very eve of the taking of the census Parliament was dissolved. That is another

HON. MR. SCOTT

reason why it was improper, and contrary to the usual practice in all constitutionally governed countries, to invoke the opinion of the people at so inopportune and inappropriate a time. The other paragraphs are scarcely worth commenting on. Some of them had a place in former Speeches. The paragraph in reference to our shipping indicates that we had been comparatively free from accidents in transmitting cattle. However, we are told that legislation is necessary, and one can recognize, therefore, that Mr. Plimsoll's visit to Canada has not been without effect. The measures in reference to the foreshores of the Dominion is not a very important one: it was in last year's Speech, and it is repeated here. It went a certain distance through Parliament, and it is brought in here for the purpose, no doubt, of filling up and giving a little more stuffing for the Address. The codification of the criminal law was undertaken not long ago, in 1886, when the general law was codified, and we have been making some amendments since. I think it is unwise and uncalled for, and does not accord with the encomiums of the speakers who moved and seconded the Address. I think it is exceedingly unwise that we should be constantly tinkering with the criminal law. We made a considerable number of changes last session, and it is to be regretted that we did not finish it then, and not have to re-open it now. The Government take credit to themselves for having a surplus, and they are complimented by the mover and seconder on the exhibition they make of the financial affairs of the country; but it is an easy thing to get a surplus. If you choose to put your taxes high enough you can always have a surplus. This Government is spending from ten to twelve millions more than its predecessors spent, and it has a surplus, but it is because the people have to pay higher taxes. Governments that are carried on in the interest of the people have no surpluses. They have no right to take more than is necessary for the administration of public affairs. It is not my intention to move an amendment, and I believe it is not the intention of any gentleman who shares my views to interfere with the passage of the Address. I will say, that with considerable experience of Addresses from Ministers, this certainly is the most meagre one that it has

been my good fortune to take any note of.

HON. MR. McCALLUM—I desire to make a few remarks on this question. In listening to the statements of the hon. gentleman who preceded me, I was amazed somewhat at his telling us that the policy of the Government was to give us the Reciprocity Treaty of 1854; but the hon. gentleman did not tell us what the policy of the Opposition was when recently appealing to the people of this country. We were then promised unrestricted reciprocity. Has the hon. gentleman considered where unrestricted reciprocity would lead us, or what it means? We know that we cannot get unrestricted reciprocity from the Government of the United States. They cannot give it to us. And why? Unrestricted reciprocity, of course, would be free trade with the whole world. Does any man imagine for a moment that the United States Government is going to give up a 60 per cent. tariff as against England in order to trade with Canada? Certainly not. They would give us commercial union. When the hon. gentleman's friends in this country go over to the United States and endeavour to induce the Legislature at Washington to punish Canada and strike her in a vital part, they are told by American politicians: "We will give you commercial union," but when the Opposition come here they preach unrestricted reciprocity. Now, let us see what commercial union means. Are we going to be governed from the United States here in the making of our tariff? Certainly not. What chance would we have with their sixty-five millions of people? I say, standing here as a thoroughly loyal Canadian, rather than go into that arrangement, bad as it would be, I would prefer to see the country go into annexation; because I, being Scotch, would have one chance—I would not be obliged to go in. I am surprised at the people who have supported unrestricted reciprocity. I call it unrestricted fraud. What does the hon. gentleman's former leader say about it? He says that his friends are sailing under false colours on that question.

HON. MR. McINNIS (B.C.)—What does he say about the policy of the Government?

HON. MR. McCALLUM—He says this, that the people of the country were brought face to face with it too soon; that he ought to have been given time to consult the people of West Durham. The people of West Durham gave him four years to consider it, and anyone can, reading his manifesto, see how he slobbered over the people of West Durham. They did not tell him to go. I am sorry to have it to say that the hon. gentleman did go, for every public man in this country must have had stock in that gentleman. We looked for a great future for him, but we see him slobbering over the people of West Durham, saying he must leave them; but he does not forget to tell them that his party are sailing under false colours. The hon. gentleman from Ottawa tells us today about the treaty of 1854. I am one of those who do not think that the treaty of 1854 would do us much good, though there is no doubt that part of the time under that treaty the country prospered. During the early part of it we had the Russian war, and wheat was selling in this country for \$2.50 a bushel. Then, when we come down to 1857, we can all remember the depressed condition of this country. During the latter end of the treaty the Americans had each other by the throat, and they had to have our produce, and again we prospered. Now they tell us: "We will give you a market of sixty-five millions of people to consume your products;" but they do not say anything about the productions of that sixty-five millions of people. If we look at the American Trade and Navigation Returns we will see that that market is full to overflowing. You will see that, for the last year we have got the returns, they sent one hundred and seventy-three million dollars worth of provisions alone to Great Britain, and they compete in the same markets with the Canadian in the produce of his farm all over the world. They tell you of their market of sixty-five millions of people, but they do not tell you of the eight millions of negroes, and all that these negroes do is to raise corn and pork to feed themselves, and raise negroes all the time. I must say, while on this question, that I had some fault to find with the Government for springing this election on the country. I wanted a little more time to let the people consider how the country stood. The Opposition, however, cannot complain it was a snap judgment on the

same ground, for they had been before the people for years with their policy, expounding it from Dan to Beershebah. It has not been a question of party with me; it has been a question of country. Are we going to give up all that we have to our neighbours? The policy of the Opposition is nothing but pure annexation, because we would allow the Americans to make our tariff—and that will be the result of it. I am not in favour of unrestricted reciprocity, because it is impracticable. What they will give us is this: they will give us reciprocity with Canada and a prohibitory tariff against the world, the mother country included. That is what those gentlemen would give us, and as soon as the people of this country find out what it all means they will have a different feeling towards such a policy. The Government are accused of being insincere in their expressed desire to obtain reciprocity. I am one who does not believe in reciprocity. There are, however, many other questions pending between the two countries, and for the sake of peace I am willing that we should have reciprocity; at the same time, I do not believe it will be of any great benefit to the people of Canada, for our neighbours produce the same kind of articles that we do, and we are not going to have much advantage in their markets. The Opposition should be ashamed of their record. They accuse the Government of wanting to give away everything, and they preach through the country that the people are ruined because they have lost the American market for eggs. We have five millions of people, and we export \$2,000,000 worth of eggs. Eggs are cheap food at a shilling a dozen, and the Opposition want us to forego our allegiance to our flag and become Americans rather than eat three dozen and four eggs apiece. They want us to give away our country to the Americans to get a chance to sell three dozen and four eggs each!! During the election they went so far as to try and delude the people along the Niagara River and in Essex by saying that if Mr. McGregor and Mr. Germain were elected free trade would follow next day between the United States and Canada. I merely rose on this occasion because of the assurance of my hon. friend opposite in finding fault with the Government because they did not wait and gerrymander the constituencies before the election. If they had

waited and gerrymandered, the Opposition would have had good ground for finding fault. I must admit that I was very much annoyed with the Government for bringing on the elections so suddenly as they did. They ought to have given us a chance, because it was a snap judgment, though the more it is discussed the worse it will turn out for the Opposition.

The motion was agreed to.

The Senate adjourned at 4:40 p. m.

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## THE SENATE.

*Ottawa, Monday, 4th May, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### A PROPOSED ADJOURNMENT.

HON. MR. ABBOTT gave notice that he will move on Wednesday next that when the House adjourns it stand adjourned until the following Friday.

HON. MR. DEVER suggested that if there was to be an adjournment at all it should be for at least a fortnight.

HON. MR. ABBOTT said he was in the hands of the House, and if it would suit the convenience of the majority he had no objections to a longer adjournment.

HON. MR. O'DONOHUE thought the adjournment should be at least until the Monday following.

HON. MR. VIDAL—It would be better to discuss the question when it comes before the House next Wednesday.

HON. MR. McINNES (B.C.) moved an amendment to extend the time.

HON. MR. MILLER—We have no notice beyond next Friday, and I do not think you can move an amendment to increase the time; you may curtail it. The regular way is to give another notice.

HON. MR. OGILVIE—If we are to have an adjournment we should have one long

enough to enable those members who live at some distance from the Capital to go to their homes and return again, and I would suggest that instead of adjourning until Monday next it would be better to adjourn until the 19th instant.

HON. MR. ABBOTT—In order to avoid any technical objection on Wednesday, would it not be better for my hon. friend to give notice of a motion for a longer adjournment? I do not make this motion with any desire to press it on the House or to use the influence of the Government to carry it. I want to elicit the opinion of the House, and if the hon. gentleman will name a later day the whole question will come up on Wednesday, and if a longer adjournment is desired the House will so determine.

HON. MR. MILLER—I am opposed to any adjournment. We are called here at a late season of the year, and with the understanding that we should have the business of the country placed before us as speedily as possible. But if we are to meet from day to day and merely hear the Chaplain read the prayers and then separate, and if it would be a convenience to members to get to their homes for a few days, I am not disposed to throw any obstacle in the way. My object in rising just now was to suggest the course proposed by the leader of the House, if any hon. member desires a longer adjournment than the one that has been proposed.

HON. MR. OGILVIE—I think the adjournment should be from Wednesday next until Tuesday, the 19th inst., at 8:30 p.m. Such an adjournment would not interfere with the public business, and we need not have any further adjournment.

HON. MR. KAULBACH—Although the discussion is quite irregular, I wish to express my objection to any adjournment. It will have the effect of protracting the business of the House. Certainly it will interfere with the progress of the divorce bills; they will be delayed in their preliminary stages if we adjourn now. I have always been opposed to those adjournments. I believe that by remaining here we accelerate the progress of business. The Government know that we are here

ready to attend to their measures, when they bring them to us. It is not in the public interest or in the interest of good legislation that we should have so many adjournments as are applied for every session.

HON. MR. VIDAL—We are making a mistake in permitting discussions to arise on questions which are not before the House. It is quite out of order to debate a question on a notice of motion. The intention of giving notice is to enable members to consider questions before debating them.

HON. MR. McCLELAN—I do not think there is any irregularity in the discussion; the leader of the House wished to elicit the views of members. I quite agree with the remarks of the hon. member for St. John, that if we are to have an adjournment at all it should be long enough to enable those who live at a distance from the Capital to visit their homes. I have no objection to the adjournment on the understanding, as stated by the hon. member from Alma, that when we return we remain here until the public business is finished.

HON. MR. DEVER gave notice that he will on Wednesday next move that when the House adjourns it stand adjourned until Wednesday, the 20th instant, at 8:30 p.m.

#### SENATOR ALEXANDER'S SEAT.

##### MOTION.

THE SPEAKER read a communication from the Clerk setting forth that the Hon. George Alexander had for two Sessions been absent from his place in the House.

HON. MR. ABBOTT moved that the report of the Clerk be referred to the Committee appointed to consider the Orders and Customs of this House and the Privileges of Parliament, the Committee to meet at a quarter to three in the Senate Chamber to-morrow.

HON. MR. SCOTT—I do not remember at this moment the course adopted on a former occasion—

HON. MR. ABBOTT—It is the same.

HON. MR. SCOTT—I was under the impression that some notice was given to the member whose seat was attacked.

HON. MR. MILLER—Of course.

HON. MR. SCOTT—That was always given previous to any action being taken.

HON. MR. ABBOTT—It does not appear in the Journals that any notice was given.

HON. MR. SCOTT—I am quite sure that we have no such peremptory proceeding as that—only twenty-four hours notice.

HON. MR. MILLER—The last case we had before us was that of the late Hon. Mr. Dickson. In that instance and in all previous cases, notice was given to the party of the intention of the House to proceed to adjudicate upon the supposed vacancy. It is true that we have the return of the Clerk that Mr. Alexander has not been in his place in Parliament within the last two sessions, but he may have been in Ottawa during last session, unwell and unable to attend to his duties, or he may have attended meetings of some of the Committees of this House, in either of which cases his seat has not been forfeited. It is usual to give notice to a member that the question of the vacancy of his seat is to be considered by the Committee on Privileges, before any final action is taken by the House. I do not suppose for a moment that the House would vacate the seat of an hon. member without giving him the opportunity of showing that he had not actually forfeited his right to sit here. It has not been done hitherto where any doubt existed, and I do not think we should take a new course now.

HON. MR. BOTSFORD—I think that the rule on which the Clerk has acted was not in existence at the time the seat of the Hon. Mr. Dickson was declared vacant.

HON. MR. MILLER—The rule has nothing to do with the point of procedure.

HON. MR. BOTSFORD—The fact is we have now a rule which was not in existence when any previous case arose. It might be advisable to give a longer time and let the Clerk notify the absent member.

HON. MR. MILLER—The rule makes

no change in the procedure of the House. The rule merely imposes on the Clerk the duty of reporting vacancies as they arise. Before the rule there was no provision existing for reporting such vacancies to the House. The constitution provides for the manner in which such vacancies shall be dealt with when they arise, but it was not the duty of anyone particularly to report to the House that a vacancy existed, and the rule was framed requiring the Clerk to report such cases to the Speaker, but the rule does not alter the procedure which has been followed in the cases already dealt with by the Senate. The first case of the kind that occurred was, I think, that of Sir Edward Kenny. I insisted then strongly that evidence be given to the House that Sir Edward Kenny's case came within the law which demanded the forfeiture of his seat, and the House agreed with me in that case. Were it not that my late lamented colleague, the Hon. Mr. Archibald, rose in his place at the time and stated that he had seen Sir Edward Kenny when on his way here and had by him been informed that he had been absent from his place in the Senate for two years, and that he knew his seat was vacant, the House would not have declared the seat vacant on that occasion. From that time the House has always required evidence that a seat has been vacated in addition to the formal document presented to the House from the Clerk.

HON. MR. ABBOTT—I am sure my hon. friend will credit me with being the last person who would desire to take advantage of any hon. member in any condition of things whatsoever. In taking this proceeding, I simply followed the procedure which appears to have been adopted in this House on two previous occasions. The first one was that to which my hon. friend has just referred—the case of the Hon. Sir Edward Kenny. The rule of the House my hon. friend is familiar with; probably no one knows its terms better than he does. The Clerk has reported that Senator Alexander has been absent from his place for two consecutive sessions. A similar report was made in the case of Sir Edward Kenny and in that of Mr. Dickson, which are the only two cases to which I have been referred. In the case of Sir Edward Kenny, it was

referred to the House the following day—the Committee on the Privileges of Parliament—and it does not appear from the Journals that any evidence whatever was taken. My hon. friend tells us from recollection that someone was called upon to speak, and did speak, and gave evidence as to the facts, and on that the resolution was passed.

HON. MR. MILLER—I think the Debates of that day will show fully what took place, and I thought it was on the Journals.

HON. MR. ABBOTT—There was nothing on the Journals, but in the case of Mr. Dickson there was something done in the Committee. There the motion was the same, the time fixed was the same, and the matter came before the Committee on Privileges on the following day.

HON. MR. SCOTT—Was no notice given to the member in either case ?

HON. MR. ABBOTT—No notice.

HON. MR. SCOTT—Then there is an omission there.

HON. MR. MILLER—In Mr. Dickson's case there was.

HON. MR. ABBOTT—In Mr. Dickson's case the report was on the 23rd of January and the motion was made to refer the matter to the Committee on Privileges the following day. On the following day the Committee met, and thereupon it was resolved that the report be taken into consideration that day fortnight, (when the Committee met) and that in the meantime Mr. Dickson be notified.

HON. MR. MILLER—Hear, hear.

HON. MR. ABBOTT—My hon. friend will see that we have not reached that stage yet.

HON. MR. MILLER—I understood that my hon. friend's intention was to take action to-morrow.

HON. MR. ABBOTT—No. We are exactly in the line of the precedents of this House. Of course, the report must be dealt with to-morrow. The Committee may order what notice they please to be

given to the absent member, and require what evidence they please, but in the meantime we have only to place it before the Committee in accordance with precedent, which we have done.

HON. MR. GOWAN. It is a question of fact whether Mr. Alexander has failed to attend in his place for two sessions ; it is a fact on which evidence may be required, and a fact of which this House may possibly have to take judicial notice. Being a fact, I think Senator Alexander should on every account be notified.

The motion was agreed to.

### MINISTERIAL CHANGES.

#### INQUIRY.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. POWER. Before the House adjourns I should like to ask the hon. leader of the Government whether he proposes to-morrow to give the House the customary explanations as to the Ministerial changes in this Chamber.

HON. MR. ABBOTT. I may tell my hon. friend that I have not considered the question, but I shall be prepared to give those explanations when properly called upon to do so.

The motion was agreed to.

The Senate adjourned at 3.45 p.m.

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### THE SENATE.

*Ottawa, Tuesday, May 5th, 1891.*

### THE COMMITTEE ON PRIVILEGES.

#### SENATOR ALEXANDER'S SEAT.

The Committee met at 2.45 p.m.; the Speaker in the Chair.

HON. MR. ABBOTT—There are two precedents having reference to a similar matter, but they are not exactly on all-fours with this one. On each of these two occasions, a member on the floor of the

House stated that to his knowledge the absent member was aware that this proceeding was about to be taken to declare his seat vacant. On those occasions the Committee recommended the House to pass a resolution declaring the seat vacant, and the House thereupon ordered that notice be given to the member and a delay to take place before pronouncing upon this recommendation. In this case, as we have no evidence of any kind, except the certificate of the Clerk, which was before the House when it referred the matter to us, I think we ought to make some inquiry into the matter and give the absent member an opportunity to be heard. For these reasons, I am disposed to move that the Committee adjourn for three weeks, and that notice be given to Mr. Alexander of the statement of the Clerk, and then the Committee can report with confidence to the House and make a recommendation which, no doubt, the House will adopt. I therefore move that the subject-matter of the reference be taken into consideration this day three weeks, and that Mr. Alexander be notified.

HON. MR. MILLER—I am doubtful whether it would not be better to follow the established precedents. I think the evidence taken in the cases referred to was a matter of surplusage, and that the report of the Committee was like a rule *nisi*, and was so treated by the House. Although, from a cursory reading of the record, it might appear not as logical as the course suggested by the leader of the House, it is really a better procedure than the form proposed by him. I will not, however, set my opinion against his if he desires to press his view. It is not at all necessary that any member of the House should make a statement that Mr. Alexander is aware that his seat is vacant. It would be quite sufficient for Mr. Alexander to know that the House intends to come to the conclusion that his seat will be declared vacant two weeks hence unless he shows some reason why it should not be declared vacant.

HON. MR. DICKEY—Speaking from a very considerable experience, I think it is desirable, in all delicate questions such as this, affecting a member's seat, to keep to the precedents which have been established. We have had two cases of this

kind in our history. Reference has been made to the circumstances of a member stating that the absent senator knew his seat was vacant, but that is only corroborative of a fact which has already been made clear to us by the certificate of the officer of the House. There is no necessity for it; it is cumulative evidence of facts which we require to know before we take any proceedings. I would like to impress on the Committee the importance of keeping to precedent, and I would remind the leader of the House that this matter was well considered and discussed on the occasions which have been already referred to. The report of this Committee is not at all final; it must be acted on by the House, and before the House will consider the report notice must be given to the absent member, so that he will have an opportunity to raise any objection, if he desires to do so, before the adoption of the report.

HON. MR. BOTSFORD—The fact that this case has been referred to a Committee of the Whole House, with the Speaker as chairman, shows that it has been submitted to us to try it and decide it, and whenever the proceedings are completed and a decision arrived at the chairman will report that to the House and the report will be taken up and dealt with by the House. But any proceedings that may be necessary to elicit the facts ought to be before this Committee, and I entirely approve of the course which has been suggested by the leader of the House. I think it is reasonable, and in accordance with the mode of proceeding in all committees that information should be sought for by the Committee.

HON. MR. SCOTT—If in this particular instance the Committee were seized of facts similar to those which were brought before the Committee on the other occasions which have been mentioned, I would at once recognize the value of those precedents; but the House had before it yesterday all the information that this Committee has to-day. This Committee does not propose to give the House any additional information. In the other cases the Committee was able to advise the House that the member not only had been absent for two sessions consecutively, but that he knew his seat was about to be

declared vacant. That information was conveyed to the Committee by an hon. senator. Therefore, the Committee reported information on which the House could proceed; yet the House was so cautious that it did not adopt the report immediately. If any member to-day will say that Mr. Alexander is aware that we are taking these proceedings, or that he recognizes the propriety of declaring his seat vacant, I am prepared to follow the precedent, but the Committee has nothing before it that the House did not know yesterday. No serious harm can arise from taking up the question at a future day.

HON. MR. POWER—I do not look at the matter in exactly the same way as the hon. gentleman from Ottawa, though in his conclusions I concur. We had before us yesterday the certificate of the Clerk of the House. While that is a very authoritative document, and one to which we should naturally give credence as strong *prima facie* evidence of the facts it contains, it is not conclusive evidence; and I presume the object of referring that certificate to the Committee on Privileges was to ascertain whether or not the facts alleged in that certificate were really facts. The Committee to-day has ascertained, I presume, from searching the Journals and otherwise, that the statements contained in the Clerk's certificate are correct, and we are in a position to so report to the House; but granting that the statements contained in the Clerk's certificate are correct, it is still possible, as suggested by the hon. member from Richmond, that the senator whose seat is proposed to be declared vacant may have been in Ottawa, or within ten miles of Ottawa, during one of the two last Sessions, and may have been prevented by illness from attending the sittings of the House. Then it is a matter of courtesy, and of justice also, to the member, that his seat should not be declared vacant until we have ascertained whether or not that is the fact. The object of giving him notice is to ascertain whether or not he was here in Ottawa ill, or within ten miles of Ottawa. Then the question is, whether the resolution moved by the hon. leader of the House is a proper one to adopt, or whether we should follow the precedent in the case of the Hon. Mr. Dickson. I think, myself, that the view

of the hon. member from Richmond is, perhaps, on the whole, the sounder one, because the Committee has, I understand, no power to order a notice to be sent. We can only report to the House; and it strikes me that the proper course for us is to report that on inquiry we find that the statements contained in the Clerk's certificate are correct, and then if we think proper we may recommend that notice should be given to the member in order to clear up any remaining doubt. Under this resolution the matter would not be settled: it would have to come back to the Committee again; and I think the better way would be to let the Committee report that, as far as we can learn from the evidence before us, the seat is actually vacant; and the Committee could report in addition, if it was thought well, that this notice ought to be given, or the House, when the report of the Committee came up, might, of its own motion, decide to give the notice. I presume it should be given by the House, the Committee having no machinery to give notice. I think, on the whole, the line indicated by the hon. member from Richmond is the proper one.

HON. MR. DICKEY—I should like to call the attention of the Committee to the proceeding that was taken as recorded. It will be seen that the course suggested by the hon. member from Halifax was that which was acted on by the Committee. The Committee did not undertake to give notice. They were merely to inquire into the facts—and what was done? The report of the Committee is here on record in the case of Mr. Dickson, in 1884, page 39 of the Journals of that year, signed by the then Speaker, who was also the chairman of the Committee, my hon. friend from Richmond. The House ordered that a notice should be given—"Ordered that the same do lie on the Table"—that is the report of the Committee. "The Hon. Sir Alexander Campbell moved, seconded by the Hon. Mr. Pelletier, that the said report be taken into consideration on this day fortnight, and that in the meantime the Hon. Mr. Dickson be notified thereof, and that a copy of the said report be transmitted to him through the mail by the Clerk of this House." That was the course. There was no such thing as the Committee giving notice to the absent member, but



it was the House that ordered the proceedings of the Committee to be transmitted to him, so that if he wished to appear he could do so. It was not finally decided until the 19th of February, some three weeks after. This shows that the Committee never undertook a task that was not assigned to them, of giving notice, but that they simply reported the facts as they were found, and the House ordered that the party be notified.

HON. MR. ROSS—I am afraid that we are splitting hairs, to some extent, on this question. I believe that motion is a very proper one. The desire of this Committee must be to put the party who has the most interest in this question in a position to state his objections, if he has any, and to furnish such proof as he may consider necessary. The only way to do that is to give him notice that at a certain date the matter will be taken up, discussed and decided upon, and that the seat will be declared vacant unless he can show that he has been in attendance one or more days during the two years. The Committee will be in a position to decide with *connaissance de cause*. Whether he appears or not, the Committee will be in a position to give a fair and proper decision on the subject. I therefore believe that this motion is the right one and that it ought to carry.

HON. MR. MILLER—The hon. gentleman does not seem to clearly comprehend that in the event of either course being adopted the proceedings followed will be exactly those indicated in the motion of the leader of the House. I desire that there should be no misapprehension on the part of hon. gentlemen with regard to that fact—that whether the precedent now upon our Journals be followed, or the motion just made by the leader of the House be adopted, in either case the same facility for contesting the final action of the House in regard to the vacating of the seat will be afforded, and, therefore, on that point, there is no room for argument or difference of opinion; but I think the House would be in a better position by following the precedent for this reason: we will have found, upon the *prima facie* case, that the seat is vacant, and will so report to the House, and recommend the House to declare so; then the House will

give an opportunity to the hon. member to come forward before the report is adopted and show that the Committee was in error and that the seat has not been vacated.

HON. MR. ROSS—Will my hon. friend be kind enough to tell me why the Committee should declare the seat vacant without having the necessary information to guide them? We do not know anything, except that his name was not entered in the books of this House during two years. As an hon. member has said already, he might be some place around here: he might be ill, even, in the city. All we know is the fact that his name does not appear in the books of the House during those two Sessions, and my hon. friend would like us to decide, on this incomplete information, that the seat is vacant. I differ from him on that point; I do not want the Committee to decide on such incomplete information. Let us give Mr. Alexander a chance to make his proof, if he has any to furnish.

HON. MR. MILLER—That is what we are all willing to do.

HON. MR. ROSS—Yes; but you want the Committee to decide that the seat is vacant, on a *prima facie* case, before you hear the evidence.

HON. MR. POWER—It is a rule *nisi*.

HON. MR. ROSS—If the Committee does make the recommendation now it does so on insufficient information, and I want the Committee, before it declares the seat vacant, to get that information, and they cannot get it, I believe, unless it is obtained from Mr. Alexander himself.

HON. MR. MILLER—I think it will present itself to every legal mind as a very logical course to report on the *prima facie* evidence now before the House, and to recommend that the seat be declared vacant. Then the hon. gentleman whose seat is in jeopardy can come in and show that he has not forfeited his seat. The position that the House will occupy is this: It will require to move no further in the matter. The report will be confirmed, as a matter of course, unless the hon. member comes in and does what is necessary to save his seat and prevent the adoption of the report

of the Committee. I think it is a logical means of arriving at a judgment. One great objection I have to the proposed course is that, having established a precedent in two cases, we should now depart from it. I think if we could adhere to the precedent in the case of Mr. Dickson it would be desirable to do so.

HON. MR. KAULBACH—I believe the course proposed by the leader of the House would be the best to adopt, only the evidence should be brought before the Committee. The Committee will probably report, with a recommendation that the party whose seat is inquired into should be notified, and then the matter can be referred to the Committee for further investigation if any evidence is given. We should recommend that the House give notice to the absent member, and then if he thinks proper to submit evidence the matter can be referred back to the Committee.

HON. MR. ALLAN—The question is just this: Is it necessary for the Committee to go behind the *prima facie* case which is laid before us by the statement of the Clerk? It seems to me we are bound to take the statement of the Clerk as it has been furnished to us, and decide upon that, and then, when that report is made to the House, ample time will be given to the hon. gentleman whose seat is affected to state whether or not he has anything to show why his seat should not be declared vacant; but I do not think, in the present stage of the case, as the hon. member from Richmond has pointed out, that we ought to go behind the *prima facie* case or ask for further evidence than that which has been furnished by the report of the Clerk.

HON. MR. ABBOTT—I am sorry that I have raised a question which has provoked so much difference of opinion in this House, but at the same time I must say the more I hear the matter discussed the more I am convinced that the proceeding which I would recommend to the Committee is the proper one. The Committee will observe that this case is not on all fours with the other two cases. In each of those cases the Committee actually took evidence as to whether or not the absent senator had notice that he was going to be proceeded against. In both

cases a member of the House arose in his place before the Committee and gave his evidence that the member who was about to lose his seat knew of the proceedings and was aware that his seat was vacant. That is one most material point in which this case bears no resemblance at all to the other two cases. In the case of Mr. Dickson what did the Committee do? They made up their minds on that evidence, and the evidence of the Clerk taken from the Journals, that the seat was vacant, and they recommended to the House "that the Hon. Walter Hamilton Dickson, one of the members of the Senate from the Province of Ontario, has failed to give his attendance, etc.; that this House, in pursuance of the 33rd section of the British North America Act, 1867, doth declare, determine and adjudge the said seat of the Hon. Walter Hamilton Dickson vacated." Did the House adopt that report? No. The House gave the Committee, as I understand it, a most distinct snub because the House refused to pass the resolution declaring the seat vacant until it had given notice to the member, in order that he might, if he had any evidence against it, come and show it; so it is plain that the Committee in this case, to my mind, stultified itself by recommending the House to pass a resolution without taking any evidence and without giving any notice (because that is the substance of it), or any delay. If the Committee had recommended that notice be given I would have considered that logical enough; but that a Committee should directly, and without taking any evidence at all, recommend the House to declare the seat vacant without having one tittle of evidence before it any more than the House had yesterday, it seems to me was illogical, especially as we find that that Committee had to obtain further information in some way as to whether or no the member had really absented himself, before the seat could be declared vacant. There is this variance between the two cases: In the one case the Committee had some evidence before it, had the declaration made by a member in his place that the senator who was to be excluded knew what was going on, and, therefore, the Committee was justified in recommending the House to pass a resolution declaring the seat vacant. But here we have no such justification; we are asked

to recommend the House to declare the seat vacant without taking any evidence and without giving the member an opportunity of saying that he really did conform himself to the law. If we follow that course we shall decide the case, in fact, without hearing the parties or taking any evidence. The hon. member from Richmond, who has had a vast deal of experience in those matters, while he would prefer that we should follow former precedents, does not desire to controvert the proceeding that we are taking—does not oppose it practically, though he is of opinion—it is very nearly a balance apparently—that it would be better for us to follow the precedents. As there does not seem to be any strong objection to the course which I suggest, and which I think would be so great an improvement on our making a declaration that the seat is vacant, I would like the Committee to adopt the motion that I have placed before them, if they are disposed to do so.

The motion was agreed to.

The Committee then adjourned.

THE SPEAKER took the Chair at 3.30 p. m.

Prayers and routine proceedings.

#### THE PROPOSED ADJOURNMENT.

##### NOTICE OF MOTION.

HON. MR. O'DONOHUE gave notice that he would, to-morrow, move that when the House adjourns to-morrow it stand adjourned till the 26th instant. He said his reason for giving this notice was, that in the interval of five days, between the 20th and the 26th, there would be only two working days.

HON. MR. KAULBACH—I think my hon. friend's motion is entirely out of order. This is not the proper time to give such a notice, nor is it proper to make comments upon it now. I am prepared to contend that all of the hon. gentleman's arguments are fallacious.

HON. MR. MILLER—There is not sufficient notice.

#### THE STANDING COMMITTEES.

##### MOTION.

HON. M. ABBOTT moved the appointment of the Standing Committees, as follows:—

##### LIBRARY.

Hon. Messrs.

ALLAN,	MACINNES,
ALMON,	(Burlington),
BAILLARGEON,	MILLER,
BELLEROSE,	MURPHY,
BOTSFORD,	ODELL,
DEBOUCHERVILLE,	POIRIER,
DRUMMOND,	POWER,
GOWAN,	SCOTT,
HAYTHORNE,	WARK,
MCCLELAN,	

a committee to assist His Honour the Speaker in the direction of the Library of Parliament, so far as the interests of this House are concerned, and to act on behalf of this House as members of a Joint Committee of both Houses on the Library.

##### PRINTING.

Hon. Messrs.

CASGRAIN,	MCKINDSEY,
DEVER,	MACFARLANE,
GIRARD,	OGLIVIE,
GOWAN,	PERLEY,
GUÉVREMONT,	PELLETIER,
HAYTHORNE,	POWER,
KAULBACH,	REED,
LOUGHEED,	VIDAL,
MCCLELAN,	WARK,

a committee to superintend the printing of this House during the present session, and be instructed to act on behalf of this House with the committee of the House of Commons as a Joint Committee of both Houses on the subject of printing.

##### BANKING AND COMMERCE.

Hon. Messrs.

ABBOTT,	MACPHERSON
ALLAN,	(Sir David Lewis),
BELLEROSE,	MILLER,
BOTSFORD,	MONTPLAISIR,
BOYD,	MURPHY,
CARLING,	ODELL,
CHAFFERS,	PAQUET,
CLEMOW,	PRICE,
COCHRANE,	PROWSE,
DRUMMOND,	REID (Cariboo),
LEWIN,	ROBITAILLE,

LOUGHEED, ROSS,  
 MASSON, SANFORD,  
 MCCALLUM, SMITH,  
 McMILLAN, SULLIVAN,  
 MACINNES (Burlington), THIBAUDEAU,  
 VIDAL,  
 WARK,

a committee on Banking and Commerce for the present session, to whom shall be referred all Bills on these subjects.

**RAILWAYS, TELEGRAPHS AND HARBOURS.**

Hon. Messrs.

ABBOTT, MACDONALD (B.C.),  
 ALLAN, MACINNES,  
 ALMON, (Burlington),  
 BELLEROSE, MONTGOMERY,  
 BOULTON, MILLER,  
 CARLING, MURPHY,  
 CLEWOW, O'DONOHUE,  
 COCHRANE, OGILVIE,  
 DEBOUCHERVILLE, PERLEY,  
 DICKEY, POWER,  
 DRUMMOND, PRICE,  
 GIRARD, ROBITAILLE,  
 KAULBACH, REID (Cariboo),  
 LOUGHEED, READ (Quinté),  
 MCCALLUM, SANFORD,  
 McCLELAN, SCOTT,  
 McDONALD (C.B.), SMITH,  
 McINNES (B.C.), STEVENS,  
 McKAY, SUTHERLAND,  
 MCKINDSEY, TASSÉ,  
 McMILLAN, VIDAL,

a committee on Railways, Telegraphs and Harbours for the present session, to whom shall be referred all Bills on these subjects.

**CONTINGENT ACCOUNTS.**

Hon. Messrs.

ABBOTT, McMILLAN,  
 ALLAN, MACFARLANE,  
 ARMAND, MACPHERSON,  
 BOTSFORD, (Sir David Lewis),  
 CARLING, MILLER,  
 CHAFFERS, ODELL,  
 DEBLOIS, O'DONOHUE,  
 DICKEY, OGILVIE,  
 DRUMMOND, PAQUET,  
 FLINT, PELLETIER,  
 GIRARD, PERLEY,  
 GRANT, POWER,  
 HOWLAN, PROWSE,  
 LEONARD, READ,  
 McCLELAN, ROBITAILLE,  
 McDONALD (C. B.), SANFORD,

McINNES (B. C.), SCOTT,  
 McKAY, SMITH,  
 MACINNES, STEVENS,  
 (Burlington), TASSÉ,

a committee to examine and report upon the Contingent Accounts of the Senate for the present session.

**STANDING ORDERS AND PRIVATE BILLS.**

Hon. Messrs.

ALMON, MACFARLANE,  
 ARMAND, MERNER,  
 BELLEROSE, MILLER,  
 BOLDOC, MONTGOMERY,  
 BOTSFORD, MONTPLAISIR,  
 BOULTON, MURPHY,  
 DEBLOIS, O'DONOHUE,  
 DEVER, OGILVIE,  
 FLINT, PAQUET,  
 GLASIER, PELLETIER,  
 GOWAN, POIRIER,  
 GRANT, POWER,  
 GUVREMONT, PROWSE,  
 HAYTHORNE, READ,  
 HOWLAN, REESOR,  
 LOUGHEED, ROSS,  
 MASSON, SCOTT,  
 McINNES (B. C.), STEVENS,  
 McKAY, SULLIVAN,  
 McMILLAN, SUTHERLAND,  
 MACDONALD (B.C.), TASSÉ,

a committee on Standing Orders and Private Bills, with power to examine and inquire into all such matters and things as may be referred to the said committee, to report from time to time their observations and opinions thereon, and to send for persons, papers and records.

**DEBATES.**

Hon. Messrs.

BELLEROSE, MERNER,  
 BOLDOC, MONTPLAISIR,  
 CASGRAIN, PERLEY,  
 DEBOUCHERVILLE, POWER,  
 HAYTHORNE, ROSS,  
 HOWLAN, SCOTT,  
 MASSON, THIBAUDEAU,  
 MCCALLUM, VIDAL,  
 MACFARLANE,

a committee to inquire into the best means to be adopted to obtain correct reports of the debates and proceedings of the Senate, and for the publication of the same, and to report from time to time their views to the House.

## SELECT COMMITTEE ON DIVORCE.

Hon. Messrs.

GOWAN,	MACDONALD (B. C.),
KAULBACH,	OGILVIE,
LOUGHEED,	READ,
MCCLELAN,	SUTHERLAND,
MCKINDSEY,	

HON. MR. MCCLELAN—I would request that the name of some other gentleman be substituted for mine. I have served for several years to the best of my judgment on this committee. During this session I think it probable, though I am not sure of it, that I may not be able to give my attendance for any considerable time during the session, and, for other reasons, I would beg to be relieved from serving on this committee.

HON. MR. MACDONALD (B. C.)—Before this motion is put I desire to express my own views on the present system of dealing with divorce in this country. After some experience on Divorce Committees, and in the procedure in divorce in Parliament, I have for some time felt and thought that the time has arrived when a Divorce Court in Canada, or proper tribunal for dealing with divorce cases, should be created. The present system is highly unsatisfactory, and does not always meet the ends of justice: in fact, it is often a travesty of justice. Briefly, let us look at the position of things: In the first place, divorce cases are referred to a committee of this House, sitting as a quasi-judicial body, to hear evidence and counsel for the parties. This committee, often divided in opinion, reports to this House, which may be considered with reference to such matters as a jury of 72 members. One-third of those honourable jurors are opposed, from religious training, to divorce, no matter what the justice of the case may be. For this opinion I attach no blame to them. The other two-thirds of this jury may or may not take an interest in any particular case, but I think I am justified in saying that the House is sometimes swayed one way or the other from causes apart from the evidence placed before it. In saying this much, I seek not to cast any reflection on this House. In all the shortcomings of the system, I take my full share of the blame. Then, should a Bill run the gauntlet of this House, it goes

to another jury of 215 members, removed from the influence and voice of the committee which heard the evidence and found cause for a Bill. Whether this large body of jurors find according to the evidence, or from prejudice, favour or affection, I am not going to say; but I do say that in the whole system there is great risk of a miscarriage of justice. The same difficulty which is experienced in this country was felt in England for many years. Ecclesiastical difficulties and prejudices had to be contended with and overcome, and it was not until 1850 that some progress was made by the appointment of a commission to inquire into the working of the system. The commission reported in favour of establishing a court of divorce, but it was not until 1857 that Parliament was able to carry an Act giving effect to that report. That Act is now known as 20 and 21 Victoria, cap. 85.

The procedure in divorce was more complicated in England than in Canada. There three suits had to be brought—ecclesiastical, civil and parliamentary. Here, as hon. gentlemen know, we have only the parliamentary suit and procedure. There a consolidation of three jurisdictions was necessary in framing the constitution of the court; here the matter is more simple. It is true that a large and influential body of our people is opposed to divorce in any form. Making every allowance for the religious feelings of such a body, is the State justified in not giving full and free effect to the course of justice? Divorce must needs be, and tribunals must needs be, so there can be no question as to the duty of the State in such matter to apply the most thorough, simple, inexpensive and direct means of dealing with divorce. It may be said that the present system is beneficial, on account of the cost and other causes deterring many from applying for divorce. In reply to that I would say, that divorce ought not to be a luxury for the rich—that relief should be as free to the poor as to the rich. Without any desire to shirk my duty on any of the committees of the House, I feel no satisfaction in sitting on the Divorce Committee; and if the hon. Minister who leads the House could substitute some other name for mine I would be as well pleased.

HON. MR. SMITH moved that the name

of Mr. McKay be substituted for that of Mr. McClelan on the committee.

HON. MR. KAULBACH—Much as I may agree with my hon. friend from British Columbia in the remarks he has made, I think this is not an opportune occasion to discuss the large question which he has raised. I rise more particularly to speak of the *personnel* of the committee. On a matter of such grave character as this, affecting the sacred tie of marriage, I consider that the committee should be selected apart from provincialism altogether. We should have the very best qualified minds in the House, regardless of what locality they may come from. I have been a member of Divorce Committees in this House for a number of years—I believe ever since I first had a seat here some twenty years ago—and there was a member of the Senate, who was most conspicuous on all the committees, in whom I placed the greatest confidence—I refer to the hon. member from Amherst. His impartiality, his knowledge and his courtesy were always remarkable, and on the committee conspicuously so. I much regret that his name does not appear on this committee, and I do not believe that it will be as good a committee as it would be if his name were included. In dealing with the important matters which are to come before us I would much prefer that I should be taken off that committee and my hon. friend from Amherst placed on it. I consider that without him on the committee the same confidence cannot be placed in its reports that there would be if he were a member of it. I do not make an objection to any individual member of the committee, but feeling, as I strongly do, that my hon. friend's name should be added, I should certainly make a place for him if my name on it would have the effect of preventing him having a place on the committee.

HON. MR. DICKEY—My hon. friend has made a very kind allusion to me personally, for which I am duly grateful. I am bound to say, in justice to the Government, that my exclusion from the committee was made at my own desire. I need not go now into the reasons for the course which I took in that respect; I simply rise for the purpose of removing any impression from my hon. friend's

mind that the exclusion was in any way intended, so far as I know, to reflect upon myself. I acquit the Government of that entirely, for I took the full responsibility of asking that my name should be put off. I may be pardoned for adverting for a moment to the remarks made by my hon. friend from British Columbia. Last session I placed my convictions on that subject on record. I went so far as to state that unless something was done about it during the present session I should feel it my duty to suggest that we bring in a measure for the purpose of carrying out the views of my hon. friend from British Columbia, with which I fully sympathize; but I feel on the present occasion that, without reflecting on my hon. friend for the course he has taken, it would be, perhaps, premature on my part to take the present occasion to express my views. A discussion would come more properly and appropriately in the form of a substantive motion, so as to command the proper consideration of the House. At the same time, I think my hon. friend's remarks are entitled to careful consideration by the leader of the Government and by this House. I therefore will not enter into the subject at all, and for this additional reason, that during the present session, at all events, we must act under the system that we have, and that any measure that may be passed must necessarily be prospective. Under those circumstances, any remarks of mine would be, perhaps, out of place—at all events, they would be unnecessary. It will be quite time to give my views on the subject when it comes properly before us. In any legislation of this kind, which would impose a charge, possibly, upon the revenue of the country, I think it is quite right that the measure should be initiated by the Government. For those reasons, I am not prepared to say anything further on the subject now.

HON. MR. SUTHERLAND—I wish to express my sympathy with the views of my hon. friend from British Columbia. I have sat on Divorce Committees for some fifteen or sixteen years. I have no reflections to cast on my colleagues in those committees; I think they did their duty faithfully, but I concur in the opinion that there should be some other tribunal to deal with divorce, for the simple reason that it is no easy matter for people who live 800 or

1,000 miles from the capital to seek relief. A poor man cannot think of applying for a divorce. It may be said that the object in maintaining the present system is to make divorce difficult. That is all very well; but, as my hon. friend has said, it may lead to something worse. I do not believe in a law which favours the rich man and denies a poor man justice. I have no desire to prolong this discussion now, because I do not suppose that anything effectual will result from it.

HON. MR. POWER—It may be perhaps a little objectionable to lengthen this discussion, but as it is on a very important matter, and as no less than three hon. gentlemen have placed their views on record on one side of the question, it might be as well that at least a few words should be said on the other side. The hon. member from Victoria, who brought the matter before the House, appeared to base his argument chiefly on the precedent afforded by England—that England had had a system of parliamentary divorce such as we have, and that system had given way to a regular divorce court. Perhaps the case of England tends in an altogether different direction from what the hon. gentleman supposed. I am convinced that, if the British Parliament, in 1857, had anticipated the results which have flowed from the establishment of a divorce court, it is highly probable that the change would not have been made. The divorce court in England is one of the greatest scandals of British life to-day; and my conviction is, that if the best men in the Imperial Parliament could go back to the system which existed before 1857 they would be only too happy to do so. I do not think the British precedent goes for very much. Then, the hon. member from Selkirk said that one great objection to our present system was, it gave the rich man an advantage over the poor man. As a matter of fact, we have had cases where the parties have applied in *formâ pauperis* and have not been obliged to pay. Of course that is a rather unusual thing. Two of the hon. gentlemen I think reflected somewhat upon the decisions of our parliamentary court. My own impression is, that although sometimes our proceedings were a little slow, on the whole substantial justice has been done in a great majority of the cases—quite as substantial justice as

in usually done in an ordinary court. I hope the Government, if they do take up this matter, will consider it very seriously, and reflect upon the probable effect of the change on the morals of the public, as well as on the relieving of members of this honourable House from a slight inconvenience. As a rule, we have not more than four or five cases before us each session, and they do not take up a very great deal of time. Another fact is that, inasmuch as the evidence taken before our committees is not set before the public, the same amount of mischief does not result as is wrought in cases before the divorce courts, where the proceedings are spread broadcast over the country; and any one who reads the English papers must realize how very important a matter that is.

HON. MR. ABBOTT—My hon. friend from British Columbia has raised a question before the House, the importance of which everyone must admit; but I think those who admit its importance will also recognize its extreme difficulty. It is not only that the constitution of such a tribunal would create an additional burden, because that is not to be considered if the welfare of the country demands it—but it is that a proposition to establish such a tribunal would meet with vast diversity of opinions, and opinions of the very strongest possible character. I do not propose to say at this moment in what direction my views would lie, nor do I propose to enter upon the subject at all. No doubt some hon. gentlemen who have spoken to-day will give us an opportunity during the session to discuss the subject as a substantive matter, and in that case it will be the duty of those representing the Government to express their views. In the meantime, I can only say that it is a subject which has for a long time had the consideration, not only of the Government, but no doubt of all thoughtful members of Parliament in both Houses. It is a problem of great difficulty, which will sooner or later, perhaps, have to be solved in some form. I hope it may be long before such a cause of dissension will be placed before the people of this country as that would inevitably be, but still it may be a necessity to discuss it and dispose of it, as it may be a necessity to discuss and dispose of other matters of difficulty within the country. With refer-

ence to the nomination of my hon. friend from Amherst, he has anticipated me in the reason which I would have given to my hon. friend from Nova Scotia (Mr. Kaulbach) for his not being included in this committee. It is quite unnecessary, I think, for me to say before this House that the Government and the House would undoubtedly esteem it a great advantage and benefit to the administration of justice in this committee to have the assistance of my hon. friend from Amherst. The incalculable value of his labours as chairman of the Railway Committee, the patient industry and the skill with which he has conducted for some time that committee, and the important measures which are passed upon by it, would be sufficient of themselves, without the knowledge of his conduct in the business of this House otherwise, to satisfy anyone that his presence on the committee must of necessity be of great advantage to it. I learned with extreme regret from the hon. gentleman himself that he preferred not to be placed on the committee during the present session.

HON. MR. REESOR—Under all the circumstances, while it remains the duty of the Senate to deal with cases of divorce, we ought to make it a point to have this committee as efficient as possible. I have watched the course of the committee for some years, and when my health was better I served on Divorce Committees myself, and I think there is no one in this House who has discharged his duty more equitably and with a better appreciation of the justice of the case than the hon. member from Amherst. It is a very great pity that he should decline to act on the committee, and I simply express the hope that he will reconsider his decision and will consent to act.

HON. MR. KAULBACH—Perhaps the hon. gentleman from Amherst will state his reasons for declining to be a member of the committee; they might be obviated in some way.

HON. MR. DICKEY—The hon. leader of the Government has mentioned one of the strongest reasons that induced me to take the course I did—the reason that my time is, I am sorry to say, so constantly taken up during the session with the

most important of our committees that I do not feel I have the time to devote to these divorce cases. The chairman of the Divorce Committee—and every member of the committee is equally responsible with the chairman—requires to give his consecutive and undivided attention to these cases, and not unfrequently I found the two committees to clash, so that it was very difficult to arrange matters so that the public service could be dealt with in a proper way by being a member of both committees. That is one of the strongest reasons which induced me to request that my name be omitted, and which prevents me now from acceding to the kind request of my hon. friend.

The amendment was agreed to, and the motion as amended was adopted.

The Senate adjourned at 4:40 p.m.

## THE SENATE.

*Ottawa, Wednesday, May 6th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### COMMITTEE ON CONTINGENCIES.

#### FIRST AND SECOND REPORTS.

HON. MR. READ, from the Committee on the Contingent Accounts of the Senate, presented their first and second reports, and moved, in view of the adjournment about to take place, that it be adopted forthwith.

HON. MR. DEBOUCHERVILLE asked for information about the salaries of the messengers recommended for promotion.

HON. MR. READ—There is no increase of salaries.

HON. MR. MILLER—By a special provision made last year, it was arranged that all business of this kind should be taken up at the first meeting of the committee, especially as a number of changes had to be made in the staff of the Senate, and it was desirable that these should be inau-



gured immediately upon the opening of the session. We met to-day and made a number of changes. It is true we had a number of divisions in the committee, but I think the result was acceptable to the committee unanimously after the divisions took place. I know, for my own part, I was in the minority in one case, but I cheerfully concurred in the views of the majority. Therefore, it may be said there was really a unanimous feeling on the part of the committee with regard to the finding of the report—at least, I do not know anything to the contrary. It is desirable, if we are going to have an adjournment, that it should be settled, and not left in abeyance during the long adjournment. These messengers should be in a position to discharge their duties when the House meets. Of course, it must be understood that if any member of the Senate wishes to have the matter postponed he is entitled to have its consideration deferred, but I think the circumstances would warrant the immediate adoption of the report.

HON. MR. ABBOTT—The report before the House was thoroughly considered and discussed to-day. Every question was dealt with in the most impartial and deliberate manner. Our domestic arrangements should be completed and made permanent now. The committee refrained from discussing money matters, because some of the members were not prepared to deal with that subject, and preferred to have it postponed until a future occasion. It seems to me, therefore, that there is every reason to have the report adopted at once.

The motion was agreed to.

## AN ADJOURNMENT.

### MOTION.

HON. MR. ABBOTT moved, that when the House adjourns this day it do stand adjourned until Friday, the 8th instant, at three o'clock in the afternoon.

HON. MR. DEVER moved in amendment, that the adjournment be until the 20th instant, at 8:30 in the evening. He said: I intended this as a distinct motion when I proposed it. I should like very

much if the adjournment were even longer. I have consulted many members on both sides, and I find that a longer adjournment will not be too much, and that no public business will suffer by an adjournment of three weeks. I have reason to believe that many members in this House would find an adjournment of two or three weeks of great service.

HON. MR. O'DONOHUE—In giving notice yesterday of the motion which appears on the Paper, I was quite satisfied that it might be, perhaps, too short in point of time, but considering that the other motions had only been put on the Paper the day before, I could give notice of mine no earlier, and I felt that the rule might be relaxed, with the consent of the House, and the notice be held to be good. I do not believe that the notice was exactly right, according to our rules; but I now move, as an amendment to the amendment, that the words "Wednesday, the 20th instant," be struck out, and "Thursday, the 26th instant," substituted therefor.

HON. MR. McINNES (B.C.)—I should like to have the ruling of the Speaker upon this last amendment. I made a suggestion in the same direction a few days ago, and was given to understand, by the hon. gentleman from Richmond, that it was not in accordance with the rules of the House—that while an amendment to diminish the time could be moved without notice, an amendment extending the time required more than one day's notice. I am not opposing the motion of the hon. member from Toronto, but I want to know whether it is strictly in order or not. I merely seek for information on the subject.

HON. MR. MILLER—I regard motions of this character as substantive motions altogether; they are hardly amendments, strictly speaking, to each other, and as the two first motions appeared on the Paper I think they should be voted on in their order. I do not think an amendment can be moved without notice extending the time—there can be no question at all about that. The question before the House is this: A number of members do not want to adjourn at all. Of course, an adjournment over the holiday, moved by the leader of the House, is necessary, because we do not sit on those statutory

holidays ; but to a large number of hon. members a longer adjournment would be a convenience. Although I belong to the first category, if the business of the House is not to be interfered with by a longer adjournment, and it would be a convenience to many senators, I do not wish to press my own particular views and wishes on the subject against what I think very probably would be the views of the majority. The leader of the House has intimated that the public business would not be interfered with by the adjournment of a fortnight. If he is still of that opinion, I would not oppose the motion of the hon. member from St. John. In that case, perhaps the leader of the House would withdraw his motion, and allow that of the hon. member from St. John to carry. With regard to the amendment proposed by the hon. member from Toronto, I am certainly opposed to so long an extension, and if nobody raises the point of order I shall have to raise it myself—that the motion is not formal, in point of time. It requires a clear day's notice, which we do not had. The hon. gentleman says we could not have given notice any earlier ; but that is his misfortune.

HON. MR. O'DONOHUE—I think it is competent for me to move an amendment to the motion of my hon. friend from St. John extending the time. I move that as an amendment, without any regard to my notice, and if it should carry, then I shall ask the House to allow the notice I have given to drop off the Paper.

HON. MR. MILLER—I would ask the House to reflect for a moment on the position in which it would place itself by adopting the view of the hon. member from Toronto, that no notice of an amendment such as he has proposed is necessary in this House. We will suppose, for instance, that a motion such as that given by the leader of the House stands on the Paper, a motion to adjourn from to-day until Friday, and that a dozen members, quite satisfied with such an adjournment, and having no notice of any other motion in amendment, do not appear in their places here when it is discussed : they find that, in their absence, without notice, the House instead of being adjourned over the holiday, is adjourned for a month. Is the House, willing to put itself in such a posi-

tion ? It is inconsistent with our rules that such an amendment as that which has been suggested by the hon. gentleman from Toronto can be made without notice. It is inconsistent with common sense that it should be made. However, if the House chooses to place itself in that position, to be taken by surprise at any moment—if it chooses to adopt a precedent of that kind—I will submit to it, as others will have to do ; but I think it is an unfortunate position to take, and I ask the Speaker to rule on the point of order that there has not been sufficient notice of this amendment.

HON. MR. VIDAL—On what authority is the statement made that we have not the power to move an amendment of this kind without giving notice ? Is there any rule on the subject ? I am not an old member, but I have been some years in the House and I do not remember any such precedent. My impression is, that it is quite competent for an hon. gentleman to move an amendment without notice at all.

HON. MR. MILLER—Many things are done by consent which are not regular : for instance, if the hon. gentleman's amendment were adopted by consent it would be regular enough.

HON. MR. DEBOUCHERVILLE—Do I understand the hon. gentleman from Sarnia to say that it is not necessary to give notice of an amendment ?

HON. MR. VIDAL—Yes.

HON. MR. DEBOUCHERVILLE—I find in May, chapter 9, the following : " It is customary and more convenient to give notice of an amendment, but it is competent for any member to move an amendment without notice." Therefore, I do not think there is any necessity to give notice, and the hon. gentleman may move his motion as an amendment.

HON. MR. KAULBACH—The hon. gentleman from Toronto gave notice of a substantive motion : that is out of order, because the time was not sufficient. Now he withdraws from the position he took, and is putting his motion as an amendment to the amendment. I concur in the opinion of the hon. member from Richmond that it is not in order, because, instead of reduc-

ing the time it is extending it beyond the time mentioned in the notices on the Paper.

HON. MR. MILLER—I do not regard a motion of this kind, in substitution of another motion, as an amendment. I consider it a substantive motion, and I think I could get authority for that opinion if I tried. I want to call the attention of my hon. friend (Mr. DeBoucherville) to the fact that the authority he has quoted is not absolute in this House—that, in fact, it is against the practice and the rules of this House.

HON. MR. GIRARD—While I am willing to submit to the view of the majority, I am opposed to a long adjournment. I am of the opinion that an amendment such as the one proposed by the hon. member from Toronto is not in order without notice, and while it might be adopted by unanimous consent, it should be ruled out of order if any one opposed it. I regret these long adjournments. I am one of those who come a long distance to attend to my public duties. If our sittings are short, we have the more time to devote to studying the measures that are to come before us.

HON. MR. READ—I was a member of the old Legislative Council, and I have been a member of the Senate since Confederation, and ever since I have had the honour of occupying a seat in the Upper House it has been customary in the early part of the session to adjourn as we now propose to do. There is scarcely a member of this House who has not some important business to look after at home, and which he might be attending to at this period of the session when there is no business before us. For the next fortnight we could do little but meet here daily, say our prayers, present a few petitions and adjourn.

HON. MR. McCLELAN—With regard to the point of order, if my memory serves me, it has been customary in this House to amend such motions as this without notice. Every notice of motion is certainly susceptible of amendment when it comes to be discussed, and if the hon. member from Toronto had given no notice at all of his proposed amendment he would have been in as good a position to move as

though he had given two days' notice. The hon. gentleman probably thought it would be courteous to the House to give notice. I think the course he has taken is entirely consistent and proper, and if the Speaker should rule an amendment like this out of order it would be something new in this House, and would be found inconvenient in the future.

THE SPEAKER—The question now before the Chair is whether the amendment to the amendment moved by the hon. member from Toronto is in order or not, and the point raised is whether a special motion for an adjournment, presented after the notice, can be amended so as to extend the adjournment beyond the date mentioned in the motion without a previous notice being given of such amendment. The only rule of this House having reference to this matter is the 24th, which reads as follows:—

When a question is under debate, no motion is received unless to amend it; to commit it; to postpone it to a certain day; for the previous question; for reading the Orders of the Day, or for the adjournment of the Senate."

One of the hon. members has already referred to May, and objection has been taken that the opinion of the author does not apply here. If we refer to Bourinot, at page 325, which relates to motions in amendment, we find the following:—

When a motion has been regularly made by a member and proposed to the House by the Speaker, it is the right of any other member to move to amend it, in accordance with the forms sanctioned by parliamentary usage. Certain members may not be willing to adopt the question as proposed to them, and may consequently desire to modify it in various respects, or they may wish to defer it to another occasion when the House will probably be better able to deal with it. Or they may be disposed to go further than the motion, and give fuller expression to the sentiments they entertain on the question. In order to meet these different exigencies, certain forms have been established in the course of time; and now every member is in a position to place his views on record and obtain an expression of the sense or will of the House on any important question which can be properly brought before it.

Every member has the right of moving an amendment without giving notice thereof. This amendment may propose:

1. To leave out certain words;
2. To leave out certain words in order to insert or add others;
3. To insert or add certain words.

The sub-amendment seems to come within the wording of the authority I have quoted. The hon. gentleman from

Toronto has moved to leave out certain words in order to insert other words. I furthermore believe the amendment to be relevant to the question before the House. It is admitted by the hon. member who calls for the ruling of the Chair that an amendment can be made to a special motion for an adjournment, but he says it must be to shorten, and not to extend the time. I see no rule of this House which, in my opinion, would justify me in coming to that conclusion, and I find no such distinction in the works on parliamentary practice. Accordingly, I am of opinion and I rule that the sub-amendment is in order.

HON. MR. KAULBACH—My hon. friend from Belleville contends that this adjournment could be made to the 26th instant without interfering with the legislation. It is virtually an adjournment until the 27th, because we are to meet in the evening of the 26th, simply to show ourselves. None of us would feel disposed for legislation after a long journey. Therefore, we are virtually asked, shortly after the opening of the session, to adjourn for a month. My hon. friend from Toronto has not supported his motion by any argument justifying him in asking for such an adjournment. We were told last session by the leader that a large number of private Bills would be introduced in the Senate this year. My hon. friend no doubt has not the disposal of such matters; he has not the control of private Bill legislation, but I believe he has a number of measures to introduce in the Senate now, if the House should continue sitting. We were promised, at the opening of the session in the other branch, that the public business would be immediately brought down. That promise has been fulfilled. In the other House a large amount of Government legislation has been already introduced. On Tuesday next the House goes into Committee of Supply. Several private Bills have been introduced. The Government have brought in a Bill for extending the *modus vivendi*, giving the Americans a certain right in our inshore fisheries. That is a measure of very great importance, and one which should receive most careful consideration. Then we have the codification of the criminal laws and a Bill for the exercise of Admiralty jurisdiction. We have also a measure to give over to the Local Legislatures the

right to the foreshore, a matter of very great importance. There is also a measure with regard to the administration of justice, and there are other matters requiring careful and continuous attention. Will any one tell me that if we adjourn for nearly a month it will not interfere with the progress of legislation? Many of the Bills to which I have referred must pass the lower House before the end of this proposed adjournment. If we remain here we can make ourselves familiar with the proceedings in the other House, and mature our minds on the important questions to come before us, so that we can discuss them intelligently. Will my hon. friend from Toronto tell me that we are going to run over the whole of Canada for a month, and when we come back here be in a position to legislate as efficiently as if we remained at our posts?

HON. MR. O'DONOHUE—I wish to correct my hon. friend: it is only twenty days.

HON. MR. KAULBACH—It is virtually a month lost, because we have yet done nothing, except to pass the Address in reply to the Speech from the Throne. There are private Bills to be introduced in the Senate, and, I believe, Government measures also, and the leader of the Senate has not taken upon himself to assure us that the adjournment proposed by my hon. friend from Toronto will not interfere with the public business.

HON. MR. O'DONOHUE—I submit that by his silence the leader of the House has acquiesced in this adjournment. If the public business required our presence here within the time specified in my amendment he would have said so.

HON. MR. KAULBACH—The leader of the House has given notice of a motion for an adjournment over to-morrow, and he has not proposed to change it. I have no doubt he will stand by his own view. If he had thought the adjournment should be longer he would have supported the amendment of my hon. friend. There is a large amount of divorce business to come before us, and work for the committees—enough business to be attended to if we remain here to look after it. I have

always opposed these adjournments. They are simply intimations to the country that we consider ourselves a useless body. We are here to look after the public business, and we should attend to it, regardless of our own personal interests. If any hon. member wishes to go home he can do so: there is no necessity to adjourn the Senate for the convenience of private members. I contend seriously and strenuously that it is not in the interest of good legislation to adjourn for such a length of time. I therefore ask the House to vote down the proposition to adjourn for a month.

**HON. MR. SMITH**—It is exactly twelve working days.

**HON. MR. READ**—I am surprised to hear the hon. member from Lunenburg tell us that twenty days are a month. It is an indication of the value of his arguments.

**HON. MR. VIDAL**—We should have a statement from the leader of the House as to the effect which the proposed adjournment is likely to have on the public business. If he will give us information on that point it will enable us to determine what adjournment is desirable. If there was any danger that the public business would suffer or be retarded by an adjournment none of us would desire it, but we know very well that there is ample time for a considerable adjournment at the beginning of the session, and we can still keep up with the legislation from the other House. We have had such adjournments every session, and we have never found that the public business has been delayed or injured by them. I am inclined to support the adjournment proposed by the hon. member from St. John, but before making up my mind on the subject I wish to hear what the leader of the House has to say with regard to the business that is likely to come before us, and whether that business will be injuriously affected by an adjournment till the 26th instead of the 20th instant.

**HON. MR. ABBOTT**—With reference to the business which is likely to come before the House I cannot speak with any degree of positiveness; but I can say that there are several Bills now ready, of which a considerable proportion will be intro-

duced in the Senate, and may be introduced early in the coming week. There is that work, which undoubtedly we might do during the period which would be covered by this adjournment. There are also the divorce Bills, in which the first stage ought to be taken, in order to give ample time for the taking of evidence and the discussion of the matters involved in them before the prorogation of Parliament, which I hope will not be at too distant a date. The difference between the time which these two adjournments would give us, in order to do this and other business which may originate in this House incidentally—business of which there is always more or less some—the time which we will lose by the adjournment proposed by the hon. member from Toronto would be eleven sitting days. The time which we would lose by the adjournment proposed by the hon. member from St. John would be eight sitting days: there is a difference of three days between the two periods of adjournment. Now that I have told hon. gentlemen what we shall probably have before us in the course of these eleven days, they know as well as I do how far we should be retarded or impeded in the due performance of our legislative duties by the loss of this time. It would certainly retard us in our work; but I cannot say whether, after the expiry of that period, we could not regain the loss of time. I think it is probable we could, and I do not say that the result of it would be any serious injury to the business of the session, because in reality this adjournment is not so great as the adjournments of last session, and no greater than many of our adjournments have been.

**HON. MR. MILLER**—Which adjournment before the recess do you allude to?

**HON. MR. ABBOTT**—Even the longest would not be so great as the one we had last year. Of course, we had a very long session last year; I hope this session will not be so long. I have stated the facts, and it is for the House to say whether they can regain the time we are likely to lose in the probably shorter period after the termination of this adjournment that we shall have to regain it in. I must say, for myself, that I am in favour of the adjournment proposed by the hon. member from St. John. I do not think that it

would injuriously affect our business; the other might—I do not say that it would—and I would prefer the shorter of the two adjournments.

The Senate divided on the amendment to the amendment, which was agreed to by the following vote:—

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The motion as amended was agreed to.

The Senate adjourned at 4:50 p.m.

THE SENATE.

Ottawa, Tuesday, May 26th, 1891.

THE SPEAKER took the Chair at 8.30 p.m.

Prayers and routine proceedings.

NEW SENATORS.

THE SPEAKER presented to the House returns from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor General had summoned to the Senate—

GEORGE WILLIAM HOWLAN, of Charlottetown, P.E.I.

JABEZ BUNTING SNOWBALL, of Chatham, N.B.

ANDREW ARCHIBALD MACDONALD, of Charlottetown, P.E.I.

The Hon. Messrs. HOWLAN, SNOWBALL and MACDONALD were then introduced and took their seats.

SENATOR ALEXANDER'S SEAT.

MOTION.

THE SPEAKER presented to the House the second report of the Committee on the Orders and Customs of the Senate and the Privileges of Parliament.

The report was read by the Clerk, as follows:—

SENATE CHAMBER,  
TUESDAY, 26th May, 1891.

The committee appointed to consider of the Orders and Customs of this House and Privileges of Parliament, to whom was referred the report of the Clerk of the Senate in relation to the absence of the Honourable George Alexander from his seat in the Senate for two consecutive sessions of the last Parliament, beg leave to report :

That they have taken the said report into consideration, and having also referred to the Journals of the House, find that the said Honourable George Alexander, one of the members of the Senate, for the Province of Ontario, has for two consecutive sessions of the last Parliament failed to give his attendance to this House; and that, further, the Honourable George Alexander has addressed a letter to the Honourable the Senator for Inkerman, dated the twelfth May instant, and has caused the same to be transmitted to him through the Clerk of this House, in which he states his inability to attend during the last two Sessions of this House, and admits that his seat has thereby become vacant.

Your Committee recommend that the following resolution be adopted by the House:—

Resolved, That the Honourable George Alexander, one of the members of the Senate from the Province of Ontario, has for two consecutive sessions of the last Parliament of Canada failed to give his attendance in this House, and thereby vacated his seat. That this House, in pursuance of the thirty-third section of the British North America Act, 1867, doth declare, determine and adjudge the said seat of the Honourable George Alexander vacated.

The whole respectfully submitted.

A. LACOSTE,  
Chairman of the Committee.

HON. MR. ABBOTT—I perceive that this report does not state the fact indicating a precaution which the Committee of the Whole House took in order to prevent the necessity of the House taking any special action, as it has done on former occasions, in notifying the gentleman whose absence has been noted that on a certain day the question of the declaration of his seat being vacant will be taken up. I think, as it might be drawn into a precedent, it would be as well to insert in this report the fact that the sitting of the committee was adjourned in order to give the hon. gentleman an opportunity of attending, if he thought proper, and it was ordered that a notice should be sent to him of the adjournment and of the day fixed for the re-assembling of the com-

mitee. That precaution was taken by the committee, and I did not observe—none of us probably observed to-day—when the draft was laid on the Table that the fact had not been mentioned. I would, therefore, ask that this report stand until to-morrow, in order that we may consider what step to take to remove that which I consider to be a defect in the report.

HON. MR. MILLER—And give a notice of the meeting of the committee to-morrow.

HON. MR. ABBOTT—Yes. It may be necessary to move to-morrow in the House to refer the report back to the committee.

HON. MR. MILLER—I thought you meant to take that course now.

HON. MR. ABBOTT—Let the report stand over until we see in what form it should be made, and in the interval we can make up our minds, and if necessary have a meeting of the committee then.

HON. MR. DICKEY—I would suggest, to keep ourselves out of a difficulty, that we should conform to the actual state of things. The report has been made to the House and is here now, and would it not be more cognate to the other proceedings to have that report referred back?

HON. MR. ABBOTT—I propose to refer the report back—at least, that is my present intention. I therefore move that the report be taken into consideration to-morrow.

The motion was agreed to.

#### THE LATE SENATOR HAYTHORNE.

HON. MR. SCOTT—Before the House adjourns, I desire to call the attention of the Senate to the great loss it has sustained in the death of two of its old members since we last met. The gentleman who had been sitting on my right, Hon. Mr. Haythorne, met us apparently in his usual health and strength on the 29th of April, when Parliament opened, and it was a great shock to us all to learn that two days after the House adjourned Mr. Haythorne had ceased to live. He was called away very suddenly; although he had reached a good old age, still his death was not looked for, as he had been, apparently, in

excellent health at the time Parliament met. I am sure his death is a source of great regret to every gentleman who had the pleasure of his acquaintance. Senator Haythorne was a very loveable man, a gentleman of high culture, well read, and one who took a very deep interest in the affairs of this country. Esteemed and respected in the province that he had adopted as his home on coming from the mother country, he was elevated to the highest positions in Prince Edward Island, at one time occupying the position of Premier. When the Island entered the Confederation, Mr. Haythorne was called to the Senate, and during the time he sat here he day by day earned for himself the esteem and respect of all who knew him. He was a gentleman of fine parts, and one who was exceedingly conscientious in the discharge of all his duties. Though warmly allied to the Liberal party, with which he always acted, he never gave a vote that he himself did not entirely approve of, and that was not in accord with his own convictions.

The other gentleman, the hon. Senator from London, whose death we also deplore, had not for years taken as active a part in the affairs of this House as Senator Haythorne. He was one who, in his earlier years, however, was a very active politician. He enjoyed the advantage—I consider it an advantage—of having earned his position by the votes of the people, having, before Confederation, represented a large and intelligent constituency in Ontario, and was one of those gentlemen who, with my friend on my left, and a few other hon. gentlemen I see around me, was called to the Senate in 1867. He was a man much esteemed by those who knew him. Although quiet and retiring in his habits, and rarely, in recent years, taking much interest in the business of Parliament. The death of those two gentlemen is a source of very great regret to their friends, and their memories, I am quite sure, will be long held in esteem by those who had the pleasure of knowing them.

HON. MR. ABBOTT—I need hardly say that I concur heartily in the expressions of regret at the loss of those two estimable and honourable gentlemen, who have unfortunately left us during the present session. With regard to the hon. Senator

from London, since I have had the honour of a seat in the Senate I have not had frequently the opportunity of seeing him, but I was acquainted with him for many years before I came here, and I knew him to be the honourable, estimable and straightforward gentleman that my hon. friend opposite has described him.

As to Mr. Haythorne, he has been active in the arena of politics since I entered the Senate. He was opposed to my views on general politics, but I must say that I think, from my own point of view, Mr. Haythorne's death has been a very great and severe loss to this House, and I think the Senate will long miss the gentlemanly, many and impartial criticism which that hon. gentleman devoted to the measures that came before us, quite independent, in most cases, as far as I could judge, from any party or factious feeling. The extent of his information on most public matters was so great that from whatever point of view or whatever side of the House he might have spoken his utterances were of the greatest possible value in our deliberations. I may say I feel in the strongest possible degree the regret that my hon. friend has expressed for the loss this House has sustained. I hope the families of our late colleagues will learn of the sympathy which has been expressed in this Senate, and which I am sure every hon. member of this House feels, and our sense of the irreparable loss that the country has sustained in the death of those two hon. gentlemen.

HON. MR. DICKEY—I do not know that it is necessary to add anything to the expressions of regret to which we have listened, and with which I cordially agree as regards both of the hon. gentlemen whose absence from amongst us we now deplore. With regard more particularly to one of these gentlemen whose name was brought before us, Mr. Haythorne, having been so long associated with that hon. gentleman as a member of this House, and on terms of most friendly intercourse, though not always agreeing with him on public questions, I feel that I ought not to allow the occasion to pass without a word of comment. Our late friend was a man who was eminently fair minded. I think that was the particular characteristic of his course in this House. I watched it carefully, having sat so very near him that

I could not fail to observe it, and I have always been struck with the very great amount of knowledge and information that he invariably brought to the discussion of subjects which he undertook to debate in this House. In other words, to put it in a converse form—he never undertook to speak about a thing which he did not apparently well understand.

With regard to our other deceased friend, who also sat very near to me in this House for many years, I also observed the care which he took to consider well every question that came before the House; and I am quite sure that on all occasions he intended to give a fair and deliberate consideration to every measure that came before the Senate, and none of us, certainly, who act upon party considerations occasionally, have any reason to find fault with the course that he took. On the contrary, I recognize, with regard to him, as also I have already expressed with regard to Senator Haythorne, that he was eminently fair-minded, and apparently desired to discuss and to consider and to decide every question upon its merits. I feel that, as an individual, I have sustained a loss, and I am quite sure that this House has sustained a very serious loss in the death of my friend who, for so many years, sat near me.

HON. MR. MACDONALD (P.E.I.)—I should like to add a few words to the remarks that have been made respecting the late Senator Haythorne. I concur heartily in the observations which have been made respecting that hon. gentleman by the leader of the Government and the leader of the Opposition, and also by my hon. friend from Amherst. I have had the pleasure of being associated with the late Senator Haythorne for several years in the Executive Council of Prince Edward Island, and knowing him as I knew him, as his fellow member in the Council and as one of his associates in the Government of Prince Edward Island, I can heartily endorse every word that has been said respecting that gentleman, and respecting his conduct during the time he was a member of this House. His career while he was a representative for the Province of Prince Edward Island in the Legislature of that Province accorded with and will bear out fully the remarks which have been made respecting him.



on the floor of this House. He was a member of a class which at one time was not held in very high esteem by the people of Prince Edward Island. He was a landlord, and, as many hon. gentlemen will know, landlords were a class whose interests were opposed to those of the tenantry of the Island. But Mr. Haythorne, looking at the position which he held as a landlord, and as an inhabitant of the Province—not as an absentee—felt the disadvantages under which the tenantry struggled, and he agreed freely, and of his own will, to dispose of the estates which he then possessed at a reasonable and fair rate to the public. That very action on his part is sufficient to endear his name to the people of Prince Edward Island, and I am gratified, indeed, to find that his name is held in such respect and honour in the Senate of Canada. On behalf of the people of Prince Edward Island, I thank the hon. gentlemen who have spoken so feelingly this evening of our late colleague, and I am pleased, indeed, that as a representative from my province his course of conduct was such that his name is honoured and revered in this House. We all regret exceedingly that he was so suddenly and unexpectedly taken away to his reward in the upper life, and although I have been called to fill the place which he so well and ably filled here, I feel that I cannot do so with the same credit and justice to myself or to the province that he did, and I trust that this honourable House will extend to me that kindness and consideration which my position calls for at your hands. I thank you, hon. gentlemen, who have so kindly referred to him, and regret exceedingly that my words are insufficient to give expression to my feelings on this occasion.

**HON. MR. DEVER**—If the expressions of sorrow and regret for the death of the hon. gentlemen who have been referred to had been confined to the leader of the Government and the leader of the Opposition in this House it is more than probable that I should not have had anything to say on this occasion, but when these remarks are extended by gentlemen who are old members and personal friends of the late deceased, Mr. Haythorne, I feel it my duty, as one who was most intimately acquainted with him since he had a seat in this House, to say that I have had the honour of being his associate in the room of

this House in which we did our usual writing. We were companions almost every afternoon in our walks. We frequently attended divine service together, and had many pleasant conversations on various subjects, and I am free to say that during my lifetime I have never met a gentleman with whom I have had more satisfactory relations, in whom I found more companionship, and with whom I felt more confidentially at home and safe in my intercourse. I always found him to be a consistent Christian man in his uprightness of character. His charity to the poor was most remarkable; I never knew him to refuse an appeal from the poor for aid. I found that in social conversation he was cautious and careful, and was particularly regardful of the feelings of those with whom he associated. In fact, he was a man we trusted, and I feel with deep sorrow the demise of my late friend. I was at his funeral. I also attended him the night before his death. He was taken suddenly ill, and when I heard of it I could not resist going to see him. When I arrived he was in a most distressed condition, though surrounded with true friends, who did all they could for him at his hotel. He had the care of skilled nurses and the best medical attendance to be found in the city, and everything was done for him that could possibly be done for a gentleman under such circumstances away from home. Our other lamented friend from Ontario I did not have the honour of knowing so well, but from his reputation I always understood that he was a man of honour and integrity. I regret exceedingly the death of these hon. gentlemen.

### THE MODUS VIVENDI BILL.

#### FIRST READING.

Bill (10) "An Act respecting Fishing vessels of the United States of America," was introduced and read the first time.

**HON. MR. ABBOTT** moved the second reading of the Bill for to-morrow.

**HON. MR. POWER**—I think the hon. gentleman might give the usual notice. There is an intervening day's notice generally given, and as this Bill is of some consequence, and hon. gentlemen have not had a chance to consider it, I think it would be better to let it stand until Friday.

HON. MR. MILLER—It is the same Bill that was passed last year.

HON. MR. POWER—Yes; but there is a very serious principle involved.

HON. MR. ABBOTT—The same Bill has been already passed by this House, and it is a matter of some exigence that this one should be got through immediately.

HON. MR. MILLER—I presume it is the intention of the Government to have it receive the Royal Assent as soon as possible?

HON. MR. ABBOTT—Certainly, and any explanation that may be required can be given as usual, on the second reading of the Bill, and I shall be prepared to make the explanation to-morrow.

HON. MR. MILLER—The fact of the matter is, the provisions made by the Bill are now being carried out by the Government on their own authority, and they require the present Act to legalize their procedure. I hope the Bill will be put through as speedily as possible, and that the Royal Assent will be given to it at once, when it is put through.

HON. MR. POWER—The reason given by the hon. gentleman I think rather cuts the ground from under his own feet, for, if I understand the hon. gentleman, he says that the Government are now acting as though the Bill had been passed; and if they have been acting in that way for some weeks, I presume they can continue to act in the same way for two or three days longer. I do not think there is anything unreasonable in asking the Bill to stand until Friday.

HON. MR. ABBOTT—I did not think there was anything unreasonable in the hon. gentleman having asked that the Bill stand until Friday, because at that time he had not heard the reason for pressing the Bill forward. The fact that the Government are acting provisionally, in consequence of the late period at which Parliament is called together, and the necessity for some action in the premises, it appears to me, is no reason for delaying the intervention of Parliament, which is the proper tribunal for dealing with questions of this

nature. Up to the present, the Government have taken the responsibility of issuing provisional licenses, such as they were authorized by Parliament to issue last year, but of course it is important that the consideration by Parliament of such a measure as this should not be delayed a moment longer than can be avoided. In every respect it appears to me it is a Bill which really ought to be and might be advanced with the shortest possible delay, because the House knows all about it. Every hon. gentleman in the House knows precisely what the Bill is and what it is intended to effect, and everyone knows that it is a measure in the interests of peace and in the best interests of the country.

HON. MR. MILLER—I thought the hon. gentleman was going to ask for a suspension of the rule to put it through at once.

HON. MR. VIDAL—I think if the hon. gentleman from Halifax would reflect a moment that the delay has been caused by our taking an adjournment, he would certainly be disposed to dispense with the rule.

HON. MR. POWER—I was going to say that if this measure was of so urgent a character I do not think the leader of the House was doing his duty in not informing the Senate that it was coming up, for then we should not have had the long adjournment we did have. Of course, if the leader of the House proposes, when the Bill is read the third time, to have the Deputy Governor come down and give his assent to it, there may be a reason for urgency, but if that is not the case I do not see that the delay of a day will make any difference.

HON. MR. ABBOTT—My hon. friend charges me with dereliction of duty. I think I pointed out, on the moving for an adjournment, that this very Bill was coming up, and I voted against the adjournment in consequence.

HON. MR. POWER—I must say there was not much emphasis on the hon. gentleman's remarks on that occasion.

The motion was agreed to, and the Bill was ordered for second reading to-morrow.

The Senate adjourned at 9:40 p.m.

## THE SENATE.

Ottawa, Wednesday, May 27th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE FRENCH LANGUAGE IN MANITOBA.

## MOTION.

HON. MR. GIRARD moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all documents submitted to the Privy Council on which action has been taken with respect to the Act passed by the Legislature of the Province of Manitoba, abolishing the official use of the French language in that Province.

He said: After the numerous petitions which have been submitted for the consideration of the House, I am afraid that I will tax your patience if I call your attention to a petition of a different nature. You have been asked by petitioners in all parts of the Dominion to protect the majority from the evils of the liquor traffic: I am asking you now to protect the minority in one of the provinces and in the territories from an encroachment upon their rights and privileges. It seems to me that it is the duty of every member of this House, if he finds a lack of harmony in the province from which he comes, to investigate the cause and to suggest a remedy. I come from a distant part of the Dominion, but certainly a most progressive part. We have gained in population, importance and influence, I think, more than any other portion of the Dominion, and our increasing value to the Confederation is being recognized by the Central Government from time to time. It is admitted now that we are one of the great bases on which the whole future of Canada rests. Every one is, therefore, interested in relieving us from causes of trouble, so far as it can be done by wise legislation. Without attributing motives, I must say that the present Government of Manitoba has dealt harshly with the French minority of the province. I do not like to invoke the privilege of nationality; I prefer to call myself a British subject and a Canadian, and to claim the same protection as other inha-

bitants of the country. After a while, I hope there will be no necessity to seek to maintain special privileges for any portion of the community, but for the present we need exceptions. Up to the present time, we have had no reason to complain of illiberal treatment, so far as our religion is concerned, but we have a grievance in the way our language has been dealt with. I do not see what necessity there was to prohibit the use of the French language in official documents. It is a great injustice to the French population of Manitoba. The privilege was granted to the Province under the constitution. It was recognized in the British North America Act of 1867 and again in the constitution of Manitoba. At a time when there was no necessity for change, the Local Legislature declares that French shall no longer be an official language in the Province. If England has become so great that she is recognized as, *par excellence*, the first nation in the world, it is certainly due to the different nationalities which compose that great empire, and amongst the various nationalities none occupies a higher rank or deserves more consideration than ours, because certainly we have always been ready to furnish proof of our loyalty and to defend British interests and in every way to show that we are worthy of being British subjects. Now, what will be the effect of this trouble to which the legislation of the Manitoba Legislature has given rise? It will certainly arrest the development of the Province. Strangers will not come to settle in a country where such troubles prevail, where they may be exposed to the dangers of internal strife at any moment. People in various parts of the world, and especially in Europe, are preparing to come and live with us, bringing not only their wealth, but, what is more important, large families to share in the future prosperity and greatness of our North-West. We have told them on many occasions that there is room in our western territories for millions of people. That is all very true, but at the same time strangers who have not seen the country are naturally afraid to settle there so long as there is any danger that the peace and good government of the country will be interfered with. They will probably prefer to settle where there is more security for the maintenance of peace. It is not necessary for me to enter into an argument, before a

body that is so well disposed towards us as the Senate is, to show the importance of the French language. At the same time, I may say that we ask simple justice and we claim a right which should not have been contested in any way. We have the right of the first occupants. The French language was the first civilized language spoken in that north-western country, and it was through the French race that the light of civilization first penetrated that vast country. Now, that is a claim which alone was sufficient to warrant our contention, but it has also been admitted at different times. French was adopted as one of the official languages of that country, yet without any reason whatsoever, without any demand from anyone for a change, a law has been passed by the Legislature of Manitoba which declares that French shall no longer be recognized as an official language in the province. Under the circumstances, we think we are justified in calling upon the Federal Government to come to our protection. I think that a remedy will be found and a stop will be put to the trouble which is checking the progress and preventing the development of our country. No doubt eventually the French language will fall into disuse in that country, but the French people generally are not disposed to submit to be forced into a position that they dislike. We look forward to a day when the use of the French language will disappear, but we prefer that that should be the work of time and not the work of men who are now living. Perhaps before ten years it would not be considered necessary to translate all the public documents into French, but let us await that time, and let us respect the rights that all possess under the law. My object in calling for the papers is to have them before the House when the question comes up for discussion, so that we may all be informed as to the position in which the matter stands. I know as soon as this House is acquainted with our position that the majority will do all in their power to help us, as they have done on other occasions, and thus will aid in promoting the progress and prosperity of Manitoba and the North-West. There are people of French origin, not only in Manitoba, but throughout the North-West, who are waiting for justice, and they do not understand why they should have to wait so long for that to which they are fairly entitled.

HON. MR. MACDONALD (B.C.)—In what position does the Bill that was passed by the Manitoba Legislature now stand? Has it become law?

HON. MR. GIRARD—The matter is now before the Government, and we are waiting for more information.

HON. MR. MACDONALD (B.C.)—Then it has not become law yet?

HON. MR. GIRARD—Yes; but its constitutionality is contested in the courts.

HON. MR. ABBOTT—It is very important that these papers should come down, and I hope that the hon. gentleman's motion will pass.

HON. MR. SCOTT—I assume that the Local Legislature has no power to pass such an Act. I have not followed up the controversy recently, but it is quite impossible, unless power is conferred on the Local Legislature, to repeal any clause of the Act under which Manitoba came into existence as a province of the Dominion. One clause provides that both languages shall be used officially. It is as follows.—

“Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person, or in any pleading or process, in or issuing from any court of Canada established under the British North America Act, 1867, or in or from all or any of the courts of the province. The Acts of the Legislature shall be printed and published in both languages.”

HON. MR. ABBOTT—My hon. friend will see that this is only a motion for the papers. When the papers come down we can have a full discussion on the question.

HON. MR. SCOTT—It is well that we should know how the question stands. I assume that the clause which I have quoted could be repealed in one of two ways, either by petition to the Imperial Parliament or, possibly—I submit myself to correction—by an Act of the Parliament of Canada; and as no such Act has been passed, any legislation repealing this particular section would be null and void, and simply waste paper.

The motion was agreed to.

## SEPARATE SCHOOLS IN MANITOBA.

## MOTION.

HON. MR. GIRARD moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all documents submitted to the Privy Council on the subject of the abolition of separate schools, and on which action has been taken with respect to the Act passed by the Legislature of the Province of Manitoba, abolishing the said separate schools or modifying to some extent the system in force before 1890.

He said: This question is a consequence of the first. I was very glad to hear the hon. gentleman who has just taken his seat express his opinion on our position, and the action of the Local Legislature of Manitoba. I do not like to blame the Legislature of Manitoba in any way. They have their duties and responsibilities; and I prefer to rely on the ruling of the province that they represent before coming to this Parliament with any accusation against them. At the same time, we all see what they have done. The Roman Catholic population of Manitoba are suffering under an injustice, and they have laid their case before the Government; and it is for this reason I have moved for the papers referred to in my motion. Hon. gentlemen are aware that in the Local Legislature last session an Act was passed repealing the separate school law, and another Act was passed prohibiting the use of the French language in all public documents; and as a consequence of that law all the proceedings of last session, including the statutes, were printed and distributed only in the English language. The question I now bring before you is not absolutely a new one. It has been the cause of struggle and of strife in the different provinces of the Dominion at various times, and has been settled in one way or the other; and all cause for dissatisfaction in this respect appears now to be confined to the Province of Manitoba. I do not understand why such a position has been taken there, because if there was a part of the Dominion that needed protection and assistance it was certainly Manitoba and the North-West which are being rapidly settled to the advantage and profit of the Dominion. The attention of the nations of the world is being directed to that part of our Dominion, and emigration is flowing in there rapidly to share in its advantages—and sometimes in its miseries—because no new country is ever set-

tled without some misery and trouble. Therefore, we have a right to be assisted there, and we expect that the people of the rest of the Dominion will be disposed to help us. It was unjust on the part of the Government of Manitoba to have allowed a measure to come before the Legislature to force the Roman Catholic population to abandon their separate schools, and they look to the Dominion to see if there is not protection to be found somewhere to defend the French and Catholics of Manitoba against such an unjust law. My intention is not to blame anyone for this legislation; I am here, just as we all are, I suppose, with the common view of advancing the interest of my country, and to do my humble share in what it is possible to do for the best interests of the Dominion. I am far from willing to blame the Government for what has been done. It is not always easy for a Government to do what they desire for the protection of a particular section of the country, but I know that they are not indifferent to our position in Manitoba. They have become interested in what is being done in that province, and are endeavouring to mitigate the troubles caused by the Act of the Local Legislature. To-day the School Act has been submitted to the Supreme Court for a decision as to its constitutionality, and the judgment, I hope, will be given in equity, and will be one such as will cause animosity to disappear from amongst the people and produce permanent peace in our country; because it is unnecessary to say that no more burning question than that of education can be brought before the people. We all try to live as friends and neighbours, but we have our prejudices and our rights, and we hold to them. The Catholics of Manitoba have their separate schools, and they contend that they shall have them at all times. It is not so much perhaps for ourselves that we contend for our rights, but in defending our separate schools I will surprise no one by saying we defend the tenets of our church and the commands of the Supreme Maker of the law, when He said to his disciples before leaving them, "Go and teach all nations," and since we understand that our bishops and priests are the depositories of that doctrine and that true education must come through them. There is no other authority to determine the administration of our schools, and the education that our children must

receive in our schools, and the books which shall be put into their hands for their guidance, and at the same time for the conservation of the good principles that they have received at home, but the church. It is the doctrine of our church, and that doctrine we are forced to defend, not only with all our strength and all our will, but we are obliged to defend it at all hazards, so that in Manitoba to-day we have our Catholic schools, though they are run at our own expense. We do not receive any money from the Government for them, and should the judgment of the Supreme Court be in our favour it would be certainly nothing but what is our right. Naturally, we will accept the judgment of the court, whether it is rendered for or against us; at the same time, while expressing the views of the Roman Catholic people on the question of separate schools, and how important it is for us, not only to defend them, but to keep them under all circumstances, it is only necessary to refer to the affidavit which has been recently issued by His Lordship Archbishop Taché. I will invite the hon. members of this House to look at this declaration and see how he is strengthened in the right of the church to control the affairs of our Catholic schools. I think I could put before this honourable House no better testimony than that of such a deserving man as His Lordship Archbishop Taché. He has been in our North-West nearly half a century, and everyone will admit that he has very great influence there, an influence which has always been employed in serving the interests of the Dominion. He has employed that influence to pave the way for civilization from the American frontier to the Arctic Sea by the establishment of churches, colleges and convents, in the charge of priests, brothers and sisters, who impart gratuitous instruction and at the same time spread the blessings of religion, virtue and civilization, teaching whites and Indians the loyalty they owe to the Dominion and to British institutions. That is the work that this deserving bishop has been doing during the half century that he has passed in that country. These considerations should have been sufficient to prevent the trouble that has come upon his people, a trouble hitherto unknown in the North-West. Those who first settled in Manitoba will see how the different classes of the population have intermingled; we cannot

see the dividing line now as easily as we could twenty years ago, when I was there for the first time. You could there see from Pembina, on the American frontier, the French population living on both banks of the Red River. From Fort Garry to Lake Winnipeg the population were principally English and Protestant. The same division could be seen on the Assiniboine River, but instead of one dividing line they alternated. At St. James the population was French; at Headingly it was English and Protestant; at White Horse Plains it was Catholic and Protestant, and further on it was English and French. It is now a tradition that these divisions were in existence by the consent of the bishops at the time. I have no proof in my hands, but I put before the House the fact that there was toleration, not only in the schools and churches, but amongst the people of the North-West at that time. I think the hon. member from Kildonan will agree with me that we were then good friends in all the business and social relations of life. The half-breeds of that time, and the people of Kildonan, Scotch and Protestant, traded and amused themselves together, and their intercourse was such that the people of Kildonan spoke the French language with the same facility they could their own. My hon. friend learned that language in the country at the time, and the French inhabitants could speak English, if not as well as my hon. friend, at all events sufficiently to understand one another. They were separated, nevertheless, in religion and in their schools; but in all other affairs of life their intercourse was of such a nature that we lived on friendly terms together until that good fellowship was disturbed by the large number of strangers that have settled amongst us. With the old people, however, it is always a pleasure to remember the good old days that have passed away. I shall not detain the House any longer, but shall merely ask for the papers, to show the House the false position that has been assumed by the Government towards the Catholic people of the North-West. We favour British institutions; we are loyal to our Queen and to Canada, and we want to do all in our power to assist in the progress and prosperity of the Dominion. At the same time, if it is in the power of Parliament to do so, let the chains which bind us be broken; let us retain our rights and

our liberties, on which we can make no concession. I merely ask for those papers to give hon. gentlemen an opportunity to examine them, and to see how we have been ill-used, and afterwards to come to our assistance and give us the relief to which we are entitled.

**HON. MR. O'DONOHUE**—Will the hon. gentleman allow me to ask him why he inserts in his motion the words "and on which action has been taken?" Is not that restrictive of the purpose of my hon. friend's motion? Supposing the papers are before the Council, and the Council has taken no action, would my hon. friend not require the papers then as well as if action had been taken? or, if a portion of the papers had not been acted upon? Would not the motion of my hon. friend be more to the purpose he has in view by striking out the words "and on which action has been taken?"

**HON. MR. GIRARD**—I would have no objection whatever to accept the amendment of my hon. friend; at the same time, all the papers have been submitted to the Government, and the Government have no interest in keeping any of them back. It is not one of those questions where the Government could have any object in keeping back papers. All the papers which have been sent I suppose will be produced, and if action has been taken on one action has been taken on all.

**HON. MR. ABBOTT**—I can assure my hon. friend that the Government sympathize with his desire to get the papers before the country, and all will be brought down.

**HON. MR. POWER**—It seems to me that the suggestion made by the hon. gentleman from Toronto is a perfectly proper one, because the Privy Council did not take any action at all, I understand; they simply handed the case over to the Supreme Court.

**HON. MR. GIRARD**—All the papers which have been submitted to the Government in that case will have to come here.

The motion was agreed to.

## STANDARD TIME.

### MOTION.

**HON. MR. MACINNES** (Burlington) moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, all communications relating to the "Reckoning of Time," with all other papers in the possession of the Government, bearing on the said subject.

He said: I wish to offer a few remarks on the motion of which I have given notice with respect to the reckoning of time. For some years past the question of simplifying time-reckoning on a scientific basis has been discussed and considered by various scientific bodies in Europe and America. In 1884 the president of the United States, under the authority of an Act of Congress, invited the Governments of all civilized nations to appoint delegates to meet at Washington to consider the question. Twenty-five delegates from twenty five nations attended. At that conference the meridian of Greenwich was adopted, and resolutions were passed determining the principles of a universal time reckoning. What is now known as standard time has been in general use for several years on this continent and also in Japan. In Great Britain it has been adopted and legalized by Act of Parliament. The question is being discussed by all the nations of Europe and the late Count Von Moltke, an eminent authority, delivered a speech in the Imperial Parliament of Germany advocating its adoption. Standard time is in use by nearly all of the railroads on this continent; the 24-hour notation, however, is not universal. For example, it is in use on the Canadian Pacific Railway from Port Arthur west to the Pacific coast, but east of Port Arthur the 12 hour A.M. and P.M. system is still in use—but standard time is adopted all the same. It is important in the public interests to follow the example of Great Britain and pass an Act of Parliament to legalize the time now in such general use in this country to avoid litigation which may arise in connection with the registration of deeds, wills and other important documents. It will be in the recollection of this House that I introduced a Bill for that purpose last session, but as the question was a new one to the House hon. gentlemen had not generally become interested in it. I withdrew the Bill to

give time for further consideration, and when the papers or dispatches which my motion calls for are in the hands of hon. gentlemen I have no doubt that more interest will be taken in the subject and its importance appreciated.

HON. MR. KAULBACH—I quite approve of the course the hon. gentleman has taken this session on this subject. It is in the right direction, and when the papers he asks for come down no doubt we will be able to discuss this question more intelligently, and if a Bill is introduced we will then be in a better position to legislate on this subject. The hon. gentleman says that last session very little interest was taken in the matter. I believe that the hon. gentleman from Burlington exhibited a great deal of interest in the matter, but the information he brought to this House was not considered sufficient to justify us in passing the Bill which he then introduced. No doubt, when the papers come down the House or the Government may deem it necessary to legislate on the subject. I believe there has been a large amount of information obtained by the Government in relation to it. I understand that the Meteorological Survey has made a report, and I believe the Imperial Parliament has also circulated through the colony information approving of standard time in all the colonies. When these papers come before us we will then be in a position to discuss the matter more intelligently, and I am rather of the opinion that a Bill should be passed in accordance with the suggestion of my hon. friend.

The motion was agreed to.

## AN ADJOURNMENT.

### MOTION.

HON. MR. ABBOTT moved that when the House adjourns this day it do stand adjourned until Friday, the 29th instant, at three o'clock in the afternoon.

He said: To-morrow will be a *fête d'obligation*, and this formality is required, I believe, in order to adjourn over.

HON. MR. KAULBACH—I do not feel disposed to oppose the motion of my hon. friend, or to take advantage of the want of sufficient notice being given, and as I find

that the other branch of the Legislature has thought proper to pay respect to the feelings of a section of the House by adjourning over to morrow, I shall not urge my objection. It is unfortunate, however, that we are placed in this position. My hon. friend from Toronto might as well have moved an adjournment till next Monday.

HON. MR. O'DONOHUE—I desire that my hon. friend should make his own motion. The hon. gentleman is hardly consistent in allowing the motion of the hon. Minister is not a good one, and then suggesting that I should move an amendment to extend it.

HON. MR. KAULBACH—It seems to me that this Dominion Parliament should

not be influenced by the *fête* days of Quebec, because it seems that this *fête* day is only obligatory in the Province of Quebec. No doubt due deference should be had to certain religious prejudices in Canada, and we bow respectfully to what our friends desire; at the same time, I think it is granting a great deal that Parliament should allow the whole Dominion to be influenced here by that which seems to belong only to the Province of Quebec.

HON. MR. O'DONOHUE—My hon. friend is again astray. The House is not influenced in this motion by the Province of Quebec alone. One-half of the population of this Dominion hold to-morrow as a strict holiday, and besides that, it is made a holiday by statute, so that my hon. friend is just as much astray in this as he usually is on such points.

HON. MR. KAULBACH—Then I ask my hon. friend if it is a legal holiday by statute, to be recognized by the Parliament of Canada, why has the leader of the House introduced this motion? If it is a holiday by a statute of Canada, then there is no necessity for the motion; therefore, my hon. friend must know that he is wrong—that it is not such a holiday as we recognize as the Lord's Day, and we do not hold it here as obligatory upon us, except by the action of Parliament.

The motion was agreed to.



## SENATOR ALEXANDER'S SEAT.

## MOTION.

The Order of the Day being read: "Consideration of the second report of the committee appointed to consider the Orders and Customs of this House, and the Privileges of Parliament,"

HON. MR. ABBOTT said: Upon an examination of the report, I perceive that it does not make any mention of a notice having been given to the Hon. Mr. Alexander of the intention of the House to proceed with his case, and I may mention that on previous occasions the House thought that notice so important that, after the Committee of the Whole had reported in favour of vacating the seat, the House chose to order that notice be given to the gentleman whose seat was affected.

In this instance, the committee believing they took a more logical course than that, gave orders themselves to have the hon. gentleman notified, in order that they might make themselves familiar with all the facts before reporting. I think, therefore, as it was considered important that the absent senator should be notified, it is also important that it should appear in the report that he was notified, and I move:

That the report be referred back to the Committee on the Orders and Customs of this House, and on the Privileges of Parliament, with instructions to report as to any notice given to the Hon. George Alexander of the intended meeting or proceedings of the said committee.

The motion agreed to.

## THE MODUS VIVENDI BILL.

## SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (10) "An Act respecting Fishing Vessels of the United States of America." He said: Hon. gentlemen will remember that in the protocol annexed to the Fisheries Treaty, which unfortunately fell through from no fault of ours, it was stipulated that there should be a license granted to fishing vessels obtaining bait, and other privileges during the time it was supposed necessary for the discussion and approval of this Bill by the Legislatures of the two countries. When the period fixed by the Act as thus passed

expired it was renewed, and last year it again expired, and it was thought expedient to extend it for another year. Of course, the House will remember that the fact that negotiations were pending between this country and United States on this and other questions was laid before them by His Excellency in his opening Speech, and the House, no doubt, is also familiar with the fact that a time has been appointed for a conference which is to take place on this subject. Under these circumstances it has been deemed expedient to continue this *modus vivendi* for another year, in order that this very fertile source of disagreement may not arise while the negotiations are on foot, and therefore the House of Commons has passed this Bill, which is precisely the same measure that has already been, I think, twice passed by this House, and has sent it up for our approbation.

HON. MR. POWER—I think that the leader of the House should have given us a little explanation with respect to this Bill and stronger reasons for adopting it. It will be remembered that in 1888, when negotiations were actually in progress and it appeared that a treaty was likely to be agreed upon between the United States and this country, this *modus vivendi* was suggested of their own free will and without any compensation by the commissioners on behalf of Great Britain. It was felt that it was a friendly thing to do, and that it was a step calculated to predispose the Government of the United States to deal in a more cordial way with the proposed treaty. We found that we were not met in the same spirit which was manifested by the British commissioners. The United States Senate decided by a considerable majority that they would not entertain it—they rejected the treaty by a considerable majority. I took the ground on a previous occasion, and I have not seen any reason to change my opinion since, that, when the governing powers in the United States decided to reject the treaty, the *modus vivendi*, which had only been agreed upon pending the decision of the United States upon the treaty, should have come to an end. It could not have been stopped, of course, during the fishing season of 1888; but I think it should have ceased at the close of that season; but it was continued for another year under the terms of the agree-

ment made at Washington, and last session we passed a Bill which continued it in force until the close of 1890. Now, while I think it is perfectly right and proper that we should do nothing to irritate our powerful neighbours, at the same time we ought to respect ourselves, and if we do not respect ourselves and do not assert our rights our neighbours are likely to undervalue the rights which we ourselves treat so cheaply; and further, they are likely to think that possibly we are afraid to maintain our own rights. When the Washington Treaty was rejected by the United States Senate I think we should have gone back to the condition of things which existed before. The privileges with regard to buying bait and ice and other supplies, which supplies the American fishermen were entitled to under the *modus vivendi*, are privileges of considerable value to them; and in certain portions of the Dominion our own fishermen—the bank fishermen—look with a good deal of jealousy upon the rights which have been given the American fishermen under the *modus vivendi*. As I said last year, I fail to see why we should have continued this arrangement under the circumstances. Last year there was not any special reason given for our passing a Bill similar to that now before us. This year we are told that there are negotiations pending with the United States. It seems to me that when the hon. leader of the House told us that, he did not tell us enough. It was not sufficient to say there are negotiations pending—they are to begin in October, I understand—with the United States. I think he should have gone further, and given us some inkling as to what the character of those negotiations was likely to be. (A laugh.) I am not, as I think the hon. gentleman will allow, an unreasonable member of the House, and I am not an unreasonable opponent. I should not ask the Government to give us a detailed statement as to what they propose to do; but there are certain general lines which I think the Government should have indicated. I think the leader of the House will recognize the force of what I say. During the recent election campaign there were two policies before the country. The policy of the Liberal party was unrestricted reciprocity. That was reciprocity which extended to the manufactured as well as to the natural products of the

two countries. Hon. gentlemen opposite and their friends through the country declared that reciprocity in natural products was consistent with the most exuberant loyalty, but that when you came to add manufactures to natural products then reciprocity, from being exuberant loyalty, became treason, disloyalty, annexation, and a number of other awful things. I think we are entitled to know to-day on which basis these negotiations are to be conducted. One might suppose, from the declaration of the Government, that there was no fear that they were likely to agree to unrestricted reciprocity, that abomination of abominations, as it was in their eyes during the election campaign; but hon. gentlemen may remember that in the organ of the Government, the paper which is recognized as usually expressing the sentiments of the Government party, published in the city of Montreal, of which the hon. leader of this House is so distinguished a citizen, there appeared on two occasions paragraphs with respect to these negotiations—they were not paragraphs in the ordinary sense; they were editorials—one of which stated distinctly, at the time the delegates were about to go to Washington, that they were prepared to negotiate even on the basis of unrestricted reciprocity. It is well known that the hon. gentleman who was to be our commissioner, and who is very well known as our High Commissioner in England, on a previous occasion had expressed himself in terms which were generally understood to mean that he was prepared to advocate unrestricted reciprocity. He said in 1888, in the House of Commons, that he had made to Mr. Bayard an unrestricted offer of reciprocity. That was taken by most people to mean an offer of unrestricted reciprocity but I understand that the hon. gentleman, at a subsequent period undertook to distinguish an unrestricted offer of reciprocity from an offer of unrestricted reciprocity. We have at any rate the fact that there were these two kinds of reciprocity before the country. We have the fact that the Government organ in the city of Montreal declared editorially that the commissioners who were then about to go to Washington, or the delegates, or whatever you choose to call them, were prepared to negotiate even on the basis of unrestricted reciprocity. Now, I think the House has a right to be

informed by the Government, when we are told that we should pass this Bill because negotiations are on foot, whether those negotiations are likely to go as far as unrestricted reciprocity, or whether they are to stop short at reciprocity in natural products; because I feel that the hon. gentlemen opposite, no matter what disloyal men like myself might be prepared to do—I feel that hon. gentlemen opposite whose very existence is loyalty—that those gentlemen might vote against the Bill if it was understood that it was intended in any way to pave the way to negotiations which might end in unrestricted reciprocity. I think, as I say, the hon. gentlemen will see that there is really a reason why there should be some general declaration on the part of the Government as to what sort of treaty they propose to make. There are one or two other points which I think deserve to be noted. I have noticed this fact in connection with the Government, that while there have been certain annoying Customs regulations made against the United States, which have caused a great deal of dissatisfaction and irritation amongst the people of the adjoining country, without any benefit to us, in substantial matters the Government have always yielded, and they are yielding now. When there is something substantial in question they yield. The yielding, we are told now, is done in the interest of peace—we wish to conciliate our neighbours so that our negotiations may be conducted in good temper on both sides. That is a very desirable thing; but during the election campaign which took place a few months ago the very gentlemen who now tell us that we must be conciliatory used language of the most irritating and objectionable character in connection with the country which they now wish to conciliate.

HON. MR. PAQUET—The elections are over.

HON. MR. POWER—The elections are over, certainly, but in this Chamber we are supposed to live in a calm and serene atmosphere, which is above the level of those elections.

HON. MR. ABBOTT—You have dived down into it.

HON. MR. POWER—It may be that hon.

gentlemen opposite do not live in that serene atmosphere, but we on this side do. I hope we shall have a declaration from the hon. leader of the House that in no case are the Government prepared to go so far as to accept a treaty which will provide for unrestricted reciprocity, and on the other hand that this is the last time we shall be compelled to give up our rights in the interests of peace. The statesmen of the United States maintain their rights; they make no concessions to us, and I think they will respect us the more if we maintain our rights, provided always that we talk about them and treat them in a respectful manner, and do not indulge in the kind of language which was used in the recent election campaign by the orators and newspapers of the Conservative party.

HON. MR. KAULBACH—I quite agree with my hon. friend in hoping that this is the last time that the Government will have to come to this House and ask for an extension of the protocol of the draft treaty of 1888. I am with my hon. friend in saying that the bank fishermen of the Province of Nova Scotia, and particularly of the county from which I come—and they do the bulk of the bank fishing—disapproved, at the time of the negotiation of the treaty of 1888, of this *modus vivendi*. They did not like it; but under the circumstances, anticipating that ere long the minds of the public men and the Congress of the United States would be changed to adopt that treaty, they conceded that it was advisable that this protocol should pass. Ever since then, year by year, they have felt it in opposition to their interests to allow the Americans to have these privileges. I am persuaded, from what I know of the fishermen, that if they were consulted to day they would say: "Yes; it is expedient that we should not open up this irritating question, and expose ourselves to the adverse feeling of the United States, and it is wise and prudent, when we are endeavouring, if possible, to get closer trade relations with them than we have at present, to forego our interests in order that a satisfactory treaty might be negotiated." As regards the position of the Government and Conservative party in the campaign, it is well known that they went back to the treaty of 1854 with such modifications and restrictions as would suit existing circumstances—that we were in favour of

reciprocity to a large extent, as far as it would not cripple vested interests or discriminate against the mother country. We found our people loyal to the Empire, and we found the hon. gentlemen on the other side were not consistent with themselves. The moment we asked, "Does unrestricted reciprocity mean commercial union, or does it discriminate against the other colonies or the mother country?" they would not undertake to define it. In my country they would not undertake anything which would discriminate against the Empire of which we form a part. They believe that our best interest is to trade with Great Britain and the colonies, rather than confine our trade to the United States, and they would not have unrestricted reciprocity if it would have the effect of preventing trade with other parts of the Empire. Although my hon. friend opened the discussion in a proper way, I am sure he does not believe in his heart that it is prudent that this *modus vivendi* should not be continued for another year. The leader of the House stated in the most clear and succinct manner the reasons why the Bill should pass; it needs no further explanation. I hope that such negotiations will be carried out at the meeting of the Canadian delegates with those of the United States as will tend to closer relations between the two countries, and that nothing shall be done by us which would prevent the success of those negotiations. Although the fishermen of our country may be injured by the continuance of the *modus vivendi*, yet, patriotic and loyal as they are, and identified as they are with the whole interest of Canada, they are prepared to forego their rights for another year in the hope that these vexed questions, now pending between the two countries, shall be amicably settled in the interests of both countries.

HON. MR. ABBOTT—I do not propose to follow my hon. friend from Halifax into a discussion of the question of unrestricted reciprocity at this moment. I think my hon. friend from Shell River will shortly give us an opportunity of doing that at greater length and more appropriately, perhaps, to the question at issue, although, undoubtedly, what my hon. friend said did bear on the question of reading this Bill the second time; but we have already had placed before this House a very plain and clear state-

ment of what is now going on. My hon. friend asks me to give some more definite information as to the kind of negotiations proposed; he even goes so far as to ask me what kind of a treaty we propose to make with the United States about reciprocity. As to what kind of negotiations are proposed to be carried on, His Excellency, in his Address to the House, states:—

"My advisers, availing themselves of opportunities which were presented in the closing months of last year, caused the Administration of the United States to be reminded of the willingness of the Government of Canada to join in making efforts for the extension and development of the trade between the Republic and the Dominion, as well as for the friendly adjustment of those matters of an international character which remain unsettled. I am pleased to say that these representations have resulted in an assurance that, in October next, the Government of the United States will be prepared to enter on a conference to consider the best means of arriving at a practical solution of these important questions. The papers relating to this subject will be laid before you."

It seems to me there is a very fair statement as to the purpose of the intended conference with the United States Government. It is to settle, amongst other questions, this very one about the fisheries, if possible; and as to the kind of treaty we propose to make, we want to make the best one we can. That is precisely the kind of treaty we intend to make. Hon. gentlemen may call it by what name they please, but I think the Government are not to be restricted at this, or at any other moment previous to the negotiation, to exact lines as to the precise articles in which they hope to have extended trade relations with the United States. It is very probable they may come to the conclusion which my hon. friend indicated, and stated he believed they held already, that they would not enter into a treaty which would discriminate against other countries. It is very probable that some consideration of that kind may guide them, and I think we have every reason to believe that it may be so: because, if I remember right, last session this House passed a resolution stating that it disapproved of any policy that would discriminate against the mother country, or any of the colonies in favour of any foreign nation. On the motion of my hon. friend from New Brunswick I think such a resolution was unanimously passed. I may also venture to decline to descend to the lower and—I do not know but that my hon. friend so considered it—polluted region of the past election, but I am certain that this House is not

called upon to act as a censor upon the language which hon. gentlemen in the heat of debate may have used on the hustings, nor, in fact, does it know anything about it, nor is it called upon, nor is it its duty to know anything that was said on those occasions. I dare say a good deal of language was used on both sides that might not be strictly in order in this House, or might not be strictly approved of by gentlemen in this House in the course of our serene and calm debates, but that does not seem to me to have much bearing on the matter. Possibly hon. gentlemen did say a good many things that, perhaps, they thought afterwards might have been said in a more statesmanlike and diplomatic manner, but they were right in the spirit of one class of remarks very generally made, that any measures tending to the absorption of this country into the neighbouring Republic, any measures tending to place under the control of the neighbouring Republic the finances and financial system of this country, were to be deprecated and opposed with all the might and main of the country.

HON. MR. SCOTT—Who proposed such a theory? I never heard of it before.

HON. MR. ABBOTT—My hon. friend will remember, if he reflects on what I said, that I did not charge anybody with making such attempts. I only said that the sentiment which pervaded what was said on the side of the Conservative party in the last election tended in this direction—that any proposition, coming from whom it might, in this obnoxious direction, should be opposed.

HON. MR. SCOTT—It could only be a reflection on the Liberal party; the Liberal party gave utterance to no such sentiment. Those were sentiments flung at them by the Conservative party, who tried to make it appear that they had made such statements, although the leaders of the Liberal party over and over again disclaimed them. It is scarcely fair for an hon. gentleman occupying the position of leader of the House to repeat such statements.

HON. MR. ABBOTT—I am very happy to hear my hon. friend's animated disclaimer, because it shows that he did not entertain such sentiments.

HON. MR. POWER—The hon. gentleman did not give us the information that we are entitled to. He read an extract from His Excellency's Speech; there is nothing new in that. Of course, it was clothed in such admirable language by my hon. friend that we all felt it was something new and fresh. Anything coming from him is interesting. But my hon. friend did not give the House the information asked for. We are entitled to be assured that the negotiations will in no case lead to unrestricted reciprocity, because the vast majority of this House is committed against that in the most decided way, and they are entitled to know before the Bill is passed that it will not lead to that consummation.

HON. MR. ABBOTT—I admire the Protean attitudes of my hon. friend.

HON. MR. POWER—I do not think that is treating the House with proper respect. The motion was agreed to, and the Bill was read the second time.

HON. MR. ABBOTT—I suppose the House will have no objection to passing the Bill through its last stages.

HON. MR. POWER—I shall have no objection if the hon. gentleman will give the information asked for.

HON. MR. ABBOTT—Does the hon. gentleman ask that as leader of the Liberal party.

HON. MR. POWER—I ask the information for the House, and I think the House is entitled to have it.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On the second clause,

HON. MR. POWER—I think the House is entitled to some information with regard to the second clause.

HON. MR. ABBOTT—The language of the clause is very plain.

HON. MR. POWER—Perhaps the leader of the House will give the committee some information with respect to the existing position of Newfoundland. Early in the

season the Government of that island refused to allow Nova Scotian vessels to procure bait or ice in Newfoundland ports, and the consequence was that several vessels which had gone down there from Nova Scotia were obliged to return, and were unable to prosecute their voyages. I am not objecting to the clause at all, but it brings up a subject which is of interest to the country, and I should like to know if the Government has any information that the Newfoundland authorities have altered their attitude since that time.

HON. MR. ABBOTT—I am unable to say, any more than my hon. friend, exactly what is the position occupied by Newfoundland in the matter at this moment. Hon. gentlemen all know that there has been a certain amount of friction about the proposed reciprocity between Newfoundland and the United States; but with reference to this clause, it is the same clause as the clause in the Bill of last year. Of course, the Government throughout have acted in concert with Newfoundland, and this clause enables that concert to be continued in case any friction which may exist may be removed.

HON. MR. SCOTT—The hon. gentleman says he does not know that any cause for friction has existed between Newfoundland and Canada.

HON. MR. ABBOTT—I did not say so. I did not say I did not know of any reason for any friction; I said I did not know the precise position of the difficulty which existed between Canada and Newfoundland at this moment.

HON. MR. SCOTT—It has been very generally discussed in the papers that Newfoundland, an independent colony, discovered that the proud Dominion of Canada was interfering to prevent the effecting of a treaty between Newfoundland and the United States, which was just on the eve of being concluded when Canada stepped in and thwarted the efforts of that colony. Newfoundland naturally revolted at the idea of Canada's interference, and the Government of that colony, taking a position which I admire, and which I think was consistent with the independent position which she has occupied, declared that the fishing rights which had been

extended to Canadian vessels should no longer exist. In doing so she took the right course—a weak colony hitting back against a strong one. I did think at the time when I heard of the action that the Government of Canada had taken—to wire across the Atlantic to the Colonial Secretary to stop the treaty which was being consummated between the two countries, because that treaty would give Newfoundland some advantages that Canada would be deprived of, so that supplies and bait could be obtained by the Americans on the Newfoundland shore—when the Government took that position, which, I think, was exceedingly unworthy of a great country like Canada. Newfoundland very properly became indignant, and very properly, as I would have done, had I been a Newfoundlander, said that this action of Canada was unfair and unjust. “We shall assert our rights as an independent colony, and we will declare that Canadian vessels shall not be entitled to the privileges that have been hitherto extended to them.” That was a very proper course for Newfoundland to take. It was absurd that a big country like this should step in and interfere with a treaty that an independent colony was making, simply because we were going to be put at a slight disadvantage by it. Our disadvantage is due entirely to ourselves, due to the policy of the Canadian Government, because they have been pretending from time to time to make a treaty with the United States, for it is all pretence. My hon. friend from Halifax, a few moments ago, asked if the leader of the Government in this House could not give some explanation of what they proposed to do at Washington next October. The simple answer was: “We have not the remotest idea what they are going to do; we have no policy prepared for the meeting at Washington. We went down to Washington to know what the Americans were willing to do, but they disclosed nothing and we disclosed nothing. They said, in a general way, we are willing to have reciprocity in the natural products, and to a certain degree in manufactured articles, but what those are have never been disclosed, nor do the Government know themselves.” The honest way for the Government is to say so. They know at the same time that the limited treaty they propose is not one that the Government of the United States

will look at. Any one who has read the United States papers the last four years and the debates in Congress knows very well what kind of treaty the Americans are prepared to make with Canada—and they are prepared to make it to-morrow, and nothing else, and we may as well recognize the situation. It is all very well to attack unrestricted reciprocity as discriminating against England; but are we not discriminating against England now, and have we not been discriminating against her ever since the adoption of the National Policy? Has it not been the fact that our trade with England has been going down steadily while our trade with the United States is going up steadily? Of course, it will be different in future, because we are practically shut out of the United States market by the McKinley Bill, and we will have nothing to do with it. So far as Newfoundland is concerned, which is a subject germane to this matter, I think that colony acted rightly and properly, and it was exceedingly undignified and exceedingly unbecoming for the Government of Canada to interfere with the Colonial Secretary and defeat the treaty that Mr. Bond was then consummating on behalf of Newfoundland with the United States. Is it any wonder that such friction has existed between Newfoundland and Great Britain, that we read in the papers that on the Queen's Birthday an attempt was made to burn down the flagstaff on the public buildings at St. John's? What right had Canada to interfere with an independent colony, simply because it was weak and we were strong? Our position was not a dignified one. We are just served perfectly right, and Newfoundland has taken the course that any other independent or patriotic colony should take under the circumstances. But it has done a vast deal of harm, this interference of Canada. It has alienated the people of Newfoundland from Great Britain, because the Imperial authorities have attempted to squeeze Newfoundland—and for what? To gratify the people of Canada and give them a better vantage ground in making a treaty for themselves with the United States. If the United States had Newfoundland as a source from which to get bait and trade with the fishing vessels they would not be as dependent on our coasts in bait as they now are. We should lose, no doubt, but it is our own fault. We did

not choose to cut in in time and make such a treaty as the United States would agree to. Newfoundland did cut in in time, and the treaty would have been perfected but for the interference of Canada. I say it is a very sad thing that one of the oldest colonies of the British Crown should be alienated from the mother country by the action of one of the strongest of her colonies seeking to thwart and take advantage of her weakness.

HON. MR. KAULBACH—I hope that the remarks and the sentiments of the hon. gentleman who has just taken his seat are not shared by any other hon. gentleman in this House. He knows very well why we have not had a reciprocity treaty with the United States. The reason is, that the colleagues of my hon. friend who went to the United States to promote a treaty made the Americans believe that we were willing to surrender everything to them, and that the time was sure to come when we would surrender everything they wanted, and in effect become politically subject to the United States. But my hon. friend must know very little about Nova Scotia, and the hon. gentleman from Halifax will hardly endorse what he has said. I say that the Government of Canada would be recreant to their duty, and to the interest of the fisheries, the importance of which my hon. friend is so ignorant of, if they had not taken the position they have done. They would have been recreant to their duty had they allowed the Americans to come in and take advantage of and destroy our fisheries without return. I hold that it was the duty of the Government to take the position they did, and to prevent such a calamity as the destruction of our fisheries. I do not believe that my hon. friend can grasp the importance to the Dominion, directly and indirectly, of our Canadian fisheries. His remarks made to-day, if they are the views of the party to which he belongs, will certainly not find favour with the Maritime Provinces.

HON. MR. SCOTT—I speak for myself.

HON. MR. KAULBACH—If they are, I say he cannot expect sympathy from any of our fishermen. I say, if the Newfoundland Bill had been allowed to pass it would have destroyed our fisheries *in toto*.

Newfoundland wished to ignore existing treaties, hard and fast though they are, with France, but which are binding, and which England could not, except at the risk of war, infringe upon or abrogate. I say that we have treated Newfoundland well and fairly in all things, and I contend that to-day the people of Newfoundland are as much under obligation to us as we are to them. Had we retaliated on Newfoundland and treated them the way the United States has done Newfoundland would have been in an infinitely worse position to-day than she is, and I must say that I am sorry for the remarks of my hon. friend, because they only show that the party to which he belongs are opposed to the interests of the fishermen, and are willing to sacrifice them at any moment to further the feelings of sympathy which they have for the United States.

HON. MR. ABBOTT—My hon. friend from Ottawa, in speaking with regard to this Bill, has thought proper to make statements with regard to the Government that I do not think are justified, and I do not think he can find any justification for them. He says that the movement which the Government commenced last year, which they have been proceeding with, and which they intend to proceed with, is a sham; that there was no sincerity in their pretensions; that they did not desire to make a treaty with the United States, and had no idea what kind of a treaty they pretended to intend to make—in fact, that they had put forward this suggestion of a commercial treaty with the United States to extend our trade relations with them, as something entirely new, for the purposes of the last election, but without the slightest intention of giving any effect to it. I would like to know what facts there are to justify such assertions as these?

HON. MR. SCOTT—The votes of the House of Commons.

HON. MR. ABBOTT—Who is it that has constantly, ever since I have had anything to do with politics, been anxious to promote reciprocity with the United States and to keep up friendly commercial relations with our neighbours? I say that it is the Conservative party. That party, from the very first, seized every opportunity that offered

itself to endeavour to extend friendly commercial relations with the United States; and I say that it is entirely in earnest in the present movement to place our relations with the United States on a better footing, and will spare no exertion to do so. I think I have as much right to say that as my hon. friend has to impute to the Government intentions and motives of which neither he nor any other man can know anything with certainty. I appeal to facts; my hon. friend appeals to suppositions which are in his mind as to what is passing in the minds of the Government, and which no man outside of the Government can know. To say that the Government is not sincere, without proof of insincerity, is no more than an assertion, which certainly does not come from the best authority, and I can only contradict it; and I suppose those who think with my hon. friend from Ottawa will give just as much weight to my contradiction as I give, and as we give, to the assertion of my hon. friend that we do not mean anything by these negotiations. But aside from my assertion, the facts as to the actual course of events since reciprocity was first talked of, establishes that the policy of the Government has been exactly the reverse of that which my hon. friend attributes to them. Perhaps before long an opportunity will offer to support, by the citation of actual events, the truth of the assertion I now make. I do not think this is a proper opportunity to go fully into these questions, but probably before the session is over, we shall have another opportunity of discussing this very point, namely, what the policy of the Government has been in the past, and what grounds we have for prognosticating what will be their policy in the future. Now, with regard to Newfoundland, surely my hon. friend from Ottawa does not mean what he said literally?

HON. MR. SCOTT—Yes; my point is this: that the Canadian Government, when they found that a treaty was being effected between the United States and Newfoundland, wired to Lord Knutsford, stating it would place Canada at a disadvantage in making a treaty with the United States if the proposed treaty between Newfoundland and the United States was consummated.

HON. MR. ABBOTT—My hon. friend is



perfectly correct, and the Government pride themselves in having taken the step which they did. But these are not the assertions to which I allude. When I said my hon. friend did not mean literally what he stated, I referred to his assertion that the interference of Canada was the cause of the dissension or quarrel between Newfoundland and the British Government. I say that quarrel began long before the interference of Canada, and it was almost at its culminating point when that step was taken. The quarrel between Newfoundland and the Imperial Government commenced when the province disputed what the French claimed on the south-west coast as their rights under treaty.

HON. MR. SCOTT—I said it did lead to Newfoundland passing an Order in Council that the privilege extended to Canadian vessels in the past should not be continued, and it was following on that interference by Canada.

HON. MR. ABBOTT—My hon. friend can pick out some assertions which he made which were moderate and correct—for instance, the statement that we interfered with a treaty which would have been disadvantageous to Canada, and prevented it from being carried out, was perfectly true, and we pride ourselves on having done so; and my hon. friend would have been the first to express his indignation at us had we allowed a treaty of that kind to pass without protest, to the damage of nearly one-half of our entire Dominion. I am quite certain that my hon. friend would have been in the forefront of censure if we had taken that course; but the quarrel which has occurred between Newfoundland and the Empire has been mostly upon the question of the rights of the French, and upon the quarrel between them and the French on the island of Newfoundland. That has been the main ground of quarrel between the two countries. Of course, the interference of Canada has produced a temporary irritation; but, strange to say, if, at this moment, Newfoundland had the right to accept the draft treaty of Mr. Bond, they would not now accept it. They have found out that the treaty would have been not only disadvantageous to us, but that it would have been extremely disadvantageous to them also. The treaty was one that was full of sound and fury, signifying

nothing. It would have given them no privileges, but would have deprived them of many valuable rights, and they would not accept it at this moment if it were offered.

HON. MR. POWER—The hon. gentleman has been devoting more attention to Newfoundland than he would lead us to expect by his answer to my question.

HON. MR. ABBOTT—I cannot state with precision the exact position of Canada and Newfoundland at this present moment, but I know some of the facts, and I know when I hear those facts stated in a way which is correct, and I know when they are stated in a way which is incorrect. Of course, I am extremely desirous, as we are all extremely desirous, to see any irritation which may exist between Canada and Newfoundland disappear. I do not think that irritation is now anything like what it was a comparatively short time ago. I doubt very much if there is any such feeling now as there was at the moment when they thought they had lost an advantageous treaty, which they believed Mr. Bond had negotiated for them; and no one would be more gratified to find amicable relations restored between the two countries than myself and this Government. We have been careful to do nothing beyond what is absolutely necessary to protect the rights of our country, to add to the irritation of Newfoundland, and in this very clause we are discussing we show that we are keeping open a road to reconciliation; for whenever Newfoundland is willing to grant to our licenses validity in their country, we are willing to grant validity to theirs in our waters. My hon. friend has remarked as to my not stating the precise nature of the treaty which we desire to negotiate in Washington. Surely the hon. gentleman does not expect me to relate to him all the articles which we hope to send into the United States or which we are willing to accept from the United States; but I can probably tell him something about the nature of the arrangements we would like to make. We would like, for instance, to make an arrangement with the United States for the free importation into this country of goods and products of all kinds that would not interfere with our native industries, commercial and agricultural; and we would like to secure

the free exportation into the United States of all products of our country which we can induce them to receive, and which it would be for our advantage to export. That is the principle on which the party have declared their intention of negotiating—that is to say, for extended relations in reciprocity of trade in all those goods, articles and products that can be reciprocally exchanged without injury to our own country.

HON. MR. SCOTT—In other words, the National Policy.

HON. MR. POWER—Perhaps the hon. gentleman, having gone so far, will be kind enough to go a little further, and answer the question I asked a moment ago. I presume the Government are not prepared to begin negotiations on the basis of unrestricted reciprocity?

HON. MR. ABBOTT—My hon. friend is not guilty of any presumption at all in presuming that much.

HON. MR. BOTSFORD, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the Bill be now read the third time.

HON. MR. POWER—It cannot be done without moving the suspension of the rule, and I shall object, unless the hon. gentleman answers my question: whether the Government intend to carry on the negotiations on the basis of unrestricted reciprocity?

HON. MR. ABBOTT—I move the suspension of the forty-first rule, and that the Bill be now read the third time.

HON. MR. POWER—His Honour the Speaker knows that one objection is sufficient to prevent that from being done, but under the circumstances I do not think I shall urge my objection, for if I objected for a week I do not think I would get an answer to the question I have put.

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

The Senate adjourned at 6 p.m.

## THE SENATE.

Ottawa, Friday, May 29th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### SENATOR ALEXANDER'S SEAT.

#### MOTION.

THE SPEAKER presented the third report of the Committee on Privileges and Elections, which was as follows:—

The committee appointed to consider of the Orders and Customs of this House and Privileges of Parliament, to whom was referred back, by order of your honourable House of the twenty sixth instant, their second report as to any notice given to the Honourable George Alexander of the intended meeting or proceedings of the said committee, beg leave to present the following as their third report:

That they have taken into consideration the report of the Clerk of the Senate in relation to the absence of the Honourable George Alexander from his seat in the Senate for two consecutive sessions of the last Parliament, and having also referred to the Journals of the House find that the said Honourable George Alexander, one of the members of the Senate for the Province of Ontario, has for two consecutive sessions of the last Parliament failed to give his attendance to this House.

That, in obedience to the order of your honourable House of the fifth instant, a copy of the said report was transmitted on the same day to the Honourable George Alexander through the mail by the Clerk of this House, with a notice that the same would be taken into consideration by the committee on the twenty-sixth instant.

That the Honourable George Alexander has addressed a letter to the hon. the Senator for Inkerman, dated the twelfth May instant, and has caused the same to be transmitted to him through the Clerk of this House, in which he states his inability to attend during the last two sessions of this House, and admits that his seat has thereby become vacant.

Your committee recommend that the following resolution be adopted by the House:—

Resolved, That the Honourable George Alexander, one of the members of the Senate from the Province of Ontario, has for two consecutive sessions of the last Parliament of Canada failed to give his attendance to this House, and thereby vacated his seat. That this House, in pursuance of the thirty-third section of the British North America Act, 1867, doth declare, determine and adjudge the said seat of the Honourable George Alexander vacated.

The whole respectfully submitted.

(Signed) A. LACOSTE,  
Chairman of the Committee.

HON. MR. ABBOTT moved that the report of the committee be adopted.

HON. MR. SCOTT—Does my hon. friend propose advising His Excellency or the Privy Council?

HON. MR. ABBOTT—I propose following the precedent which was adopted on a former occasion, to move now that an humble Address, based on the resolution of this House, be presented to His Excellency the Governor General, and that it be then ordered that the members of the Privy Council present the Address.

HON. MR. DICKEY—I would like to ask my hon. friend whether he considers the adoption of the report a sufficient adjudication upon the question? The law requires that the House should adjudge and determine, and that report recommends that the House should pass such a resolution adjudicating and judging the seat vacant. Would it not be better to have that resolution distinct, adopted by the House, so as to have a record of the fact beyond the adoption of the report, which means inferentially the same thing?

HON. MR. MILLER—I think the course recommended by the leader of the House would be quite sufficient. The adoption of the report of the committee of this House is an adjudication of the subject by the House. After adopting the report as the House has already done, I think it is quite in order to pass such a resolution as the leader now proposes, transmitting the report of the committee, which has become the resolution of the House, to His Excellency for his guidance.

HON. MR. ABBOTT—I felt the same difficulty as the hon. gentleman from Amherst. I thought possibly it might be the best course for the House to pass the substantive resolution which is recommended by the committee; but I do think that the adoption of the report recommending this resolution has precisely the same effect, and I therefore abandoned the first idea I had in deference to the precedents I find on our records—that is to say, the course followed in the case of the deprivation of Mr. Dickson of his seat. If it was considered sufficient, I think we should follow the precedent.

HON. MR. POWER—Does not the report of the committee, as the hon. gentleman from Amherst has stated, recommend that the House should adopt a resolution?

HON. MR. ABBOTT—Possibly.

HON. MR. POWER—Then the House has not adopted the resolution. We accept the advice of the committee, but do not carry it out, and I think the hon. gentleman from Amherst is quite right in the point he has taken.

HON. MR. ABBOTT—I can really say no more about it than I have said already. It appears to me that as the committee has reported, and the House has adopted the report, we practically adopt the resolution of the committee, and a substantive resolution is not necessary. I find two precedents for the course we have adopted, and I think it is better, as I believe there is no material difference between the two procedures, to follow precedent.

HON. MR. DICKEY—I think in this proceeding of all others we show the smallest amount of deference for precedents. We have departed from the precedent in the Dickson case in every particular except in this, and now we propose to bring the Dickson case in as a precedent in this part of the proceeding.

HON. MR. SCOTT—This is the important part of the report:

“Resolved, That the Honourable George Alexander, one of the members of the Senate from the Province of Ontario, has for two consecutive sessions of the last Parliament of Canada failed to give his attendance in the House, and thereby vacated his seat; that this House, in pursuance of the 33rd section of the British North America Act, 1867, doth declare, determine and adjudge the said seat of the Honourable George Alexander vacated.”

HON. MR. DICKEY—Read the preamble. It recommends that the House resolve.

HON. MR. SCOTT—It recommends that the House adopt this report, and it has adopted it. The House adopts the report, it becomes the action of the House, and we cannot fortify it any more. It is absolute, I believe.

The motion was agreed to.

## THE GREAT MACKENZIE BASIN.

### MOTION.

HON. MR. GIRARD moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all Orders in Council, commissions and instructions for nominating a person or persons

specially charged to examine the situation and resources of that part of the Dominion known as the Great Basin of the Mackenzie; and also, of the report or reports made by such persons, in order to put the Government in a position to decide upon the measures necessary for the protection and development of the Territory.

He said: Although the motion which I have made refers to an important subject, I do not propose to detain the House long at the present time. I brought the subject before the Senate last session, as you will find by reference to the *Debates* of last year. In the month of May, 1890, I made the following motion:—

“That in the opinion of this House the time has arrived to organize that north-western part of the Dominion known as the Great Mackenzie Basin, and the attention of the Government is specially called to the necessity for adopting a scheme for the better protection of its people, its valuable mines, fisheries and hunting grounds.”

When I laid the matter before the House, if I was not able to carry conviction to the minds of all who heard me, at all events they were convinced that the question was one of great importance to the whole Dominion. The Mackenzie Basin is not only vast in its extent, with large stretches of inland navigation, but it possesses the most valuable hunting grounds in the whole world, and I am surprised that action has not yet been taken to develop the natural wealth of that immense country. I understood when the subject was under discussion last year, and I understand to-day that the time perhaps has not yet arrived when a large expenditure should be incurred in the Great Mackenzie Basin. We have abundance of fertile lands more easy of access, which have to be settled, but at the same time it is important that this inheritance of the Dominion should be protected, and I hold the Government responsible for the safe-keeping of that territory for the Dominion. I am afraid that difficulties may arise with our good neighbours to the south of us, and that some expedition may enter into that country by the Yukon, or by the Arctic Sea, or other ways, and take possession. Perhaps if we had fifty men in that country they would be enough to protect it for a while, and would be sufficient to meet any force that would be likely to be encountered. It would be enough to announce to the world that we have got possession of that country and are strong enough to hold it. I was very much satisfied last session to hear the hon. leader of this House express his conviction

and also the opinion of the Government, that something should be done in that country. I will quote his words in reply to my remarks. He assured me that I had the entire sympathy, not only of the House, but of the Government, in my desire to preserve that country for the Dominion, and to take such preliminary steps as might further its ultimate development. He continued:

“During the past year the subject to which my hon. friend refers in his motion has been under the serious and careful consideration of the Government. They have come to the conclusion, to a certain extent in accordance with my hon. friend's motion, that the time has arrived when some steps must be taken toward the object he contemplates, and for that purpose it has been decided that as soon as the weather favours the possibility of doing so a party will be sent to this territory, which will spend the available season there, for the purpose of examining into its position and resources and the condition of its people—of acquiring, in fact, all such information, in an authentic form, as will be needful to enable the Government to decide what steps are necessary for the protection of this territory and to determine what steps they will take for that purpose, and we confidently expect that next session we shall be able to state formally what measures we shall take for the protection and development of this territory.”

In view of this statement, I have no doubt the leader of the House is in a position to say that steps have been taken for the protection of that country, in accordance with the solemn undertaking of last session. No doubt something has been done during the recess: I am satisfied the Government has not remained indifferent to the importance of the matter. I shall simply move for the return called for, and will await the reply of the Government, which I am sure will be satisfactory.

HON. MR. ABBOTT—I regret to say that it has not been in the power of the Government to go to the full extent that it would have desired during the past year, in pursuance of the views of my hon. friend and of this House, as expressed last session, but apparently one of the most important objects requiring protection were the mineral deposits, especially the large anthracite coal measures in that region, and the Government early last spring sent a party to that country for the purpose of exploring and examining these deposits and reporting upon them, and upon the measures to be taken for their protection. A report has been received—I am told that it is voluminous; I have not seen it—entering into very full particulars, and that and any other papers referring to the subject

will be produced as soon as possible in response to this address.

The motion was agreed to.

### BILLS INTRODUCED.

Bill (C) "An Act for the relief of Adam Russworm." (Mr. Merner.)

Bill (F) "An Act further to amend the Act respecting Trade Marks and Industrial Designs." (Mr. Abbott.)

Bill (E) "An Act respecting the settlement of accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said Provinces." (Mr. Abbott.)

Bill (A) "An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands." (Mr. Abbott.)

Bill (B) "An Act to amend "The Bills of Exchange Act, 1890." (Mr. Abbott.)

Bill (19). "An Act respecting the Canada and Michigan Tunnel Company." (Mr. McCallum.)

Bill (17) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company." (Mr. MacInnes, Burlington.)

Bill (22) "An Act respecting the Lake Temiscamingue Colonization Railway Company." (Mr. MacInnes, Burlington.)

Bill (D) "An Act to amend cap. 91 of the Revised Statutes of Canada, intitled: "An Act respecting the protection of Navigable Waters." (Mr. Clemow.)

HON. MR. ABBOTT moved that the Senate do now adjourn.

HON. MR. POWER—Before the House adjourns, I wish to call attention to an omission in the minutes of the proceedings of our last sitting. Several petitions were presented just before the House adjourned, and they are not mentioned in the minutes of proceedings. I think the leader of the House rather set the example of irregularity in presenting them just before the adjournment of the House, and the Clerk, I presume, did not get the petitions down on his notes.

HON. MR. CLELOW—I presented a great many petitions at the last sitting of the House, but I find in the minutes of proceedings that very few are reported as having been presented by me, though I presented some thirty or forty.

HON. MR. MILLER—This is a very serious matter. I presented a number of petitions myself, and I do not know whether they are included or not. Unless they appear in the Journals hereafter the gentlemen who sent these petitions will think they were not attended to at all.

HON. MR. CLELOW—The omission ought to be remedied in some way, as people will be anxious to ascertain whether their petitions were presented, when they find no record of them in the Journals.

The motion was agreed to, and the Senate adjourned at 4:10 p.m.

### THE SENATE.

*Ottawa, Monday, June 1st, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### PETITIONS FOR DIVORCES.

#### MOTION.

HON. MR. GOWAN, from the Select Committee on Divorce, presented their third report, recommending that the time for presenting petitions for divorce be extended until the 1st of July next. He moved the adoption of the report. He said: In consequence of the long adjournment, two or three cases that are nearly ripe could not come up unless we adopt this report, and in view of possible contingencies it was thought advisable to extend the time. I hope that in a day or two all the petitions will be in.

HON. MR. SCOTT—I think it is a very unusual proceeding. The rules of this House have been invariably construed strictly in dealing with all matters relating to divorce. I think my hon. friend is proposing a latitude that this House will consider very unreasonable when he asks us to extend the time until next July for allowing petitions to be presented. It is an intimation to the world—to Canada at least—that this House is prepared at all times to consider petitions for divorce, and to give latitude to such cases wholly un-

sual in ordinary cases. I certainly think the House ought not to sustain the report of my hon. friend. It is with some surprise I heard the proposition, and I think it was rather a shock to the feelings of this House to be asked to extend the time for receiving petitions for divorce a whole month. It is an intimation to outsiders that they can come at any time, in defiance of our rules, and petition for divorces.

HON. MR. GOWAN—All outsiders will know that at least six months' notice must be given and notice published six months in the *Gazette*, and consequently no other cases could come up this session. A shorter extension was spoken of in the first place, but a longer period was thought better, in view of possible contingencies.

HON. MR. KAULBACH—I was not in favour, myself, of the extension which was agreed to by the committee, but it appeared to the majority that some of the petitioners had conformed to the requirements of the rules, but in consequence of the members being away their petitions had not been brought before us. Therefore, we felt some further time should be given to those parties who are prepared to come before Parliament to have their cases heard. It is unfortunate the Senate decided on such a long adjournment. This is one illustration of the unfortunate position in which we place ourselves by taking these long adjournments. We place litigants at a serious disadvantage when we are not here to attend to the public business.

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

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BILL INTRODUCED.

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

EX-SPEAKERS APPOINTED PRIVY COUNCILLORS.

HON. MR. ABBOTT—I have great pleasure in announcing to the House that upon the re-assembling of this House after the vacation, and in pursuance of the action of the Government with regard to appointing ex-Speakers Privy Councillors, the following members of the Senate, ex-Speakers, have this day been sworn in:—Messrs. Botsford, Miller and Allan.

'It is with the greatest possible pain and regret that I have to communicate the following bulletin, which I have just received from Dr. Powell, dated an hour ago:— "Sir John Macdonald is gradually sinking. The time of the end it is impossible to foresee, but in my humble judgment it cannot be very long postponed."

HON. MR. MILLER—What course does the hon. leader propose to adopt?

HON. MR. ABBOTT—I cannot say now. I propose that we shall go on with the business for the present.

THE COMMITTEES OF THE SENATE.

MOTION.

HON. MR. ABBOTT—I propose to place upon the committees the names of the hon. gentlemen who have lately been appointed senators, and I have endeavoured to cause them to replace their predecessors on those committees. In furtherance of that course, I move:

That the name of the Honourable Mr. Macdonald (P.E.I.) be added to the following Select Committees, viz. :—Joint Committee of both Houses on the Library of Parliament; also, the Joint Committee of both

Houses on the subject of Printing; also, Committee on Standing Orders and Private Bills; and also, Committee on Reporting Debates for the present session.

That the name of the Honourable Mr. Snowball be added to the Select Committees on Railways, Telegraphs and Harbours, Banking and Contingent Accounts, for the present session.

And that the name of the Honourable Mr. Sullivan be added to the Joint Committee of both Houses on the subject of Printing for the present session.

The motion was agreed to.

## THE BEHRING SEA CONTROVERSY.

### INQUIRY.

HON. MR. MACDONALD (Victoria)—Before the Orders of the Day are called, with the permission of the House, I beg to ask, to-day, the question which I have placed on the Orders for to-morrow. It is as follows:—

Is the Imperial Government in active consultation with the Government of the Dominion in its negotiations with the Government of the United States, on all questions referring to Behring Sea, the probability of Dominion vessels being excluded therefrom, and preventing the taking of seals therein?

Hon. gentlemen will remember the attitude assumed by the Imperial Foreign Office on this question two years ago, when the United States Government was given to understand that no more seizures of British vessels in Behring Sea would be tolerated, the result being that our vessels have been allowed since then to pursue their avocations unmolested. I need not say that such a firm policy gave much satisfaction throughout the country. We now find there is to be a divergence from that policy, and a coalescing of the two powers immediately concerned to exclude British and American vessels from Behring Sea. This last phase of the question may cause very serious loss to our sealers, a contingency which I hope the Government of the Dominion has well safeguarded. The present proposal, if carried out, will raise important questions of international law. This sea not being a closed sea, it is consequently a portion of the open Pacific Ocean. Have any two nations the right to step in, during a time of peace, and arrest peaceable citizens in the pursuit of their trade or calling? Supposing these vessels are placed under the flag of any other nation, would they be exempt from seizure? Forty-nine vessels have been fitted out in British Columbia this summer for sealing purposes, and if hon. gentle-

men will consider the value of these vessels, with their stores and outfit, they will see how large are the interests involved; and if these vessels, without due warning of the new position about to be taken, are suddenly cut off from their work, the House will see how great and serious the loss will be. I hope the hon. Minister will be able to tell us that this Government has been taken into the confidence of the Imperial Government on this question, and that the important interests involved have been guarded by the Dominion Government.

HON. MR. KAULBACH—I may be excused from saying a word on this question, when it is considered that we in the Maritime Province are equally interested with my hon. friends from British Columbia in the preservation of the seal fisheries on the Pacific coast. In fact, a large number of our fishermen from the Lower Province have gone there in pursuit of seals; from the town in which I come several vessels have been purchased and are now engaged in the prosecution of the seal fishing on the Pacific coast. No doubt, if they are prevented from carrying out the purpose of the voyage they should receive some compensation for any injury they may suffer by being debarred from pursuing their calling. This close season, agreed upon between England and the United States, is practically an admission that the latter have no exclusive right to protect the seals. I am speaking now from what I have learned from reading the correspondence between the Home Government and the United States, and the question has narrowed down, not to whether Behring Sea is a *mare clausum*, but whether Russia, at the time she ceded Alaska to the United States, under the terms of the transfer in 1867, gave the exclusive right to the seal fisheries also. That right they claim under the Ukase issued by Emperor Alexander in 1821, prohibiting foreign vessels from approaching within 100 miles of the coast and islands belonging to Russia in Behring Sea. How far those claims were conceded or recognized by Great Britain is the question that it is now being practically narrowed down to.

HON. MR. ABBOTT.—My hon. friend's question, as I find it on the Paper, is one which I think I can with perfect propriety

answer, and which I, of course, have great pleasure in answering at the earliest possible moment, without waiting for the day the notice was given for. It is a fact that all along, and up to the present moment, and now, the Imperial Government has been and is in active consultation with the Government of the Dominion as regards the settlement of the Behring Sea question. The Canadian Government have taken the greatest possible pains to lay before the Imperial Government fully all their views on the subject, and I may say that included amongst them are their views with regard to the stoppage of the traffic of those sealers that have already left the Pacific coast, and some of them the Atlantic coast, for the fisheries. It would not, of course, be proper for me at this stage, without the papers to discuss the details of the arrangements, which I may say are not absolutely completed, although approximately near completion; but I may say this, that there is not a point which any hon. gentleman could suggest—at least, so far as I know—any precaution to preserve the interests of Canadian fishermen or of Canada, that has been neglected or omitted in the communications which the Canadian Government have made to the Imperial Government.

**CANADA AND MICHIGAN TUNNEL CO.'S BILL.**

**SECOND READING.**

HON. MR. MCCALLUM moved the second reading of Bill (19) "An Act respecting the Canada and Michigan Tunnel Company." He said: This Bill is merely to extend the time for building a tunnel under the River Detroit between Canada and the United States, and there can be no great objection to it.

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

**RIVER ST. CLAIR RAILWAY BRIDGE AND TUNNEL CO.'S BILL.**

**SECOND READING.**

HON. MR. MACINNES (Burlington) moved the second reading of Bill (17) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company." He said: This Bill simply asks for an

extension of the time for the completion of the railway bridge and tunnel. It does not ask for any new powers.

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

**LAKE TEMISCAMINGUE COLONIZATION RAILWAY CO.'S BILL.**

**SECOND READING.**

HON. MR. MACINNES (Burlington) moved the second reading of Bill (22) "An Act respecting the Lake Temiscamingue Colonization Railway Company." He said: This is a railway Bill, and the railway is partially constructed in small sections, some of it being narrow gauge, and the Bill asks for power to confirm an arrangement between the company and the Canadian Pacific Railway for the completion of the road.

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

The Senate adjourned at 4:15 p.m.

**THE SENATE.**

*Ottawa, Tuesday, June 2nd, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

**INDIAN LANDS SETTLEMENT BILL.**

**SECOND READING.**

HON. MR. ABBOTT moved the second reading of Bill (A) "An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands." He said: It is no doubt in the knowledge of all that a treaty was made on the 3rd of October, 1873, between the Government, acting by the late Mr. Morris and others, and certain tribes of Indians, respecting certain Indian reserves which were set apart in the lands in the portion of territory which was then in dispute as between the Dominion Government and the Ontario Government, and which has since turned out to be the property of the Government of Ontario. As a matter of course, the arrangements



made for the establishment of reserves in this territory were of no value, because they dealt with property over which the Government had no control, and there has been a good deal of negotiation between the two Governments on the subject since. Now, there has been an agreement arrived at between them, by conference between the Minister of Justice and the Attorney General of Ontario, and that agreement forms a schedule of this Bill. It is for the purpose of confirming that agreement that this Bill is introduced. It has no other purpose. I may state that this is in accordance with an arrangement made with the Government of Ontario. An Act containing precisely the same provisions as this has been passed by the Legislature of Ontario, and it is to carry out the arrangement that I ask the House to give this Bill a second reading and eventually to pass it.

HON. MR. SCOTT—Have the reserves been defined yet?

HON. MR. ABBOTT—Yes; they have been defined, but there are some yet to be defined; the boundaries have not been laid down, but the Governments are proceeding to do that by an amicable understanding. There is no difficulty existing at present at all.

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

## BILLS OF EXCHANGE ACT AMENDMENT BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (B) "An Act to amend the Bills of Exchange Act, 1890." He said: This is a Bill partly to remedy two or three verbal defects in the former Bill and partly to make two distinct enactments. The verbal defects arose in consequence of the alteration of the provision with regard to bills payable at sight. As the measure was originally drafted, bills payable at sight were made payable on demand, if I recollect right—that is to say, there were no days of grace. But in that portion of the measure where these bills came to be dealt with it was so arranged that they should have three days' grace, differing from the English system.

HON. MR. SCOTT—The old law being continued?

HON. MR. ABBOTT—Yes; differing from the English system, in which days of grace on sight bills have been abolished; but in two or three paragraphs, where bills at sight are casually alluded to, the necessary erasures did not take place, and part of the Act reads as if bills at sight had three days' grace and part as if they had not. The object of this provision is to set that right by making several verbal corrections.

HON. MR. SCOTT—That is, bills at sight will have the three days' grace?

HON. MR. ABBOTT—Yes. The Act provides that, but in some of the details it is ignored, because the provisions have been copied from the English Act. There is a difference of opinion as to cheques bearing a forged endorsement. A cheque bearing a forged endorsement, with, perhaps, half a dozen subsequent endorsers, every one of whom is responsible for that endorsement, passes into a banking house, and the only remedy under the law, as it stood, that the bank could have, would be its recourse against the person who deposited the cheque with the bank. Obviously, as the law provides that subsequent endorsers make themselves responsible for the genuineness of previous signatures, or, in other words, provides that they shall not be permitted to deny the genuineness of previous signatures, there is an injustice in that, because the person who happened to pay in the cheque may be worthless, while his immediately preceding endorser may be perfectly solvent, and the bank unable to recover back the amount of money which it has paid, or for which it has given credit, from the last endorser but one, the last endorser being insolvent. If the cheque were in the hands of a *bona fide* holder, or what they call a holder in due course, this holder in due course would have a right against all the previous indorsers up to the first endorser; but because the bank pays the cheque it was construed by those who examined the former Bill to have none of the rights of a holder in due course; it was held that the bank could not proceed against anyone but the last endorser, the person who paid it over; whereas, if it was a bill in due course there

would have been recourse against everyone on the bill subsequent to the first endorser. In other words, a bank paying a cheque has not the same rights as to the parties on the cheque if it be wrong as a person who receives the cheque and does not pay it, which seems an absurdity.

HON. MR. SCOTT—Is that a decision of a court?

HON. MR. ABBOTT—No; but it is the opinion of eminent lawyers in Montreal and Toronto, and in the Maritime Provinces also. There seems to be a sort of consensus on the part of the bar that that is the case, because the House will find the definition of a holder in due course does not comprise the party on whom the cheque is drawn and who pays it, because the moment the cheque is paid it is extinguished, as the law stood, and he has no recourse, except to go to the man who got the money, and say to him: "You have got the money wrongfully, and must give it back." I hope there will be no difficulty on the part of the House in giving the bank the legal remedy which the law affords to everyone else.

HON. MR. SCOTT—There has been no test case yet, and the courts would probably hold that the bank would have the same recourse as others.

HON. MR. ABBOTT—There has been no test case yet, but there is no difference of opinion among the leading members of the bar. Those lawyers who have the best reputations in the Dominion have been consulted about it. The other substantive alteration which this Bill makes is to reinsert in the Act a clause which was in the original draft, but which was left out. It is to be found in the previous law and it was so in the Code. There was a similar clause in the Lower Canada Code—simply to make the common law of England apply upon a point where it is not inconsistent with the provisions of the Bill. I did not think last session, when the Act was passed, that that clause was necessary, and others were of the same opinion; but it seems to have caused a certain amount of doubt and uneasiness that there is no system of law to be referred to in the event of a dispute as to the construction of the

statute, and it is considered important that this should be got in.

HON. MR. POWER—I presume there will be no objection to the reading of the Bill, but I do not suppose by reading a Bill the second time the House commits itself to accepting the proposed amendment to section 24, and I take the opportunity now to call the attention of the hon. leader of the House to the fact that this amendment to section 24 is, it strikes me, inconsistent with the portion of section 24 which remains in force. Section 24 of the Act begins as follows:—

"Subject to the provisions of this Act, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorized signature is wholly inoperative," &c.

Now, you propose by the amendment before the House to practically repeal that, because the signature is made operative to a certain extent.

HON. MR. ABBOTT—No; my hon. friend is mistaken. That is not the intention at all.

HON. MR. POWER—If there were no drawers' names on the bill or acceptor's name on the bill it would not be good for anything, from the fact that a number of gentlemen have put their names on paper which was not signed or accepted. It would not make them liable, but you propose by this legislation to make all the endorsers liable.

HON. MR. ABBOTT—No. Under the existing law, if a bill in which the earlier signature is forged came into the hands of a *bona fide* holder, and on which three or four of the names were genuine, he would have an action against the endorser. It has been held that in the case of a cheque, the person who pays it does not become the holder, and therefore he would have a remedy against the last endorser who held the cheque. The object is to give the same action against the whole of the endorsers that the holder in due course would have—to give to the bank the same power as a holder in due course.

HON. MR. KAULBACH—Would it be against the bearer who transfers? Would you have an action against the bearer of the note—against the drawee?

HON. MR. ABBOTT—The drawee, if he pays a cheque under this Bill as it stands without being amended, would have a remedy against the person who held the cheque, but he would have no remedy against the previous *bonâ fide* endorsers, whose signatures were prior to that of the forged signatures; whereas, a person who held a bill as a holder in due course would have a remedy against all those endorsers; and it is simply giving the bank the same remedy as the holder in due course. The subsequent clause in the Bill simply makes the common law of England a universal referee in case of our failure to comprehend any of the clauses of the statutes.

HON. MR. SCOTT—There is a little confusion in the words "or to the bearer thereof." I quite agree with giving to the payee the rights of any of the endorsers subsequent to the forgery, but the words "or to the bearer thereof" in the second line makes the proposition somewhat confusing. If he pays it to "the bearer thereof" it does not follow that he has the right to charge the maker of the cheque.

HON. MR. ABBOTT—If the cheque is endorsed in blank it may be presented by anybody, but the liability of the endorser still remains; but if a cheque is presented in blank by a person who is not an endorser, and he gets the money, the bank, as the law stands, would have a right of remedy against that man to get back the money. What we intend to do is to give to the bank, in addition to its remedy against the bearer, its remedy against the endorsers, who are legally liable under the Act to the *bonâ fide* holder.

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

#### SETTLEMENT OF PROVINCIAL ACCOUNTS BILL.

HON. MR. ABBOTT moved the second reading of Bill (E) "An Act respecting the settlement of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec." He said: This Bill, like the first one which I spoke of to-day, is for the purpose of carrying out an arrangement which has been made with the respective Governments—the Government of the Dominion, the Government of Ontario and the Government of Quebec—for

the purpose of settling the long-standing differences about the accounts between the three Governments. The representatives of the three have met, and have agreed upon a plan for a decision of these disputed accounts, which seems to me will commend itself to everyone's judgment as a judicious one. They are to be left to arbitration. The arbitrators are to be three judges, one appointed by His Excellency the Governor General in Council and one by each of the Governments of Ontario and Quebec. They are all to be subject to the approval of the respective Governments. This arrangement is embodied in Bills which have been passed by the Legislatures of Ontario and Quebec. The one I present to you to-day is identical with the two Bills that have been passed.

HON. MR. MILLER—I do not object to the Bill, but I am rather inclined to think that under this arrangement the Dominion will have the worst of it. There are to be three arbitrators; the Local Governments are to have the appointment of two. Is there no danger of a combination between the two local arbitrators?

HON. MR. ABBOTT—That difficulty occurred to those who made the arrangement, but it is a difficulty not easy to meet. The answer to it is this: that there is no community of interest between the provinces in question.

HON. MR. MILLER—There may be for the common plunder.

HON. MR. SCOTT—It is not likely. The two provinces have been endeavouring for many years to come to an arrangement about those accounts, and have failed to do so, which shows their interests will be entirely divergent.

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

#### TRADE MARKS AND INDUSTRIAL DESIGNS BILL.

##### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (F) "An Act further to amend the Act respecting Trade Marks and Industrial Designs." He said: This Bill is for the purpose of systematizing and giving effect to the intention of Par-

liament in transferring to the Exchequer Court the jurisdiction which the Minister of Agriculture heretofore had in the matter of trade marks and industrial designs. We passed a Bill last year having the same object, but it was not, in point of fact, in sufficient detail, and there were several points that were omitted in it or indistinctly legislated for, so that it was found on applying the law in actual cases that there was a defect in definition of the jurisdiction of the judge, which ceased at a point where it was not intended to cease; and there were restrictions imposed upon him by the terms of the Act which were not contemplated by anyone at the time the Bill was drawn. The Act, I believe, received the approbation of the judge at the time it was first introduced, but it was not until experience had shown one or two instances in which it was defective that we attempted last session to put it right. We did not altogether succeed in so doing, and now a Bill, more elaborately prepared, and based almost entirely on the English Trade Marks and Industrial Designs Act, has been drafted, in which our practice has been assimilated to that of England as much as possible. The chief difference in it is, that when a judgment has been rendered making any alteration in the arrangements about a trade mark or industrial design, instead of being left to the parties concerned to communicate that to the Minister it is imposed upon the court. The court upon rendering a judgment transmits a copy of it, as a matter of course, to the Minister, and the proper source of information is kept up. The judge of the Exchequer Court has been good enough to go over the Act very carefully, and he approves of it, and I hope this House will take the same view. It gives no exceptional or arbitrary jurisdiction, but defines procedure and arranges the principles upon which the procedure will take place in such a manner as to be in harmony with the English system, which is based on experience, and I hope will serve the interests of justice better than the way in which the law previously stood.

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

#### BILL INTRODUCED.

Bill (H) "An Act respecting the Citizens Insurance Company." (Mr. Abbott.)

The Senate adjourned at 4 p.m.

#### THE SENATE.

Ottawa, Wednesday, June 3rd, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

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

Bill (19) "An Act respecting the Canada and Michigan Tunnel Company." (Mr. McCallum).

Bill (17) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company." (Mr. MacInnes, Burlington).

Bill (22) "An Act respecting the Lake Temiscamingue Colonization Company." (Mr. MacInnes, Burlington).

#### BILL INTRODUCED.

Bill (I) "An Act for the relief of Mahala Ellis." (Mr. Clemow).

#### CANADIAN COINAGE.

##### MOTION WITHDRAWN.

The Order of the Day having been called,—

"That a Select Committee composed of the Honourable Messieurs Vidal, Power, Macdonald (B.C.), McClelan, Bellerose, and the mover, be appointed for the purpose of collecting information as to the expediency and probable cost of establishing a Dominion Mint, capable of coining a sufficient quantity of gold, silver and copper to meet the commercial demands of Canada; and that the said committee have leave to send for persons, papers and records."

HON. MR. McINNES (B.C.) said: At the request of the hon. leader of this House, I will not proceed with this motion to-day, as under circumstances well known to every hon. gentleman here I think that the session is likely to be a short one, and as this subject that I have given notice of is an important one, and the duties of the committee that I have asked for will be such as to require very considerable length of time in making a thorough report that will be satisfactory to the committee and to this House on the subject of Canadian coinage, I ask permission to withdraw my motion for this session.

The Order of the Day was discharged.

## INDIAN LANDS IN ONTARIO BILL.

## THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (A) "An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands."

(In the committee.)

HON. MR. POWER—I think I understood the leader of the House to say that the agreement which is set out in the schedule of the Bill has actually been arrived at by the Governments.

HON. MR. ABBOTT—Yes.

HON. MR. DICKEY, from the committee, reported the Bill without amendments.

The Bill was then read the third time, and passed.

## BILLS OF EXCHANGE ACT AMENDMENT BILL.

## THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (B) "An Act to amend the 'Bills of Exchange Act, 1890.'"

(In the Committee.)

On the fifth clause,—

HON. MR. POWER—I do not think the House ought to pass that clause without some consideration, and although it may be slightly out of order, I think I should be justified here in making a few observations as to the speed with which this Bill is being pushed through the Senate. This measure was only laid on the desks of hon. members yesterday during the session of the House. The hon. leader forthwith, upon the Bills being laid upon the Table, moved the second reading. It seems to me that it would have been more respectful to the Senate to have allowed the second reading to stand over until to-day, so that hon. members would have had an opportunity of seeing what is in the Bill. The impression made upon the mind of the ordinary member would be that this was a very unimportant Bill, and that it merely supplied some trifling omissions in the Act of last year; but, as a matter of fact, there

is one very important provision—a provision which departs altogether from the decision arrived at by both Houses last session. I am satisfied that very few members of this House knew, when the Bill was read the second time, that it contained that provision. To-day the Minutes were laid upon our desks only a very short time before the meeting of the Senate, so that, as a matter of fact, the members of this House have not had any sufficient notice either of the character of this Bill or of the time when it was to be considered. It is most important that our legislation should not be done hurriedly, and that we should have full time to consider every measure which comes before us. In the discussion which took place last session on a motion made by the hon. gentleman from Shediac, I think it was, the hon. leader of the House dwelt at very considerable length upon the importance of the work performed by the Senate in the way of legislation. Now, I think it is very creditable to this House that it should do such work as the hon. gentleman pointed out it had done. He dwelt, if I remember rightly, with peculiar pleasure upon the numerous amendments which had been made by this House to Bills which came from the Commons. It was a very meritorious act on the part of this House to amend such Bills, but I think where Bills are introduced in the Senate, coming even from the Government, it is quite as meritorious for us to consider them carefully and to amend them if possible, and a Government Bill coming from the House of Commons, one would suppose, would be no more susceptible of amendment than a Government Bill introduced in this House. I do not think that our powers of amendment should be confined to Bills which come from the House of Commons, and if we are not to consider all measures which come from the Government here carefully, and do our best to amend them, then the introducing of Bills in this House is a mere empty form, and the Senate might be dispensed with, so far as Government Bills are concerned, at any rate. The clause under consideration proposes, in a great measure, to reverse the deliberate action of both Houses taken during last session. This particular matter was discussed in the Commons at very considerable length, and it was also discussed in this House, and the amendment which

the hon. leader proposes to make now is really a reversal of the deliberate decision of both Houses last session. It was, at least, the duty of the hon. gentleman to have shown some serious ground for taking so important a step, and that he has failed to do. Unless it was shown that the policy adopted last session has been productive of serious mischief, I think it is certainly not a desirable kind of legislation that we should undertake this session to reverse our action of last year, but I do not think it can be shown that any bad results have followed from the action of both Houses at that time. This practice with respect to forged bills or cheques has been a uniform practice, and it has been the law in Canada for a great many years. It was not shown last session by the gentlemen who wish to alter the law that any very objectionable results have flowed from the existing condition of the law, and it was shown that very serious inconvenience might result from a change in the Act. Under the present system, although I do not see that there is any law for it, the practice is that the bank, before paying a cheque, requires the payee, or the holder of the cheque, to be identified. That is the way in which the bank protects itself against loss; and although that might not seem, looking at it in an abstract way, to be altogether satisfactory, still the practice of a great many years has shown that very few unsatisfactory results have followed from it. The amendment which is proposed by the clause now before the committee would make all the endorsers subsequent to the forged endorsement on a cheque liable as well as the payee. There has not been sufficient reason adduced for making that very serious change, and the practical effect of it would be to create very considerable inconvenience in the use of cheques. As it is now, a cheque payable to order operates as a receipt, and it is not customary to take receipts where these cheques are given. If this provision becomes law that practice will have to be altered, and if a man finds a cheque in the street and forges an endorsement on it those who happen to put their names on it afterwards would be liable to the bank under this enactment. The matter was considered so fully last session in both Houses that I do not think there is any necessity for urging it at all. Hon. gentlemen will remember that the hon. gentleman

from Victoria division, who is not now in his place, attempted to have an amendment similar to the one proposed by the fifth clause of this Bill made in the Bills and Notes Act when it was going through the House, and the attempt failed. When that measure was first introduced into the House of Commons last year it contained clause 60, which is identical with the clause in the English Act. That clause was stricken out in the House of Commons. An attempt was made to introduce it here, and that attempt was unsuccessful; but there was an amendment made in this House to section 24 of the Act, which to a certain extent protects the banks. It extends to the banks a certain measure of protection which they did not enjoy before. It was made perfectly clear in the discussion in both Houses last session that the balance of convenience was altogether in favour of leaving the law as it is in the existing Act, and as it has been in Canada for the past thirty or forty years, and I hope the committee will not now undertake to reverse the decision of Parliament, arrived at deliberately only last session. I move that this clause be stricken out of the Bill.

HON. MR. KAULBACH—I must say that I look upon the strictures of my hon. friend as being not too severe in this matter. This is a Bill coming from this House, and it seems to me that it is entirely reversing the decision of the Senate arrived at last session. As the law now stands the drawee has right of action only against the depositor of the cheque, and not against the endorsers subsequent to the forged endorsement, which is now attempted to be made law. The leader of the House has not yet shown sufficient reason why there should not be a change in the law, especially as the consensus of opinion in both Houses is that the law as passed last year was right. It is evidently a great advantage to give to the banks, who are supposed in every case to be careful. Still, there may be a reason why the bank, not knowing the endorser, may be deceived by the endorsements made after the forged endorsement. I hope the leader of the House will be able to convince the Senate that any alterations that he proposes to make to the law are sound and right. I think the legislation is rather hastily brought upon us, and without sufficient time for us to consider the matter.

HON. MR. ABBOTT—I am sorry that I did not give my hon. friends a little more time. If they had desired it, I should have made no objection. I am perfectly willing now to delay proceeding with this Bill as long as they desire, within reason, so as to give them ample opportunity to read and study it, because if I had given them longer delay I am convinced I should not have heard any of those remarks upon the Bill. In fact, the objections which the hon. gentlemen make do not apply to the Bill at all. The purport of this clause is not what my hon. friends suppose it is. My hon. friend who spoke last certainly approached nearer to the purpose of the clause than my hon. friend from Halifax. The hon. gentleman from Halifax, it seems to me, unless I greatly misconstrue the clause altogether, entirely misunderstands the application of the clause. I stated yesterday the reasons for this amendment, and I see that I did not make myself clearly understood. At present, as the law stands with regard to forged endorsements, any person who is holder of a bill or cheque may sue all the endorsers subsequent to the forged endorsement, and may make them all responsible to him. That is the law now; that was the law before this Act was passed. Those who endorse a Bill after a forged endorsement are precluded by the law from denying the forged endorsement. By their endorsement afterwards they practically guarantee it. There is not an hon. gentleman in this House who has had anything to do with bills and notes and banks who does not know that. My hon. friends who have spoken particularly know it, because they are professional gentlemen and understand the practice of their profession. Let me be clearly understood: that any man who is the *bonâ fide* holder, or holder in due course, as it is called in this Bill—the holder of the bill or cheque—has the right to make every endorser subsequent to the forged endorsement pay the amount of that cheque. My hon. friends will not deny that. They are jointly and severally liable. Now, in consequence of the way in which this law was framed it appears that a bank which pays a cheque, supposing it to be legally endorsed, is not the holder in due course of that cheque. That is the opinion of lawyers who have been consulted in Halifax as well as in Toronto and Montreal—in fact, I think a dozen of lawyers have been consulted,

and they hold that a bank is not a holder in due course of the cheques which it pays, and therefore it is excluded by the technical phraseology of this law from any remedy against the endorsers subsequent to the forged endorsement; and the only person against whom the bank can have recourse is the man who deposited the cheque in the office of the bank. The consequence is, the endorsers are not relieved of the responsibility, but the man who paid the money into the bank has to pay it back to the bank, and then he has to bring an action against the man who endorsed the cheque to him, so that instead of there being only one proceeding there would at least be two proceedings to make these endorsers pay. It is obvious to my mind, as it must be to the minds of all hon. gentlemen who seize the point, that there is no reason in the world why the holder of a bill or negotiable paper by one title should not have the same remedy as the holder of a similar bill by another title. The object of this particular clause is simply to give the bank the right which the law confers upon the holder in due course. It does not create any new rights at all, but simply establishes, in such a case as that, that the bank is really the holder in due course, and it has the same remedy as if it had not paid the cheque, but simply held it. By paying the cheque, as the law now stands, it has no remedy. Every hon. gentleman must see that that is a discrepancy in the position of the parties to a piece of negotiable paper that ought not to exist. It was never contemplated by the framers of this Bill, and was not discussed in this House. The point, in fact, never occurred until the difficulty arose in Halifax, and opinions were taken about it, and were communicated to other persons interested in negotiable paper; and in consequence of the representations made from all quarters to the Government of the injustice of this state of things this clause has been prepared. The hon. gentleman from Halifax says that we are reversing a solemn decision which we arrived at after discussion last year, and he evidently would convey, by the manner of making his objections, that I was hurrying the Bill through the House—taking the House by surprise.

HON. MR. POWER—I disclaim any such intention as that. I simply alluded to the inconvenience of railroading legislation through.

HON. MR. ABBOTT—If my hon. friend had said yesterday about this bill, to let it stand until Thursday, Friday or some other day, I would readily have done so. The point my hon. friend supposed was affected by this Bill and the decision of this House that he says is reversed by it, was the one we arrived at last year, that we would not give the banks any privilege over ordinary holders in respect of paper on which the endorsement was forged. We were asked to pass a law which would have allowed the banks to receive any paper presented to them without verification of the endorsements, and to hold the owner of the deposit depleted by the cheque for the amount paid out on the cheque. The Senate refused to do that, as my hon. friend said on, the motion of the hon. gentleman from Montreal, and I entirely concurred with that hon. gentleman in that view; because, although I have something to do with banks myself, I think that would have been a most improper privilege to have accorded to them; and after considerable difficulty a clause was framed and passed which seemed to protect the banks sufficiently, by naming a limited time within which notice should be given of any claim that the maker's or endorser's name was forged, and if a claim was not made in respect of the forgery within that time, which was a year, that then the right of claim would cease. That was adopted by this House and the other House. It is in the clause which makes that provision that this clause which my hon. friend objects to was appended. My hon. friend suggested or thought that this clause destroys the clause in the Act which we passed after so much care and study and discussion.

HON. MR. POWER—To a certain extent, I said,

HON. MR. ABBOTT—In point of fact, I think if my hon. friend will look at it after having a little more time he will see that it does not at all. The Bill simply provides that if the drawee of a cheque bearing a forged endorsement pays the amount thereof to a subsequent endorser or to the bearer thereof he shall have all the rights which the law gives to a holder in due course, as well as his legal recourse against the bearer thereof as transferrer by delivery. If it stopped there it might be open to my hon. friend's objection, but it continues:

“The whole, however, subject to the provisions and limitations contained in the last preceding sub-section,” and the last preceding sub-section is the one which deals with the manner in which a man must proceed who pretends that his money has been taken from him by a forged cheque or a forged endorsement on a cheque; so that this provision is made subject to the precise limitation which this House put into the Bill last session, about the right of a depositor to claim repayment of money taken from his deposit on a forged cheque. I am sure my hon. friend will see, on reflection, that the clause is not open to his objection, and I am perfectly willing now that the committee should rise and report progress, and ask leave to sit again, if my hon. friend wishes to refer to the Bill of last year and satisfy himself. That is a complicated measure, and I am not surprised that hon. gentlemen should fail at once to seize the purport of the amendment; and I am willing to postpone the further consideration of the Bill. But it would be unreasonable to ask me to concur with my hon. friend in thinking that this clause impinges in any way on the principle laid down last year, or interferes with it in any respect.

HON. MR. KAULBACH—My hon. friend from Halifax deserves the thanks of the House for having brought out this explanation. The leader has effectually explained the Bill and thrown light on the subject, which we certainly did not have before. Evidently, yesterday my hon. friend did not give all the information as fully and lucidly as he has given it to-day.

HON. MR. SCOTT—As I understand it, this Bill is predicated on the assumption that the bank does not stand in as good a position as an individual would in reference to the payment of a cheque on which an endorsement has been forged.

HON. MR. ABBOTT—It is not exactly that. An individual would be in the same position if he paid such a cheque drawn on him.

HON. MR. SCOTT—The assumption is that the last party, whether a bank or an individual, paying it, would not have rights against all the parties up to the forged endorsement.



HON. MR. ABBOTT—Yes.

HON. MR. SCOTT—I do not concur in that view, but I can quite understand the banks being so largely interested, that they would like to put the question beyond a doubt. According to our Interpretation Act, the word “person” would cover a bank. I understand this is simply legislation in the direction of the law as it exists—that it is very desirable that a bank or an individual who pays a cheque should have all the rights against the preceding endorsers who guarantee, as a matter of fact, the antecedent endorsements. Any man who takes a cheque from Brown and passes it over to anyone else guarantees that Brown’s signature is genuine. It passes from one to another, each taking it on the faith of the other, and it is only fair that all the antecedent endorsers should be held liable; whether it is a bank or an individual who pays, it is only right that there should be the same recourse. Each one who puts his name on a cheque is a guarantee to the succeeding one. I am inclined to think that the Bill is not necessary—that the courts would construe it as I have indicated, but I have no objection to the amendment going to make it perfectly clear.

HON. MR. ABBOTT—I would like to point out to my hon. friend a clause or two in the Act which convince me that the Bill is needed. The 29th section of the Act says:

“A holder in due course is a holder who has taken a bill, complete and regular on the face of it, under the following conditions, namely:—

“(a.) That he became the holder of it before it was overdue, and without notice that it had been previously dishonoured, if such was the fact;

“(b.) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect.”

Now, the bank that pays a cheque becomes the holder of it by paying it, and it is a question whether, after it has been presented, it does not become overdue, or if paid, becomes extinct. Then, section 55, with reference to the liability of an endorser, provides that the endorser of a bill by indorsing it—

“Is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer’s signature and all previous endorsements.”

So there is where the difficulty comes in—is the bank a holder in due course of

a cheque which it has paid? That is the point, and there is evidently a difficulty there, because it is only in favour of a holder in due course that an endorser becomes guarantor of the previous endorsement.

HON. MR. POWER—The hon. gentleman will see, in the case of a bill payable to the drawer’s order, the acceptor, by accepting, guarantees the capacity of the drawer to endorse a valid endorsement. If the bank is not a holder in due course under section 55, which the hon. gentleman has just quoted, the bank would not be able to resort to the other endorsers. I do not mean to contend that my construction of the amendment is the correct one, but I think the Bill is capable of being so interpreted. The hon. gentleman said that when we looked at the preceding subsection of section 24 we would see what the real effect of this measure is. The clause now before the committee says “the whole being subject to the provisions and limitations contained in the last preceding subsection.” That, however, as I understand it, does not apply to the first portion of section 24, but only to the proviso—

“Provided that nothing in this section shall affect the ratification of an unauthorized signature not amounting to a forgery, etc.”

These are the things to which this reference in the last two lines of the clause applies; but to the beginning of section 24, as I understand it, the language of this section does not apply. The wording of that section is as follows:—

“Subject to the provisions of this Act, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorized signature is wholly inoperative, and no right to retain the bill or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under that signature, unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority.”

I do not mean to say that my view of it is correct; but, as the matter is a very important one, and as we have plenty of time ahead of us, I think it might be well if the hon. gentleman did as he proposed—let the committee rise, and then hon. gentlemen would have an opportunity of considering the clause at their leisure, and if my view is wrong there is no harm done, and if there should be something in it, the Bill would require amendment.

HON. MR. ABBOTT—How long would the hon. gentleman like to have ?

HON. MR. POWER—To-morrow would do.

HON. MR. VIDAL, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

### CITIZENS' INSURANCE CO.'S BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (H) "An Act respecting the Citizens' Insurance Company." He said: This is a private Bill for a company which has the misfortune to have me for the president, and the object of it is to readjust the capital of the company. It was a marine, life, fire, accident and guarantee insurance company, and did not do as well as it might have done with these numerous businesses. Last year, after my election, all the business was struck off except the fire. It is now a fire insurance pure and simple, as far as its business is concerned. What is sought by this Bill is to have the large unpaid capital reduced under an obligation of increasing the paid up capital, and that all these functions of life, guarantee, marine, etc., be struck out of the powers conferred by the charter.

HON. MR. POWER—I do not rise for the purpose of objecting to the second reading of this Bill, but I wish to call attention to the fact that this Bill has not been distributed to members, and that leads me to advert to what must have struck every hon. member of this House—to the very unsatisfactory manner in which the printing has been done this year. The Minutes of one day's work are not laid on the desks of members until a very short time before the meeting of the House, and the Government and other Bills are far too long in making their way to us from the time they are placed in the hands of the clerks. I hope the hon. leader of the House, who is more interested in the matter than any one else, will try and see that this mischief is remedied in the future.

HON. MR. KAULBACH—Perhaps there are some special reasons why the business cannot be conducted as promptly as heretofore.

HON. MR. ABBOTT—I observed yesterday, with reference to the Bills which I brought under the notice of the House, that they were not distributed until about the time the House met, although they were introduced on the previous Friday. I brought the matter up before my friend the Minister to-day, and he promised to inquire into it and see that, if the fault had been with the Department, no such delays should in future occur. The Bills were in type on Friday and might have been struck off and distributed on Saturday afternoon without any difficulty at all. The Minister has promised to look into it, and if they are in fault to put it right, and if not to let me know who is to blame for the delay in the printing. I am in hopes that there will be no further delays of the kind.

HON. MR. KAULBACH—The Minutes of Proceedings are behind hand, but there is reason for it.

HON. MR. ABBOTT—I am told by the Clerk that the Minutes are exceedingly voluminous, and that in consequence of the enormous number of names which have to be set up it takes a longer time than usual to have them printed. I do not think that it will happen again.

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

The Senate adjourned at 4.25 p.m.

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### THE SENATE.

*Ottawa, Thursday, June 4th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### BILLS INTRODUCED.

Bill (J) "An Act for the relief of Thomas Bristow." (Mr. Clemow.)

Bill (K) "An Act for the relief of Isabella Tapley." (Mr. McInnes, B.C.)

Bill (L) "An Act incorporating the Incorporated Construction Company of Canada." (Mr. Almon.)

## CUSTOMS DUTIES ON CHURCH ORNAMENTS.

### ENQUIRY.

HON. MR. GIRARD inquired of the Government:

Whether it is their intention, during the present session, to amend the revenue laws so as to allow the entry free of duty, into Manitoba, the North-West Territories, Keewatin and the Mackenzie River Basin, of church ornaments and other effects gratuitously given for mission purposes?

He said: I shall not make much addition to my enquiry as it appears on the Notice Paper. I may remark, however, that my question is not confined to the interests of any special denomination. Hon. gentlemen might, perhaps, understand, from the terms in which it appears on the Paper, that it affects particularly one nationality or one religious interest. It is not so, however; but we all claim that everything that is given gratuitously for the advancement of the church, in the shape of church ornaments, should be exempt from duty. We pay a large sum of money for the advancement of colonization. People who enter into that distant North-West suffer great inconvenience, and at times a good deal of misery of every kind, and it appears to me that they deserve some consideration from the Government. My inquiry applies particularly to articles sent from Europe and other places gratuitously for the use of the church. Duties are imposed at the present time on such articles, and it would only be just and right that they should be placed upon the free list. It is perhaps the first time that such a question has been brought before this honourable House, but it is one of justice, and if it is not possible at the moment to give the relief asked for, it is hoped that at no distant time steps will be taken to grant this request of the people who settle in the far North-West, who have no other interest to serve than the advancement of religion and civilization.

HON. MR. ABBOTT—As I had the honour of mentioning to my hon. friend a moment ago privately, this is a kind of question that it is not the practice of the Government to answer. When alterations in the tariff are proposed they are always kept private until they are declared in the House, so that everybody has the advantage of them, and I am, there-

fore, unfortunately unable to answer my hon. friend's question.

## SETTLEMENT OF ACCOUNTS BETWEEN THE DOMINION AND THE PROVINCES OF ONTARIO AND QUEBEC BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (E) "An Act respecting the settlement of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said Provinces."

(In the Committee.)

On the third clause,—

HON. MR. POWER—Why is that third clause worded that way? Would it not be better to allow the arbitrators to decide every question? It would probably save doing things over twice. As the Bill stands, if a constitutional question comes up the arbitrators, who are to be three judges of some superior court, I presume, are estopped from undertaking to deal with it. Then this constitutional question is referred to the Supreme Court of Canada, and thence to the Judicial Committee of the Privy Council, and then the award is to be referred back to the arbitrators. Would it not be shorter to allow the arbitrators to settle the whole question, and then, if there is an appeal from their decision on the constitutional ground, let that fact go before the Supreme Court, or the Judicial Committee of the Privy Council, and avoid circumlocution?

HON. MR. ABBOTT—If it were in my discretion to make the law as I thought best, I think I should be of the opinion of my hon. friend, that it would be better to let them decide any constitutional question and allow an appeal upon that, the same as any other question of law, but; as I explained when introducing the Bill, this embodying an agreement which has been come to by the representatives of the three Governments, it cannot be altered.

HON. MR. POWER—I had forgotten about that.

HON. MR. DEBOUCHERVILLE, from

the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

## TRADE MARKS AND INDUSTRIAL DESIGNS BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole upon Bill (F) "An Act further to amend the Acts respecting Trade Marks and Industrial Designs."

(In the Committee).

On the third clause,—

**HON. MR. LOUGHEED**—Does that mean the Attorney-General of any Province? If it extends to the Attorneys-General of the several Provinces a provision should be made for the North-West Territories, where no Attorney-General exists, that upon the information of the Lieutenant Governor these proceedings shall be put in motion. My attention has been directed to some analogous cases, where special provision is necessary to meet the conditions existing in the North-West. I would, therefore, suggest that the Lieutenant Governor be empowered to put the law in motion, in the same way as the Attorney-General of a Province can under this Bill.

**HON. MR. ABBOTT**—The objection of my hon. friend would have been an excellent one as against the law which stands on the Statute-book; but, for the express purpose of avoiding that difficulty, power is given by this amending clause to anyone who thinks himself aggrieved to take the initiative, which he could not do under the former Act. This amendment meets my hon. friend's difficulty.

**HON. MR. LOUGHEED**—But the Provinces are given the advantage of the Attorney-General being permitted to exercise his discretion and put those proceedings in motion. There is no reason why the Territories should not be placed in an equally favourable position with the Provinces. The operation of this law in the Territories would be to make it obligatory on the individual, at his own expense, to put this provision in motion, whereas in a

Province the Attorney-General could put it in motion at the expense of the public.

**HON. MR. ABBOTT**—No.

**HON. MR. LOUGHEED**—Why should not a governmental officer in the Territories be permitted to take the same proceedings as the Attorney-General of a Province?

**HON. MR. ABBOTT**—My hon. friend will perceive that in some of the Provinces there is a similar law in effect, but in all those cases the party who applies to the Attorney-General to put the law in motion has to pay the expenses, and has to give security to the Attorney-General that the costs will be paid and the Government of the Province will not be put to expense. That is the provision at present. That has been found so cumbersome and troublesome that this clause is suggested, and any individual has the right to go direct to the courts instead of going to the Attorney-General, and giving bonds and getting the Attorney-General to set the proceedings in motion. Instead of going through that circuitous process, he has the privilege, under this clause, to do it directly by applying to the courts. It was thought best not to destroy or take away that power which the Act did contain. There was no particular reason for that, but the main object of the clause was to let a man do himself, by a straightforward and inexpensive process, that which, by the former law, he could not do except by going to the public officer and giving security for costs. If this were altered at all, in my opinion it should be to strike out the words "Attorney-General" altogether; but it was thought best not to do it, as the occasion might possibly arise when it might be necessary to have the Attorney-General intervening.

**HON. MR. LOUGHEED**—My attention has been directed to matters of public concern where the Attorney-General could intervene in a province and initiate proceedings. One can easily imagine proceedings being of public interest where they would not be of sufficient interest to the individual to set the law in motion, and it is to meet such a state of facts that I have made the suggestion alluded to.

**HON. MR. ABBOTT**—But this clause only

regulates rights as between manufacturers and traders, and the words "Attorney-General" really ought not to have been in the Bill at all. We are following the precedent England sets us in giving the individual the right of proceeding.

HON. MR. POWER—It occurs to me that the objection taken by the hon. gentleman from Calgary is not altogether well founded. I would submit to the leader of the House that the words "Attorney-General" here mean the Minister of Justice—the Attorney-General of Canada. Chapter 21 of the Revised Statutes is, "An Act respecting the Department of Justice." The first section of that Act says "that the Minister of Justice shall *ex officio* be Her Majesty's Attorney-General of Canada," and it occurs to me that the natural interpretation of the expression "Attorney-General," occurring in a statute of Canada without any reference to a province, would be "Minister of Justice." If it is intended to include the provincial officers as well, then the Bill should say so.

THE CHAIRMAN—Shall the committee report the Bill without amendment?

HON. MR. POWER—Does not the Minister think it would be well to remove any doubt that may exist about that?

HON. MR. KAULBACH—The Attorney-General must mean the Minister of Justice, because the Attorneys-General in the various provinces have no rights in the matters at all. It is a matter of Dominion right—trade marks and designs.

HON. MR. ABBOTT—My hon. friend will see if anybody thinks that somebody is robbing him of his trade mark, and desires a remedy, he has only to take it himself. My own opinion would be that if it were desirable to amend the clause at all I would strike out the words "on the information of the Attorney-General or," for there is really no reason for the intervention of a public officer in a matter of purely private concern. However, it is there, and I see no objection to it, and I would be disposed to let it go as it is.

HON. MR. POWER—I do not wish to make any captious objection, but I think there is reason to believe that the expres-

sion "Attorney-General," occurring here, means the Minister of Justice; if it does not—if it is intended to mean the provincial officers, the Bill ought to say so. I have just read from the Revised Statutes of Canada to show that the "Attorney-General of Canada" means the Minister of Justice, and I think that is the officer with whom to deal in this Bill.

HON. MR. KAULBACH—The Attorney-General in a province has no right to appear, as such, in any matter not coming within the jurisdiction of the province.

HON. MR. ABBOTT—It is quite possible my hon. friend may be right, but I do not think it is worth holding back the Bill for it. If I were going to amend the Bill at all I would strike out the words "Attorney-General" altogether. However, it is possible that some occasion might arise in which it may be proper for such an officer to take the initiative. There is nothing in the Interpretation Act, as I understand it, which provides that the words "Attorney-General" shall mean the Minister of Justice, but I think the construction of this clause is a matter of not much importance.

HON. MR. POWER—I should much prefer that the Senate would send its legislation to the other branch of Parliament in such condition that it cannot be amended, than to send it down to them in such a shape that they can make amendments to it, which may be only trivial, but which they are always pleased to make, and I think the better way is not to give them a chance.

HON. MR. ABBOTT—I think the words "Attorney-General" are used in the Act itself.

HON. MR. POWER—You substitute the Attorney-General here for the Minister of Agriculture.

HON. MR. ROSS—I do not think the argument of my hon. friend from Halifax is a very good one. If the Commons must necessarily amend our Bills it is better to leave them room for it; because it is better to make the Bills perfect than to make them imperfect if they must change them.

The clause was agreed to.

HON. MR. OGILVIE, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

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

**BILLS OF EXCHANGE ACT AMENDMENT BILL.**

(In Committee.)

The House resolved itself into a Committee of the Whole on Bill (B) "An Act to amend the Bills of Exchange Act, 1890."

(In the Committee.)

On section 5,—

HON. MR. POWER—I do not feel altogether convinced by the logic of the leader of the House as to the merit of this clause. The clause which stood in the Bill as it was introduced in the other House last year, the work of which this amendment was intended to do, is as follows:—

"When a bill payable to order on demand is drawn on a banker, and the banker on whom it is drawn pays the bill in good faith and in the ordinary course of business, it is not incumbent on the banker to show that the endorsement of the payee or any subsequent endorsement was made by or under the authority of the person whose endorsement it purports to be, and the banker is deemed to have paid the bill in due course, although such endorsement has been forged or made without authority."

Now, I can see that there is no material difference between the effect of the enactment which both Houses declined to pass last year and the amendment proposed by this clause 5. The hon. leader of the House told us that it was intended to provide for the cases of banks chiefly—in fact, altogether—that it was intended to put a bank which paid the amount of a forged cheque in the position of a holder in due course. Any hon. gentleman who reads the amendment proposed by clause 5 and reads section 60 of the English Act, which both Houses declined to take last year, will see that they are substantially the same. I have read the section in the English Act. The clause in this Bill is :

"2. If the drawee of a check bearing a forged endorsement pays the amount thereof to a subsequent endorser, or to the bearer thereof, he shall have the rights of a holder in due course for the recovery back of the amount so paid from any endorser who has

endorsed the same subsequent to the forged endorsement, as well as his legal recourse against the bearer thereof as a transferrer by delivery ; the whole, however, subject to the provisions and limitations contained in the last preceding sub-section."

That means, I think, just about the same thing as the provision in the English Act. I am not undertaking to discuss now the right or the wrong of the thing, but the effect of this enactment will be that the bank will have a remedy against every endorser on a cheque bearing a forged endorsement subsequent to the forged endorsement. Then the bank has a remedy against the person to whom the money has been paid and every previous endorser up to the forged endorsement. The man who endorses immediately after the forged endorsement pays his money for the amount of the cheque, and he loses it. Under this enactment he loses the money, instead of the bank. I do not know of any reason why a person to whom a cheque is presented bearing a forged endorsement should lose the money any more than the bank. He has no better means, probably, of knowing that the endorsement is forged than any subsequent endorser. Of course, as the law now stands, the bank is not placed in just as good a position as the holder in due course, and the question is whether we should make that change in the bank's position.

HON. MR. ABBOTT—The clause which this House rejected last year has no bearing on the clause now proposed. One has no bearing on the other and no relation to the other. The clause which we rejected last year relieved the bank from the responsibility of paying a cheque which bore a forged endorsement, and could hold the maker of the cheque and charge it to his account, notwithstanding that the person to whom the cheque had been given and to whose order it was payable had never endorsed it. In other words, it proposed to transfer from the bank the responsibility for forged endorsements and to lay it upon the maker of the cheque. That was the practical object, as every banker in this House understands, of the clause we threw out last year, and a reference to *Hansard* will show I am correct. We said here we would not consent that a man should be deprived of his money which he had deposited in the bank after the bank holding his money having a valid voucher for the

money so paid, and that a cheque made payable to A with a forged endorsement for somebody else was not a valid voucher. That was the amendment of last year. Now, this clause does not propose to alter that at all. It does not propose to create any obligation as against the endorser which he is not under already; because, although the law is left as it is the bank might not be able to come against anyone but the person who presented the cheque. That person would be entitled to go against the endorsers up to the forged endorser, and make them pay. It gives the bank the remedy which it ought to have, because everybody else has it under similar circumstances, and it prevents the duplication of actions to recover the money so paid. It gives the bank direct action against the endorser, which the holder in due course has, and it prevents the necessity for circuitry of action, which, under the law as it stands, would have to be followed in order to recover the money from those who are liable for it. Of course, it is no new doctrine in the law of bills of exchange and promissory notes that a man who endorses after a forged endorsement guarantees the genuineness of that endorsement, or is precluded from condemning it—because by endorsing a bill and passing it on he makes himself responsible for it. It has been the law ever since I have been at the bar, and no doubt was settled many years before that. It was the law, and is the law in this statute, and there is really no change created by this clause, except giving the bank the right, under such circumstances as those, which is allowed under similar circumstances to every person who receives and pays a cheque, promissory note or bill.

HON. MR. LOUGHEED—It appears to me that there is an inconsistency in the latter part of this paragraph, which reads as follows:—

“The whole, however, subject to the provisions and limitations contained in the last preceding sub-section.”

It is noticeable that the last sub-section alluded to provides that notice of the forgery shall be given by the drawer to the drawee. If this clause in the proposed Bill passes, no provision will be made for notice to be given by the drawee to the endorser of the forged endorsement, so

that that latter part, which appeared to preserve certain rights, will be really imperative so far as limitation of time is concerned. That is one infirmity of this particular clause, which would result as follows: that the drawee might retain this bill for a considerable time, without giving notice to the endorser, against whom he proposed to proceed, of the forged endorsement. I think it should be so constructed as to cast upon the drawee the obligation of giving notice of the forged endorsement within a limited time, so that the endorser might have necessary recourse against the proper parties. I might take this opportunity of saying that, within my belief, this difficulty which appears to be apprehended, as the leader of the House has stated, by a certain gentleman in Halifax, might be better met by putting a broad interpretation, in the interpretation clause, on the words “holder in due course.” With regard to the legal construction which should be put on the words “holder in due course,” as has been stated in regard to a cheque, the difficulty could be easily met, and it would cover a greater class of cases than this one particular class. It is quite possible that other cases might arise other than those mentioned in sub-section 2 of section 5. I would direct the attention of the leader of the House to the necessity of a limitation of the time within which notice should be given.

HON. MR. ABBOTT—This does not give any right at all against the drawer of a cheque; the previous portion of the Bill provides that there shall be no remedy against the drawer where the endorsement is forged.

HON. MR. LOUGHEED—There is no provision as to endorsement.

HON. MR. ABBOTT—The drawer is not interested in the matter at all, as far as I can see. The clause the hon. gentleman refers to was made for the purpose of fixing a time within which the drawer could have his right of action, the drawee having paid out his funds improperly. That is the only object of the proviso. If the drawer makes a cheque payable to A and a forged endorsement is put on it, and the bank pays out the money, the bank might

exercise its remedy any time within six years.

HON. MR. LOUGHEED—That is, against the drawer.

HON. MR. ABBOTT—Yes. The drawer could have taken his action against the bank to make the bank refund the money paid out for the cheque at any time within the limitation which prevails under the Act. The first proposition was to destroy it altogether. As a compromise, this clause was inserted, which gave a remedy for a year; after that time the bank was entitled to retain the charge which it had made against the drawer; so that this clause which I am now proposing does not in reality relate to that case at all.

HON. MR. POWER—I think there is a great deal of confusion in the mind of the leader of the House with respect to clause 24—what is now section 24 of the Bills and Notes Act of 1890. That Bill came up to us without the provision which I have just read from the English Act. The Bill, as introduced in the other House by the Government, did contain section 60 of the English Act, which I have just read. That section, after being discussed for some time, was stricken out in the House of Commons and the Bill came up to us without that section. The hon. gentleman, therefore, is not right in saying that we here undertook to make amendments to a section which was not in the Bill when it came here. There was a good deal of discussion in connection with section 24, and an amendment was proposed, I think, by the hon. gentleman from Victoria division, and we made an amendment to the Bill which went down to the other House, but which was not accepted in whole there. They amended our amendment, and it came back to us, and the proviso which has just been read by the hon. gentleman from Calgary was the amendment which we made to clause 24 of the Bill here. But the point that I make is this, that the object of this amendment is substantially now the amendment proposed in clause 5 of this Bill, to insert into this Bill and Notes Act section 60 of the English Act; and I contend that the hon. gentleman has not made it clear that that is not the case. Of course, this amendment relieves the banker from the liability, just as the Eng-

lish Act did, but it puts the loss, not upon the drawer of the cheque, but upon one of the endorsers. That is the substantial difference. I do not propose to undertake to discuss whether that is right or wrong, but I think the House ought to understand clearly with regard to it.

HON. MR. ABBOTT—I do not think there was any confusion of ideas in my mind about the matter. I think my hon. friend has stated it very much as I have stated it. This House was asked to insert a clause in this Bill which was of the same effect as clause 60 of the English Act—in other words, under clause 60, if I had made a cheque on the bank and my office boy had undertaken to put the name of the payee on it, the bank would have compelled me to make good my account or accept a discharge of the amount, though I might have asked for it ten minutes after the office boy had pocketed the money. This House refused to put in that clause, and the other House also refused; but the bankers and other people interested represented that it was a great hardship that they should be left in this position, that a man whose cheque had been improperly paid might come back five or six years afterwards, after the possibility of discovering the culprit or making anybody responsible for the cheque had vanished, and compel the bank to repay the money taken out of his account six years before. This House, and the other House, thought this was a clear grievance—that there ought to be a limitation—that the bank ought to use diligence and give notice of the forgery to the maker of the cheque within a reasonable time. We put it, I think, at less than a year, but the other House made it a year, and we accepted that amendment. Now, what is there in common between that clause and this clause? In the one case they proposed to really impose on the maker of the cheque a loss which he is not responsible for in any shape or form—which he had nothing to do with, and which had occurred to him in consequence of a signature put on the cheque after he had signed it, and of which he could know nothing. That is what they proposed to do for the benefit of the banks. That is what we opposed and rejected. The Bill as it stands provides that whatever a man does, knowing what had been done before him, he is responsible for. Every endorser is respon-



sible that his previous endorser is genuine. It is so in favour of everybody. It is the general law, and has been the law from time immemorial. Unfortunately, just by a mode of expression that is new in this Act the payee of the cheque is deprived of his recourse against those persons who are undoubtedly liable. The endorser after the forged endorser is liable, and always has been liable. This amendment does not propose to make him any more liable than he was before. It only proposed to give the right of action to the man who is entitled to it—the man who has paid the bill. Surely there is no analogy between that and giving a person or bank that pays the money the right of recovering back the money from the persons who, under the law, are responsible for it? Surely there is no analogy between those two cases. In one it would be an absolute robbery almost—not in the legal acceptation of the term—of the depositor whose money is taken out of his account and paid to fill an order which he never gave; in the other case it is giving to the person who pays a sum of money the right to recover from those who are liable for it—that is the distinction between the two cases. It seems to me a very clear one, and every legal and equitable argument is in favour of passing the Bill as it stands.

HON. MR. VIDAL—Do I understand the hon. gentleman to press his amendment?

HON. MR. POWER—No; only I wish to have the matter understood.

The clause was adopted.

On the seventh clause,—

HON. MR. POWER—In cases where a party goes into insolvency in this country, though we have no bankruptcy law, is there not something to be said in favour of leaving him out?

HON. MR. ABBOTT—There is no official in this country who can be served.

HON. MR. POWER—The assignee in insolvency would not do?

HON. MR. ABBOTT—No.

The clause was adopted.

HON. MR. VIDAL, from the committee, reported the Bill without amendment.

The Senate adjourned at 4.25 p.m.

## THE SENATE.

Ottawa, Friday, June 5th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### BILLS INTRODUCED.

Bill (N) "An Act to incorporate the Wiar-ton Southern Railway Company." (Mr. MacInnes, Burlington).

Bill (M) "An Act to incorporate the Rocky Mountain Railway and Coal Company." (Mr. Lougheed).

### CUSTOMS RECEIPTS OF KEEWATIN AND THE MACKENZIE RIVER BASIN.

#### MOTION.

HON. MR. GIRARD moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a statement of all receipts in the unorganized territories of Keewatin and the Mackenzie River Basin on account of revenue under the Customs Act or otherwise, for the last three years, and of the expenditure for public purposes during the same period.

He said: When the question of the development of that distant part of the Dominion, known as the Mackenzie River Basin, was before this House two sessions ago, I understood that the Government had decided to do as little as possible at present for that country. Since then, I am glad to say, in looking at the Estimates that have just been put before us, I find that there is an appropriation of \$3,500 for the preliminary expenses in connection with the Mackenzie River and Peace River Indians. I am certainly very glad of it. It is much more easy to obtain a large sum of money at times from the Government for such purposes than it is to ask for a small sum of money. Nevertheless, we have to provide for the poor people who reside in that territory. They are practically the remnant of the Indians of the North-West. If we continue to force the Indians backward by the advance of civilization it will not be easy to force them much further, because they will necessarily find their limit near the Arctic Sea. It is the duty of the Government to provide for those people. They must be prepared to receive the light of civiliza-

tion. They cannot remain much longer isolated, as they have been for many years. They have of late years received assistance from the missionaries to live and to learn how to live. That time has now almost ceased, and they will have to be assisted by the Government. The people are so poor that at least eleven months in the year they live on fish, and fish only. Although the country has immense natural resources they have not as yet been developed, and if not developed they cannot be taken advantage of. It is well known that so long as a country is inhabited only by Indians there is not much to be expected of it; but when civilization has penetrated into that wilderness, as it will shortly, there is no doubt we will find an immense addition to the wealth of the Dominion from that part of the country, which is so great in extent that it is nearly as large as British India. It may be said that we have already a vast area in this Dominion to develop without attempting to do anything for the present for the Mackenzie Basin; but it is known to many of us that in certain parts of the Mackenzie Basin are to be found vast forests of valuable timber which are only awaiting the axe of the lumberman to convert them into a source of revenue to the country. In parts of that territory gold is found in paying quantities, and these mines only await development to yield large returns to those who will go in there and work them. In the rich valley of the Peace River millions of bushels of grain can be grown to supply other parts of the world. It is not necessary to remark that last year the Dominion profited largely by the crops we had in Manitoba and the North-West—more especially by the crop in Manitoba. It was a poor year, and there was not much grain produced in other parts of the Dominion, and if it had not been for the surplus crops in Manitoba the people in the eastern provinces would have been paying very large prices for produce. While it is well known that the soil of the Peace River country is very fertile, it may be stated that it also contains the best grazing land in the whole Dominion, and it is in the interests of Canada to have that country prepared as soon as possible for the advance of civilization. The preliminary step is to assist those who are there already. The time has perhaps arrived

when there should be established in that country industrial schools, where the Indians can be taught something and prepared to understand the benefits of civilization. When the light of civilization penetrates to that part of the country it will be an important duty of the Government also to provide in some measure a prohibitory law against the introduction of strong drink into that territory. We are familiar with the sorrows and miseries it has produced in the older provinces. Petitions from all parts of the country are now before Parliament praying for the passing of a prohibitory liquor law for the whole Dominion. It is well understood that such a law applied to a country inhabited by Indians would save them from destruction, because when an Indian has once formed a taste for fire-water he immediately becomes the most reckless and the most miserable man in the world. Under the circumstances, we cannot take too much precaution to protect the Indians of the Mackenzie River against the introduction of intoxicating liquors into that territory. It is the necessary accompaniment of civilization, no doubt. Those who go into a new country, bringing with them the light of civilization, bring with them also the bottle of death, and it is in distributing that bottle they sow the seeds of all those troubles, miseries and murders that we hear of from time to time in pioneer districts. Under these circumstances, I will certainly insist on the Government affording protection to those poor Indians of the Mackenzie River. It is my impression, that as yet they know very little of the use of alcoholic liquors. The Hudson Bay Company have been careful to prevent its introduction, and the Indians have obtained liquor only on rare occasions. What I fear is, that those who seek that country now for trading purposes or for the hunting of furs or large game will carry with them the curse of the liquor traffic. As I have already said, the population there is very poor, and any money that may be derived from it in the way of revenue from Customs should be set apart for the relief of the Indians. I have not been able to ascertain from the Public Accounts what has been collected; under such circumstances, I thought it was my duty to ask for information with reference to it, as I now do in my motion, and at the same time to ascertain what has been ex-

pended there for public purposes. I was very glad to hear that some public moneys had been appropriated during the past two years to assist the Indians in getting implements for fishing. I have letters with me, which it is not necessary to communicate to the House, expressing gratitude towards the Dominion for the assistance that has been granted on behalf of the Indians. They could not understand how or why they were so kindly treated, but I have been ask by different parties interested there to express the gratitude which they feel for the assistance they have received. I have to apologize to the House for trespassing upon their patience at such length while speaking in a language which I so imperfectly understand.

HON. MR. BOULTON—I would like to ask the hon. member from Provencher if he is aware whether the treaty rights have been extended to the Indians in that section of the country yet?

HON. MR. GIRARD—Certainly not in the territories included in the Great Mackenzie Basin and the Peace River valley.

HON. MR. SCOTT—They are in Keewatin.

HON. MR. ABBOTT—Of course, I have no objection whatever to my hon. friend's motion. I hope it will pass, but I cannot promise him, I fear, much information under it as to revenue. I do not think there are any returns from that territory at all, and whatever may be contributed to the revenue is probably indirectly by duties paid by the Hudson Bay Company, or by traders in that country. However, my hon. friend the Minister of Customs has promised me to have the best investigation made that he can in order to satisfy my hon. friend.

HON. MR. McINNES (B.C.)—I would like to ask the hon. leader of the House if the \$3,500 placed in the Supplementary Estimates for expenditure in the Mackenzie River and Peace River districts is the sum for entering into a treaty with the non-treaty Indians in those regions?

HON. MR. ABBOTT—My hon. friend must give notice of that enquiry. The

Supplementary Estimates are not before the House, and I must enquire before I can give an answer.

HON. MR. McINNES (B.C.)—My hon. friend from Manitoba referred to the matter, and I thought the information could be furnished.

HON. MR. ABBOTT—I cannot answer the question until the Supplementary Estimates are before the House.

The motion was agreed to.

## QUARANTINE REGULATIONS IN THE UNITED STATES.

### ENQUIRY.

HON. MR. REESOR rose to enquire,—

As to the report now current, that the Government of the United States have lately ordered that all sheep and swine, shipped from Canada to the United States, shall not be allowed to pass the Customs until they have undergone a quarantine of fifteen days; and the reasons why such quarantine has been ordered, and what steps, if any, have been taken by the Government of Canada to remove the serious obstruction to our trade.

He said: My enquiry relates to a matter of very considerable importance to Canada. In looking over the trade returns I find that our total exports amount \$96,749,140. Out of that total export no less than \$53,000,000 go to the United States, so that any interference with the trade with that country would injure our commerce, and especially the trade in agricultural products.

HON. MR. ABBOTT—In common with my hon. friend, the Government have seen the report, and fully appreciating the great importance to the country of this trade, especially in sheep and lambs, not being interfered with, they have applied to Washington for the documents necessary to inform themselves officially of the report, and will immediately take steps to bring about an arrangement that will be satisfactory to our breeders.

HON. MR. KAULBACH—I think my hon. friend asks also with respect to swine. Does the embargo extend to swine?

HON. MR. ABBOTT—Yes. The report is, that there is this embargo placed on

both sheep and swine. I merely remarked about sheep, because that is the most important item to us.

### THIRD READING.

Bill (B) "An Act to amend the Bills of Exchange Act, 1890." (Mr. Abbott.)

The Senate adjourned at 3.45 p.m.

### THE SENATE.

*Ottawa, Monday, June 8th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### DEATH OF SIR JOHN A. MACDONALD.

HON. MR. ABBOTT—It is unnecessary for me to-day to make any formal announcement to you of the event which has filled this Dominion with mourning. You all know that last Saturday night, the eminent statesman who has long filled the foremost place in the counsels of this country and a not inferior place in the hearts of its people, has departed from us. His death has not only filled this country with mourning, but it has been heard with strong feelings of regret and sympathy, by thousands of people who live beyond our borders, and who know him only by his great reputation—his continental reputation as a public man and a patriotic and able statesman. I cannot trust myself on this occasion, nor, indeed, would it perhaps be fitting, to enter on any detailed description of his career, but though that may not be appropriate on this occasion—though it could not, perhaps, be dealt with as it ought on this occasion, yet hon. gentlemen well know the extent of the loss which we have sustained, and no doubt all parties concur in their deep sense of that loss, to whatever race or to whatever party they may belong. Hon. gentlemen know, the whole country knows that we have to deplore the loss of a statesman of transcendent ability, who devoted his whole life and his whole energies with singleness of purpose and with success, to the building up of this great Dominion—to its consolidation, to its ag-

grandizement, to the promotion of its material prosperity, and to create in it the foundations for a great northern nation, to rule over the northern half of this continent. We know that in the performance of that great work, and by his management under the grave responsibilities that fell upon him as head of this country for so many years, he built up for himself a reputation as a public man, not only on this continent but in England, scarcely second to any statesman who has sat in the Councils of the Empire. I myself personally know, from the mouth of one of the foremost men amongst English practical political men, the permanent head of one of the most important departments of the public service in England, in what respect he was held there. In speaking of our lamented friend, he said: "You think in your country Sir John Macdonald a great man, no doubt, but I tell you what they think of him here; they think of him here as on a par, or, at all events, scarcely second to the first statesmen in the British Empire." That was in the days of Disraeli, of Gladstone's prime, in the life of Lord John Russell, and many men whose names I need not mention now. This was the opinion of one of the men in England best calculated from his position, and his personal character, to judge of the talents and of the merits of a Colonial Minister. During all his work he distinguished himself by his unswerving loyalty to British connection. He said himself, not long before his death, "A British subject I will live and a British subject I will die; and he was honoured by Her Majesty with the most important distinctions ever conferred upon a Colonial Minister. In all his public life his characteristics were those which we are taught, and I hope which we will never forget, to admire and imitate. That is the statesman we have lost. But hon. gentlemen, we have also lost a friend who is enshrined in the hearts of the whole people. No man probably ever lived who had so strongly with him the sympathies and the affections of the whole people; and though we have a people constituted as ours is, divided by race, divided by religion, divided by politics, yet, personally, he was the friend of every man in the country, and every man in the country in return regarded him with affection. Sir John Macdonald lived during the greater part of his life

with unparalleled facilities for amassing wealth, yet he died a comparatively poor man. None of his bitterest enemies, in the greatest and most violent heat of the most violent political debate, ever accused him of using his personal power for his personal advantage. These are the characteristics of the man we have lost. I know I speak in accordance with the feeling of every man in this Senate, and of nearly every man in the country, when I say how much we regret and deplore his loss and how great it is to us; and, moreover, how deeply we sympathize, with all our hearts, with those near and dear to him in their bereavement. I cannot trust myself to say more; but I wish to convey to the Senate that the Government of which I have the honour to be a member, the members of which are now only performing their duties provisionally, has determined to give to the late lamented statesman a state funeral. It is proposed that he should lie in state, with the assent of this Senate, in the Senate room, during to-morrow and until the following day, and that then he should be transported to Kingston, where, according to the terms of his will, he desired to be buried. Means will be provided on Thursday morning for hon. gentlemen to attend the funeral at Kingston and return the same day to Ottawa. The cortege will leave the previous day for Kingston, where the body will lie in state until the time of the funeral.

Hon. Mr. SCOTT. The sad announcement which was sent over the wires on the night of Friday week, telling the people of this broad Dominion that Sir John Macdonald had been stricken down and that his period of life on earth was limited to, at most, a few days, caused great sorrow throughout the entire Dominion. Men of all classes, of all political shades of thought, remembered only that a man was passing away who had given his life largely to the growth and development of this young nation. To enumerate the many acts of Sir John Macdonald of which his country received the benefit, would be to largely recount the history of Canada for the last forty years. Coming into public life soon after the union of Upper and Lower Canada, he, with many other distinguished men of that day, did much and did all to allay the bitter feeling that naturally arose at the period of the

union. The task of bringing together Upper and Lower Canada, inhabited by people who were not in harmony either in language, in religion, or in laws, was a task of no ordinary difficulty. It required men of broad and liberal views, men who were tolerant of the feelings—prejudices, if you will—of others, and Sir John Macdonald at that particular time performed a most important task, discharged a most important duty in cementing and uniting the two Canadas. And when again, in 1867, the new Dominion was born, Sir John Macdonald impressed upon the constitution of this country the same broad and liberal views, the same tolerance of the feelings, social and religious, of the minority class of this country, that has largely contributed to the peace and welfare of this Dominion. There were other men, no doubt, who did their share, but to-day we must recognize that Sir John Macdonald did a large portion of the work that was necessary at that time. The feelings and passions that separated men politically at that day were not based on the principles that prevail to-day. Now it is largely questions of trade and of Government; in those days, the separation arose from differences of race and religion more largely than can be appreciated by gentlemen not conversant with the times I am speaking of. I have said—and it is my duty to repeat it here to-day, conversant as I was myself with the incidents to which I am referring—the minority class, in the Province of Ontario at all events, owe largely to Sir John Macdonald many of the benefits they enjoy under our constitution. My hon. friend has referred to the fact that Sir John Macdonald, although possessed of abundant opportunities to enrich himself, remained a poor man. It must be spoken to his honour and to his credit that while he was serving his country he refused to avail himself of the many chances that were offered to him to accumulate wealth. He lived in an age, when I won't say the aspiration of every man is to grow rich, but it largely influences the conduct in life of most of us, and it is very much to the credit of the deceased statesman, that, living during a period when men were intent on creating wealth, he still remained poor. However much we may differ from him politically, we are all willing, at the present moment, to accord to him the

distinguished attributes of character which he possessed to a marked degree. During the last week, when his life held by a single thread, when political feeling was hushed, men of all shades of politics were willing and ready to accord to him the credit that was largely his due as a public statesman in the last forty odd years. Our sympathies are due largely to Lady Macdonald in this the saddest hour of her life, and it must be a great consolation to her and to his family to feel that the sentiment throughout Canada is of such a warm nature towards Sir John Macdonald—how, rising above the political feelings of the hour, all men are willing to credit him with the possession of those high gifts with which he was endowed, and to recognize, whether they differed from him in his political views or not, and accord to him with candour and frankness that he was true to his country and that his aspirations were always in the right direction. It will be a gratification hereafter, not only to Lady Macdonald but to his family, to recognize that the sentiment of Canada was so largely outspoken in favour of the deceased statesman in this their sad time of trial.

HON. MR. TASSE—Although it is customary, on such an occasion, to limit the speeches to the leaders of both sides of the House, I ask the liberty, at the request of a certain number of French Senators, to say a few words in the language of the race of which the late lamented statesman was the friend.

Je ne puis m'empêcher de m'associer publiquement au deuil dans lequel la nation tout entière est plongée et d'appuyer les nobles paroles tombées des bouches les plus autorisées de cette Chambre. C'est le père de la patrie qui vient de mourir, c'est notre plus grand homme d'Etat, c'est l'un des plus grands hommes d'Etat du monde. Sa mort a causé un émoi presque aussi profond à l'étranger que sur la terre canadienne. Et cela n'a pas lieu de surprendre, car l'illustre défunt eût fait sa marque dans n'importe quel pays, sur n'importe quel continent, le premier rôle seul lui convenait. Sa Majesté la reine avait appris depuis longtemps à le considérer comme l'un de ses aviseurs les plus sûrs, les plus éclairés; elle voulut lui conférer un honneur inouï en l'admettant dans son propre conseil

privé, car elle comptait sur lui comme sur l'un des liens les plus puissants pour maintenir l'intégrité de l'empire. Aussi chacun sait avec quel poignant intérêt, espérant avec nous contre toute espérance, elle a suivi sa terrible lutte contre le seul ennemi qui pouvait le vaincre.

*Si vis monumentum, circumspice.* Si vous voulez voir son monument, regardez autour de vous, interrogez même les horizons les plus éloignés. Regardez le grand œuvre de la Confédération, le merveilleux progrès du pays depuis un demi-siècle, les vastes espaces qu'il a ouverts à la civilisation; regardez les puissants facteurs de ce progrès: la construction de l'Intercolonial et du Pacifique, l'achèvement de nos canaux, l'établissement d'une ligne de steamers rapides sur la mer du Pacifique en attendant qu'une autre sillonne l'Atlantique, autant d'entreprises qui nous assurent la route la plus courte pour les échanges de trois continents et qui nous font marcher à la conquête du commerce de l'univers. Bref, son nom se lit partout sur les pages admirables de nos lois comme sur toutes les libertés que nous jouissons. Ce nom, l'histoire va le graver en lettres ineffaçables, et il sera répété avec amour et reconnaissance tant qu'il y aura une vague pour battre les bords du Saint-Laurent, tant que le mont Macdonald dominera les Montagnes Rocheuses, tant que l'étoile polaire s'allumera au faite de notre pays.

Puissent les pleurs de tout un peuple adoucir en s'y mêlant les larmes de celle qui depuis tant d'années a été sa dévouée compagne, son autre lui-même. Puissent surtout les prières qui s'élèvent de toutes nos églises, le suivre là haut à la place que Cicéron, dans l'immortel songe de Scipion, dit être réservée aux hommes qui ont passé leur vie à servir leur pays. Puissent aussi ceux que la Reine appellera dans ses conseils s'inspirer de ses idées, de son patriotisme, de son désintéressement, pour continuer son grand œuvre, l'œuvre de l'édification de la patrie canadienne. Et parmi ceux qui lui disent aujourd'hui un éternel adieu, veuillez compter, honorables messieurs, au nombre des plus profondément affligés, le million et demi de Canadiens-français qui trouvèrent en lui loyauté et justice.

HON. MR. ABBOTT—I propose to ask the House to adjourn out of respect to Sir John's memory, and also to ask, perhaps,

for an extended adjournment. Of course, the House will understand why such an adjournment is necessary. I understand that the Commons will adjourn until Tuesday week, and it has been suggested here that our adjournment should be until Wednesday week, as being more convenient to members. I, therefore, move that when the House adjourns to-day, it stand adjourned until Wednesday week, at half-past eight.

HON. MR. SCOTT—Before the question is put, I would like to ask my hon. friend if he is in a position to say who has been sent for to form a new Government?

HON. MR. ABBOTT—No one as yet. I think it is understood that no one will be sent for until after the funeral.

HON. MR. ALMON—When the House meets on Tuesday week, the Commons will be occupied for two or three days with political discussions. Whoever is sent for to form a new Government will be opposed, even if he were the Archangel, and in the meantime we in the Senate will have no business before us to occupy our time.

HON. MR. KAULBACH—My hon. friend must be ignorant of the business before the House. On this occasion I do not intend to oppose any adjournment suggested by the leader of the House. If the hon. gentleman from Halifax had looked at the Order paper he would have seen that there are Orders enough on it now to occupy us for three or four days.

HON. MR. ABBOTT—There will be work for us when we meet, because there is some on the Order paper for us to-day, and some for subsequent days, and these will accumulate until Wednesday week when we meet at half-past eight. I presume I may convey to my colleagues of the Senate, that the House shall be used for the purposes of the funeral ceremony.

HON. MR. POWER—I understand that some question has arisen as to whose charge the chamber shall be in for the purposes of the funeral ceremony. I think it should be in the charge of the officers of this House.

HON. MR. ABBOTT—I am unable to say, not having been present in Council

this morning, what the arrangement was to be, but I think it would be a pity to disturb it on any question of this description. I can assure the House that nothing will be done to disturb the convenience of members or officers of the House. On the contrary, the convenience of every officer of the House will be considered, as far as possible. I think some person has been decided upon to carry out the arrangement from beginning to end.

The motion was agreed to, and the Senate adjourned at 3:45 p.m.

## THE SENATE.

*Ottawa, Wednesday, June 17th, 1891.*

THE SPEAKER took the Chair at 8.30 p.m.

Prayers and routine proceedings.

## THE SUPERINTENDENT OF THE WELLAND CANAL.

### MOTION.

HON. MR. McCALLUM moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a statement and account showing the amount of money received and taken in excess of what was just and proper by William Ellis, Superintendent of the Welland Canal, if any, from the 29th day of December, 1879, until the 11th day of September, 1889; also, a statement showing the amount of money paid back by Mr. Ellis, if any, and date of payments, if any. Further, a copy of the bond given as security by Mr. Ellis, if any, to secure the payment of the money taken in excess.

He said: No doubt many of you are aware that this is not a new question. I brought it up last year and spoke about it. It may be ancient history to some hon. gentlemen; still, it will be found to be live history in this country at this moment. The Welland Canal is a very important public work, and two sessions ago I moved for, and this House recommended, the appointment of a commission to examine into the Welland Canal management. I showed them that there was gross mismanagement in the affairs of that important public work. I showed at that time, in speaking in this Chamber, that Mr. Ellis had taken, as proved by sworn testimony, amounts of money, contrary to the canal

regulations, in various ways, to the extent of \$3,263.25, besides other amounts of public moneys squandered and lost to the country, aggregating \$36,935. This is a serious matter. By his mismanagement the country has lost this large amount of money, and after all this has been exposed, and after all I have said in this House on the subject, I see that Mr. Ellis is managing the Welland Canal to-day. Even the Commissioner, in his report laid before this House, states that this country is losing \$20,000 a year by the action of that gentleman: still we find him continued in office. My object in moving this motion is to find out how much the Government have ascertained that he has taken. I see they are making him disgorge some of his ill-gotten gains that he has got from the canal, and I want to find out how much it is. In the \$36,935 there was an item for horse-hire furnished by a Mr. Foster on the Welland Canal. I could not get at the exact amount taken by Mr. Ellis in that respect at the time; but I put it down in the estimate I laid before this House approximately at \$800. That is a very small item of the amount taken, and I want to see how far I was correct. I could only get at it approximately, for the reason that the books were burned or destroyed, and I could only follow it through the pay-lists to get at the sum approximately. My object now is to ascertain if possible what the amount really is. The Auditor General's Report contains a letter showing how the Government is dealing with this matter. In the report for 1888-89 he says, in writing to the Department of Railways and Canals:

“WELLAND CANAL.

“AUDIT OFFICE, OTTAWA, Sept. 11, 1889.

“SIR,—I notice in the August expenses for ‘Welland Canal—Repairs’ a bill of \$19.50 from Robert Foster, of St. Catharines, for horse-hire for Mr. Ellis. The Order in Council of 29th December, 1879, allows Mr. Ellis \$300 a year for travelling expenses. This should cover horse-hire, as it does in the case of Mr. Conway. The overcharge on this head for 1888-89 amounts to about \$247.50, and should be refunded. The \$19.50 I have subtracted from the application, in the meantime.

“I am, Sir, your obedient servant,  
“J. L. McDOUGALL, A.G.

“The Secy. Dept. Railways and Canals.”

It will be seen by the letter I have read from the Auditor General's Report that the Government are compromising with this gentleman—compromising with a public officer in this 19th century. You can see

what an example is being set by the Government to the country. It is only the other day we saw that in England an officer of high standing had his name struck off the rolls of the army for cheating at cards. I remember once reading a pamphlet issued by a Colonel Titus in the time of Cromwell, in which he advanced the theory that killing was no murder. Is it to be believed that in this country taking what belongs to the Government is not considered stealing? The sin is in being caught, and then the guilty party is only asked to make restitution. It will be seen by the action of the Government that they do not want to disturb Mr. Ellis: they want to let him pay up by instalments; they do not want to inconvenience him at all, by making him give up the money that he has taken. The following letter is to be found at page 850 of the Auditor General's Report:—

“AUDIT OFFICE, OTTAWA, Oct. 14, 1890.

“DEAR SIR,—I do not find that any answer has been received to my letter of Sept. 11, 1889, concerning the travelling expenses of Superintendent Ellis, of the Welland Canal. This letter is shown on page E-227 of my Report for 1888-89.

“Mr. Ellis should refund all the charges made for his horse-hire from the time that he began to receive the allowance of \$300 a year to cover all his travelling expenses.

“Please calculate the total over-payment, and arrange with Mr. Ellis for a return of the amount by the end of this month, as the accounts must be closed for the printer.

“I am, Sir, your obedient servant,  
“J. L. McDOUGALL, A.G.

“The Secretary Railways and Canals.”

Here is another letter:

“AUDIT OFFICE, OTTAWA, Dec. 15, 1890.

“SIR,—With reference to the over-payments to Mr. Ellis, Superintendent of the Welland Canal, prior to the fiscal year 1888-89, I beg to say that I have had an unofficial letter from Mr. Ellis, who complains of the inconvenience which he finds in being kept out of the whole of his salary until the over-payments have been met. I have explained to him that I have no authority to pass his monthly salary while any portion of the over-payments stands against him, unless on application from your Department for modification.

“Mr. Ellis' salary for October was retained to cover the over-payments subsequent to June 30, 1888; but his November salary was passed.

“I think that, on a statement from you that Mr. Ellis is not likely to be disturbed in his position from anything yet known to the Department, and on your application to give him time for repayment by monthly instalments of a substantial amount, naming it, I would be justified in acquiescing in the application.

“You will understand that I am not making any suggestion as to the course which you may think well to adopt; but it seemed to me that the information given herein might assist in enabling you to make a settlement with Mr. Ellis which would relieve him from his present anxiety, and in a manner which



Parliament would consider, under the circumstances, proper.

"I am, Sir, your obedient servant,  
"J. L. McDOUGALL, A.G.

"The Secretary Railways and Canals."

In another letter from the Auditor General, dated the 13th of January, 1891, he says:

"On taking up your letter of December 23, concerning Mr. Ellis' charges for horse-hire, I find that you have overlooked the naming of a monthly deduction, suggested in my letter of December 15. I would like the Department to fix a sum with which I could agree, to enable the ratification to proceed without further delay. The exact total to be cancelled can only be obtained from the vouchers in your Department, as we have returned to you everything of earlier date than 1888-89.

"I am, Sir, your obedient servant.  
"J. L. McDOUGALL, A.G.

"The Secretary Railways and Canals."

Here is the Auditor General, appointed to look after the public interest, corresponding with the Superintendent of the Welland Canal unofficially about the money taken by Mr. Ellis from the public—suggesting that it is inconvenient for him to pay this money back! You see how Mr. Ellis uses the Auditor General as an agent, or rather, I may say, as a diplomat in his behalf to effect some arrangement. The Auditor General says he does not make a suggestion, but he is making suggestions all the time, and trying to relieve Mr. Ellis of his anxiety. I read the other day of a man being sent to gaol for getting a few crackers and cheese under false pretences, but in dealing with this man who has taken thousands of the people's money the Government want to relieve him of his anxiety, and give him a chance to pay back the money he took. That is the way the law is administered at the present time. I do not know what Parliament may think of the proposed arrangement to relieve Mr. Ellis of anxiety, but I, for one, do not think it a proper policy. Let us see what reply the Auditor General got from the Department of Railways and Canals. You heard my statement in the House: I asked the Government either to dismiss those who had done wrong or to publish the evidence. They said they had not time to look into the matter. Well, I was willing to give them time, and I have not yet moved to have the evidence published, but I say I shall do so unless the wrongdoers are dismissed from the public service. Even the report of the Commissioner, who did his best to shield them, warrants their dismissal. The Department

of Railways and Canals, in reply to the Auditor General, says:

"RAILWAYS AND CANALS DEPARTMENT,  
"OTTAWA, December 23, 1890.

"SIR,—In reply to your letter of the 15th instant, I am, by direction, to say it is not contemplated to interfere with the position held by Mr. Ellis, and that time may be given to him to make refund by monthly instalments of the amounts claimed from him.

"I am, Sir, your obedient servant,  
"A. P. BRADLEY, Secy.

"The Auditor General."

Now, that is the way the case stands. This is a small item of what has been proved, on sworn evidence, that this man has taken for his own use. I do not say that he has taken the money, but he has taken the labour of individuals for his own use and charged it to the Government. I can show by the evidence taken before the Commissioner that this man paid the public money for work done at his private residence. The clerk and paymaster of the Welland Canal proved that he paid out some eight hundred odd dollars that the country did not get anything for. Yet the Government say they are not going to disturb him. What did the leader of the Government say when I first moved in this matter. He said there would be a searching investigation made, and if my charges were true that the offenders would be punished. Is this punishment—to give them time to repay the money they have taken from the people? It cannot be said that Mr. Ellis erred unconsciously; he knew the canal regulations, and he must have known what he was doing. I did not push for the evidence last year; I gave the Government time, even when I knew that the Commissioner's report showed a loss to the country of \$20,000 a year through the mismanagement of the Welland Canal. After trying all he could to save Mr. Ellis, he had to report to that effect; yet Mr. Ellis continues at the head of the Welland Canal. Why does the Government that I have supported all my life—that I am supporting now—persist in this course? I have always said, and I say now, that the Government have nothing to conceal in this matter. Then why shield this man? I say to them, if you do not dismiss these people at once from the public service, let us have the evidence.

HON. MR. ABBOTT—I only propose to say that the Government have no objection

whatever to the motion, and that the return which my hon. friend asks for will be brought down immediately.

The motion was agreed to.

#### MINISTERIAL EXPLANATION.

HON. MR. ABBOTT—Before the Orders of the Day are called, and having obtained the requisite permission from His Excellency, I desire to make a statement of the proceedings that took place after the death of the late lamented the Right Hon. Sir John Macdonald. It was felt by His Excellency that the state of public affairs did not require that measures should be taken for the formation of a new Cabinet before the grave should have closed over the remains of the late lamented Premier, and before the last honours had been paid to him. The morning after the funeral, however, His Excellency, exercising his constitutional right, applied to the Hon. Sir John Thompson for his advice with regard to the steps which should be taken for the formation of a new Government. Later, on the same day, by the advice of Sir John Thompson, I was myself summoned by His Excellency, and, after consideration, I accepted on the following day the duty which His Excellency desired me to assume. I therefore communicated with my colleagues, and requested their consent to remain in their respective offices, and with their assent I submitted to His Excellency my recommendation that they should be continued in their present positions, of which His Excellency was pleased to approve, and he also sanctioned my assuming the departmental office of President of the Council. The vacancy caused by the death of the lamented Right Hon. Sir John A. Macdonald has not yet been filled, and pending the appointment of a successor the affairs of the Department of Railways will be administered by a member of the Cabinet.

HON. MR. SCOTT—The Senate, I have no doubt, will be very glad to hear that a member of this Chamber has been selected by His Excellency to form an Administration. It has been very many years since a Premier of Canada has occupied a seat in the Senate—I think twenty-five years, or nearly that period.

HON. MR. MILLER—Never.

HON. MR. POWER—Not in the Senate.

HON. MR. SCOTT—I was referring to the last days of the old Council of Canada, when Sir Etienne Taché and Sir Narcisse Belleau were members. It was just immediately preceding Confederation. I have no doubt we may hope now that some important Government measures will be introduced in the Senate, and that probably we shall have the initiation of a more considerable portion of the public business. As my hon. friend knows, the public are entitled, and Parliament should always receive the fullest information with reference to the formation of a Government. I notice, in making this statement, the hon. gentleman informs us that His Excellency had applied first to Sir John Thompson for advice with respect to the formation of the Government. I think we ought to know whether Sir John Thompson, when asked for his advice, was called upon to become Premier, and if he declined, and his reasons for declining, if such is the fact. It is usual, when any gentleman other than the one officially selected has been called upon, to state his reasons for declining the honour. I also note, what every hon. member must have remarked, that in reference to one gentleman more particularly, it has been stated broadly and has not been denied—and, in fact, I see to-day in the *Montreal Herald* that the interview to which I am about to allude is declared, under a statutory declaration, to be essentially true—that the Hon. Mr. Chapleau stated in an interview with a representative of the *Montreal Herald* on Sunday last that in the event of his going into the Administration he had been promised by the late Premier the position of Minister of Railways and Canals, and that he would stand by his rights. I notice that interview as published has not been officially contradicted. It is furthermore stated that it was on the distinct understanding that he would be given the position of Minister of Railways and Canals that he entered the Cabinet. I think if that is a fact that Parliament is entitled to know the real state of affairs. It is quite usual, I know, in the Parliament of England, that the greatest frankness prevails in making those statements, and personal explanations are always given on questions of that kind. More particularly with reference to the first statement

that my hon. friend adverted to, that Sir John Thompson was first sent for, I think we ought to be told whether he was called on to form a Government, and if so, we should be given his reasons for declining.

HON. MR. ABBOTT—My hon. friend is quite right in saying that Parliament is entitled to full information on subjects connected with the formation of the Government. With regard to his first question, as to whether Sir John Thompson was asked to form a Cabinet, and whether or not he refused, I have to say that the statement I have made already is strictly and literally accurate. Sir John Thompson was asked by His Excellency to advise in respect of the formation of a Cabinet. I might, perhaps, put my present statement in precisely the same language in which it was given elsewhere, which is the language I have authority to use in respect of that interview—that His Excellency, exercising his constitutional right, applied to Sir John Thompson for his advice with respect to the steps which should be taken for the formation of a new Government. I not only state accurately what took place, but I believe I state all that took place. On the other point, my hon. friend must not expect me to give an official contradiction to the reports of interviews, or so-called interviews, which appear in the newspapers. I really cannot undertake to do that, nor can I undertake to say what took place on those occasions. Of course, my hon. friend will understand that I have already mentioned to the House all the advice which the Ministry has thought proper to tender to His Excellency on the subject of the formation of his Cabinet, and what advice the Ministry may give in the future I am unable to disclose. It is not constitutional that I should do so, nor is it possible, unless I were a prophet, to mention what advice the Cabinet may hereafter give to His Excellency.

HON. MR. SCOTT—Then I assume that no pledge has been given to Mr. Chapleau that he will be Minister of Railways and Canals at a future period?

HON. MR. ABBOTT—I have already told my hon. friend that I am unable to state what advice the Government will give to His Excellency on the subject. I might go a step further, in reply to my

hon. friend with respect to this question, by saying that the Cabinet have determined upon no special advice with respect to any Minister, to be given to His Excellency on any future occasion.

HON. MR. MILLER—As one of the oldest members of the House, and as one who has always been a strong advocate for adequate Cabinet representation in this Chamber, perhaps I may be permitted on this occasion to offer my congratulations, as well as the congratulations of the House, to the distinguished gentleman who to-day occupies the high position of Prime Minister of Canada. During the last three or four years that that hon. gentleman has been a member of this House he has, by his suavity of manner, by his ability, by his experience, and by his knowledge, so conducted the business of this Chamber that his leadership has been an object of admiration, not to one side of the House alone, but to both sides of the Senate. I am sure everyone must recognize that the hon. gentleman, in assuming to-day the onerous duties of the high position which he occupies, felt that it was no small task he was undertaking to step into the shoes and follow in the footsteps of so illustrious a statesman as his predecessor. He must have felt that he was assuming no small duty indeed; but I think that this House, from its experience of that hon. gentleman, must feel that if there is to-day a public man in this country who is capable, from his knowledge, from his tact, from his firmness, from his ability, and from all those high qualities necessary for the high position to which he has been called, that that hon. gentleman possessed them in an eminent degree. I am sure that he will reflect credit upon that position as a member of this House. I rise also to say one word with regard to the House itself, and to congratulate the Senate upon the position which it occupies to-day before the country. For some time past it has been a matter of complaint that this House has not had that representation in the Cabinet to which, under the constitution, it is justly entitled. I, myself, have always contended that there should be at least three Cabinet Ministers—three departmental Ministers—in this Chamber, one representing the large Province of Ontario, one representing the Province of Quebec, and one representing the other pro-

vinces of the Confederation, whether of the eastern or the western sections of the Dominion. I think with such a representation we might be fairly satisfied. We have to-day come as nearly as possible to what I have always advocated as simple justice to this House. We have two distinguished Cabinet departmental Ministers, and a non-departmental Minister, one of the departmental Ministers being Premier of the Dominion. What I would desire myself to see in addition, and what I have always advocated, is that we should also have a French Minister in this House. I have always considered that it was justly due to that large and important element in our population that they should be fairly represented on the Treasury benches in this House; but we all know that the fault, if any can be complained of, does not fairly lie against the Government, but against that element itself in the popular branch which refuses to give up any one of its representatives to occupy a seat in this House. It is not a matter that the Government can control, for that element in the popular branch thinks proper to retain its full representation there, and it is therefore due to that regrettable reason that we have not the satisfaction and the pleasure of seeing a representative in the Cabinet speaking the French language on the floor of the Senate. However, we have the honour of seeing in the Chair of this House a distinguished representative of that race, and I am in a position to congratulate the House on the fair representation in the respects to which I have alluded that the Senate now possesses in the government of the country. I do not intend to trespass on the patience of hon. gentlemen with any remarks upon the constitutional right of the Senate to a fair representation in the Cabinet under the system on the model of which our constitution has been framed—the constitution of Great Britain; but it is satisfactory to us to find the position in which we are placed to-day, and to see that when a great man was required for a great emergency he was found within the walls of this branch of Parliament.

HON. MR. POWER—I believe the usual practice—not on occasions of this kind, because occasions of this kind have never arisen within the history of the Dominion—but in cases where ministerial changes have taken place—is that the discussion

should be limited to the First Minister and the leader of the Opposition. I think that it is fortunate that on this occasion the rule, which is not a very rigid one, has been broken through by the hon. gentleman from Richmond; and I am sure that every hon. member present has concurred in almost everything that he has said, and it is largely for the purpose of expressing my own individual concurrence that I rise now. There are some points as to which I do not altogether concur with the hon. gentleman from Richmond. The hon. gentleman has stated with perfect correctness, and it has been stated a great many times in this House, that the Senate had not been fairly dealt with by the Conservative Government during the past few years. At first, after Confederation, I understand that there were five Ministers occupying seats in this House. When I had the honour to be appointed to the Senate—which is now a regrettably long time ago—there were two Ministers in this House, and that continued to be the rule for several years. Then we got down to a single member of the Cabinet holding a departmental office, and after a while we ceased to have any departmental officer in the Senate. Now, as the hon. gentleman from Richmond has stated, we have come into a fairly good position again. We have two departmental officers in the Senate and one gentleman a member of the Cabinet without office. But the hon. gentleman from Richmond did not advert to the fact—and it was naturally not to be expected that he would—that we did not owe that position of things to the Conservative party or to the Government. We are delighted to see the Minister of Agriculture in this House. He is a gentleman whom to know is to respect and to like, and if we had to select another member than the Premier to place upon the floor of this Chamber, there is no member whom we should prefer to the hon. Minister of Agriculture; but our gratitude for that hon. gentleman's appearance in the Senate is not due to the Conservative party nor to the Government: it is due to the electors of London.

HON. GENTLEMEN—O! O!

HON. MR. POWER—Hon. gentlemen may say "O," but I state the fact. I look at the thing from my point of view; and the fact that we have now the Premier here is

due to the circumstance that the Conservative party found that their only safety was in taking a gentleman who had a seat in the Senate to be their leader. I think the Senate is very much to be congratulated. There is a saying, a very familiar one, that all things come to those who wait. The Senate may not be a very brilliant body in some respects, but it has great staying powers; it has waited long enough, and it has now got what it has long felt that it was entitled to; and I hope it will hold on to what it has for a very long time. Now, my own feeling as to the leader of this House being also the leader of the Government is rather of a mixed character. As a member of the Liberal party, I am disposed to regret that so skilful and able a gentleman should be selected to lead the Government whose downfall I am anxious to see at as early a day as possible; and I think that as a patriotic Canadian—and I may venture to hope I may call myself that—I have also cause to regret the hon. gentleman's appointment, because I think it is in the interests of the country that the policy of the party which that hon. gentleman leads, a policy injurious to the country, should be overthrown as early as possible; and the selection of so able a leader of the party which has adopted that unfortunate policy is likely to keep the policy alive longer than it would otherwise endure. I speak now of my feeling as a Canadian and as a Liberal. As a member of the Senate I must express my cordial sympathy with the views expressed by the hon. gentleman from Richmond; and I rejoice that for the first time since Confederation the leader of the Government of Canada has been selected from the Upper House. I quite agree also in what the hon. gentleman from Ottawa has stated, that more legislation of an important character will probably originate in this House hereafter than heretofore. That is a circumstance which is calculated to add to the consequence and dignity of this House in the eyes of the people of Canada; and the mere fact that the leader of the Government is in this House will tend in the same direction. I do not think—it may be that I should not speak so plainly here—that the position of the Senate in the eyes of the people of this country is so exalted that it will not bear an addition to its dignity. The general effect of the appoint-

ment of the leader of this House to be also the Premier will be to make people look upon the Senate as being, not a place where a number of elderly gentlemen come to take it easy in the latter end of their political lives, but a co-ordinate branch of Parliament, equal in dignity, if not quite equal in importance, to the House of Commons. I may be allowed to conclude with a few observations as to the hon. gentleman who has been made leader. As to that hon. gentleman's qualifications for the position to which he has been appointed, we here in the Senate have no question. The hon. gentleman has, during a long life, been tried in a great many different capacities. I do not propose to speak of any of them but one; but hon. gentlemen know that this Senate was led for many years with singular skill and ability by a gentleman of great natural talents, who passed half a lifetime in this House; and hon. gentlemen who were here when Sir Alexander Campbell left the Senate will remember that the general feeling amongst the members of this House was that they could get no one who would take Sir Alexander Campbell's place. I say that was the feeling. The hon. gentleman was not appointed immediately on the retirement of Sir Alexander Campbell; but within a few weeks after the appointment of the present leader of this House hon. gentlemen felt that they had been mistaken, and that a man had been found who was able, with a comparatively limited experience, to fill the position successfully which had been so long filled by Sir Alexander Campbell. The hon. gentleman who is now the leader of the Government is not a man who generally poses before the public to any very great extent; but he has done a great deal of valuable work, and has done it in a quiet and unostentatious way. We know him now; we did not know him before he came; and, knowing him, we believe him capable of discharging the important duties of the office to which he is now appointed in such a way as will surprise the people of the country and will, I regret to say, delight the Conservative section of the community. People outside will in a little while begin to look upon the hon. leader of the Government much as we now look upon the leader of this House; and I may be allowed to express the belief, and also the hope, that as long as this country shall be afflicted by

a Conservative Government—which I hope will not be very long—that undoubted evil may be mitigated by the fact that that Government will be led by the hon. gentleman. I may add perhaps one or two further words: as a Canadian—and I wish to say nothing whatever which may be in the slightest degree derogatory to gentlemen who have not the honour of being born in Canada,—as a Canadian I am pleased that for the first time a native Canadian has been appointed to lead the Government of this country. I do not mean to say that native Canadians are better than their neighbours; but I think it well to be able to show that we can “raise” a leader in this country who will be able to discharge the duties of the office as well as any one who comes from abroad. As to the hon. gentleman himself I wish to make a remark which is perhaps not altogether a remark to make on the floor of this House; but I think with regard to the hon. gentleman himself it must be gratifying to him to know that his appointment is so cordially received by those who know him best, and also—which is perhaps the most gratifying circumstance—that the appointment has come to him, not through any seeking or expectation of his own, but has come “like Dian’s kiss, unasked, unsought”—the office has come to the man, the man has not sought the office; and that the hon. gentleman owes his appointment solely to the fact that those who knew him best knew he was the best man for the position.

HON. MR. ALLAN—As my hon. friend from Halifax has said, this is rather an unusual occasion in the Senate, and perhaps we may be pardoned for departing from the strict rule which, under ordinary circumstances, would limit anything that is said to the leader of the House and the leader of the Opposition; and, after the very graceful speech that has been made by my hon. friend from Halifax it would be impossible to say anything with regard to the appointment of the leader of this House to the high position of Prime Minister which would have more force or be more welcome to the House than the remarks which has just fallen from my hon. friend’s lips, and which have all the more weight, coming as they do from him, because they are so entirely sincere. But I desire to say one or two words, as coming

from Ontario, to express the feeling which I found existed there yesterday and the day before, when the announcement was made in the public press that the Hon. Mr. Abbott had been called upon by His Excellency the Governor General to form an Administration and had consented to do so. The feeling of satisfaction which prevailed very largely throughout Ontario on the receipt of this intelligence was, I think, mainly due to the belief that in the hon. gentleman now called upon to become the Premier of this Dominion we have not only a man of great ability and experience, but one who possesses one of the noblest characteristics of our lamented leader Sir John A. Macdonald—of entire freedom from selfish or personal aims, and who will endeavour to carry out the duties of his high office with a sole regard to the best interests of the country. We all know that it is that which has so endeared the memory of the late illustrious statesman to the people of Canada—the feeling that he sought no personal or selfish ends—the feeling that with him the interest of the country was the first and paramount consideration; and when I have seen in great public assemblies men of all ranks press forward with enthusiasm to shake the hand of a man from whom they had never received any favours or expected to receive any favours, it was because they thoroughly believed, as they expressed it in homely phrase, that “John A. wished to do and would do whatever was best for the interest of the country.” I feel that we have now, in the hon. gentleman who fills the high position of Prime Minister, a gentleman who will on all occasions do whatever he believes is best for the country, and with ability and tact. I think also that we have reason to congratulate this House on the fact that we have amongst our members the gentleman who has been called upon by Her Majesty’s representative to be the Premier of the country, and one in whose hands we feel that the duties of that high office are so safe. The Senate will now be placed in a proper position before the country, by having in this Chamber Ministers of the Crown filling responsible positions, and especially the gentleman who is now the premier of the Dominion. We have all felt that justice has not been done to the Senate in this particular. When we recollect that at one time, as the hon. gentleman from Halifax

has reminded us, we had four or five Ministers in this House, we have all felt that we were not treated with due consideration when we were left subsequently with only two Ministers of the Crown—and for a considerable time without any Minister holding a portfolio. I think it is a matter on which we may all congratulate ourselves that this state of things no longer exists, and I am sure it must be particularly agreeable to the Premier to feel that his appointment is one that has given such universal satisfaction on both public and personal grounds, and has been so warmly welcomed by all parties in this House.

HON. MR. BELLEROSE—After the pleasant words which have fallen from the lips of hon. gentlemen on both sides it would be very unwise for me to criticise the present arrangement—much more so when I considered, the very day our late Premier died, that the best thing for His Excellency the Governor General to do under the circumstances was to send for the leader of the Senate to form a Cabinet, and if that hon. gentleman were to take in as his colleagues the members of the old Government, and go on with the business of the country as usual, that it would be acceptable to every member on both sides of the House. Under such circumstances, I have no desire to criticise what has been done up to the present, and if I rise now it is more with a view to speak of the future than of the present. The Administration as it is before us to-day, though receiving the approbation of this House, and of myself, I must say is not what constitutionally it ought to be; but I admit that under the circumstances it could not be made what it ought to be. Hon. gentlemen will remember the occasion, not so long ago, when, pressed by myself, the leader of the Senate acknowledged that until a member of this House speaking the French language should occupy a seat on the Treasury benches the Government would not be formed according to the spirit of the constitution. Therefore, though I do not criticise the arrangement of to-day, I hope that in the future, when the hon. gentleman who is now Premier as well as leader of this House, finds it necessary to make changes in his Cabinet, he will bear in mind the view expressed by his predecessor, and that he will do justice to all, and especially to that part which comes in the greatest

number from the Province that he hails from himself.

HON. MR. MACDONALD—On behalf of the people of British Columbia, as well as on my own behalf, I congratulate the hon. leader of the House on being called to the position of Premier. I feel convinced that he will discharge the duties of that high office with ability, prudence and tact. Although we all mourn the loss of the great and noble man who was, until recently, at the helm of the ship of state for so many years, this is no time to look backwards. We must look forward, and rejoice that a man has been found who will take his place and steer the ship of state clear of breakers, shoals and sands. I wish the hon. gentleman all the success that can be attained in carrying on the Government of this country.

HON. MR. HOWLAN—I do not agree, and never have agreed, with the sentiment that the Government of Canada should be represented by sections. I think it is about time that we got away from that idea. The Government of Canada should be chosen by the Premier from the ablest of his supporters, having due regard and paying all deference and respect to the people who support that Government. The lesson taught by the late departed statesman was a grand and noble sentiment of patriotism, apart from what may be called parish politics. It was to weld the people of Canada into a solid whole, and govern the Dominion for the benefit of one people. That lesson will be taken up by the gentleman who is now filling the position of Premier so worthily. He was a student in the same school, and imbibed the sentiments and views enunciated during the last twenty-five years by his great leader since the birth of Confederation. I hope that the Liberal Conservative party will benefit by the lesson they have been taught by their great leader, and that it will not be lost on the Government of the day—that they will be able to show a united front in dealing with all questions which concern the welfare of Canada, and that they will guard the heritage which the Right Hon. Sir John A. Macdonald bequeathed to us. He died in the harness, as it were, and left us a united country, and he has left us also the example of his

life—a life devoted to promoting the welfare of the Dominion. It will not be lost either by those of us who are soon to pass away, or by the generations which are to follow us. White haired men, like myself, who knew and loved our great leader, cannot forget the great services he rendered to the country, his tact and patience and courtesy, and with all due respect to those he has left behind him in the public life of this country, many generations will rise and pass away before Canada will see another Sir John A. Macdonald to guide its destinies. But I hope that the lesson he has taught us will be thoroughly learned by the younger men, and that they will share the broad and generous sentiments which animated him, and which made Sir John Macdonald's death as much mourned in the halls of St. Stephens as throughout the Dominion. The hon. gentleman who has assumed the task of forming a new Government will have the satisfaction of knowing that so long as he pursues the same wise and moderate course, as long as he follows in the footsteps of his illustrious predecessor, he will have no reason to fear that a majority of the people of Canada will faithfully adhere to his administration, and he may take for his motto "Justice to all, malice towards none."

HON. MR. BOYD—On behalf of the Province of New Brunswick, which I represent here, and which, in the late election, sent four-fifths of its representatives to support the Government of Sir John Macdonald, I desire to express my gratification at the choice that has been made in the selection of the Premier; and particularly on behalf of the city of St. John, which expressed its confidence in the Liberal Conservative Administration, by sending its entire representation I desire to congratulate him. I venture to say to the hon. gentleman who has been called upon to form the Government that he was the one of all I know best fitted to take that position. When I mentioned it to him, he said to me that his health and years would prevent him taking it. I am glad to find that he has given up that idea, and decided to serve his country, even in the face of these difficulties. I am satisfied that we have now something that will bring people more to the Senate and will show that the Upper House is a really serviceable body to this country. I hold in my hand to-night a

letter I just received from the late Governor General, Lord Lorne, in which he expresses his great sorrow at the loss of our late Premier, and I know that he will be glad to find that so worthy a successor has been appointed for he in the *London Times* indicated him as the man. The Marquis says in this letter that he hopes Canada will go on in the path of progress. I know he will feel satisfied that its progress and prosperity are assured when we have such a leader for our Government and such able lieutenants as he has in the other House to assist him.

HON. MR. ROSS (in French)—Although it is not quite in accordance with custom to prolong discussion on an occasion like this, I wish to say a few words in French on this subject. I desire to offer to the hon. Premier my most sincere congratulations on the mark of high confidence which has been shown him, under the circumstances, by the representative of the sovereign, and also on the proof of the esteem in which he is held in this House, as expressed by all who have spoken to-night on both sides. The hon. gentleman has capacity, talent, experience and natural aptitude for the exalted position that he has been called upon to fill. We who have seen him from day to day in this House, session after session, have long since recognized and appreciated his talents, and though he may not be so well known to the public as he is to us, they will soon learn to respect, as we do, his ability and capacity. To be qualified for such an exalted position, to bear such a burden, it is necessary that one should have an abundance of energy and patriotism, and extraordinary tact in dealing with men. Certainly, in this case the representative of the sovereign has not erred in the selection he has made. No man could better fill the position so long held by our grand and beloved old chief. I agree with those who have spoken, and I am sure all the representatives from Quebec share the confidence which has been expressed in our Premier this evening, and I most sincerely thank those who have spoken so generously and join most heartily in the congratulations they have showered upon him.

HON. MR. BOULTON—On behalf of the Province of Manitoba, I could not let the present opportunity pass without offering



our congratulations to our worthy Premier, and also congratulating the Senate on the honour that has been conferred upon it, and I may also add my congratulations to the country and to the Conservative party. I desire to emulate the remarks that were made by the hon. member from Halifax; he has spoken in a liberal and conscientious manner, I believe, on the present occasion, as the Liberal ideas that he represents will permit him. For my part, I believe that the Senate is the guardian of the liberties of our people, and the mode in which the Senate is appointed is the best evidence of that fact. This House does not always occupy the most dignified position in the eyes of some of our countrymen, judging from the criticisms that occasionally appear in the public press, but the record of the Senate since Confederation is sufficient to justify the remark I have made and the character I have given to it. Comparing the appointment of members to this House with the mode in which the election of senators is made in the United States, I think is quite sufficient justification of my contention. In the neighbouring Republic the Senate is an elective body; in Canada it is an appointed body. Last year we read that when Congress was elected there was a very large Democratic majority to represent the wishes of the people in the House of Representatives, while the elective Senate, which is also a party organization, was largely Republican, and endeavoured to defeat the will of the people when questions came before it for adjudication. We know that the two important measures which were before Congress last year were the Force Bill and the Tariff Reform Bill, and although the wishes of the people were clearly expressed at the polls on the Force Bill, the Republican majority in the Senate, in sympathy with its party allegiance, endeavoured to place this Bill upon the Statute-book, and it was only by the physical endurance of one of the senators that it was avoided. It is with this illustration before us that I have come to the conclusion that the Senate of Canada is the guardian of the liberties of the people, and that its powers could not be used in a partizan manner to thwart the will of the people expressed through their franchise. I think we are to be congratulated on the fact that the Premier has been selected from the Senate, and that we have in this House also two

Ministers with portfolios. With these few remarks, I wish, on behalf of the Province of Manitoba, to tender our sincere congratulations to the Premier, and to wish him long life and success in his exalted sphere, and for the fact to which allusion has already been made, that he is the first native-born Canadian to guide the destinies of his country.

HON. MR. KAULBACH—At this late hour of the evening, many of us who would like to have said something on the present occasion feel that it would probably be trespassing on the patience of the House to do so. I believe that all that has been said by hon. gentlemen here to-night fully expresses the sentiments of the House, and that those who have not spoken feel as intensely and sincerely all the remarks expressed in favour of the hon. member who is Premier. For myself, thinking probably there might be a vacancy, and that a new Premier would be appointed, my ideas at once went in favour of the gentleman who fills that position now. I looked upon him as the man, above all others, from a variety of reasons, best fitted to conduct the legislation of this House, and that opinion was the result of the experience we had of him in the Senate. When he first came to the Senate we almost thought it was presumptuous of him to come here as our leader, as if we had no one in the Senate fit to lead the House; but, as has been stated by some hon. members, our opinions very soon changed, and we felt, not only was it a great credit to ourselves to have him, but that his presence was almost necessary for the proper conducting of the legislation of this body. We appreciate him probably beyond what the most sanguine anticipated. I am sure my hon. friend will pursue the course of his distinguished predecessor. We are fully aware that he has the same patriotism, and we hope that the country will go on and prosper under his administration as fully as it did under that of the great leader whose death we mourn.

HON. MR. ABBOTT—I am sure it will not be within my lips to find fault with the departure from the ordinary custom into which this House has fallen this evening. The remarks which have been made with regard to the Senate I sympathize with most cordially. I think it is an advantage

to the Senate to have in it members of the Cabinet who are able with authority to communicate to this House the views and the principles which actuate the Government in carrying on the business of the country. With reference to the number of them, and with reference to the diminution in that number, and to the nature and extent of the business which the Senate has recently been doing, I think there is much to be said and thought of that the Senate has not yet fully considered. To my mind, the Senate to some extent is in a transition state. At first its functions were not, perhaps, thoroughly well understood. We had Ministers here who ruled over large spending departments, and who were obliged to seek their resources from the people by the medium of deputies, or agents, or representatives in the other House, not being in a position to speak directly to those who held the purse, and give the requisite information as to what they proposed to do with the money. I do not feel at all satisfied that this House is the proper place for those who rule over the great spending departments. I think that is very doubtful, and that this House has functions which have not yet been by any means exercised to the utmost. It is, as every one may see who has heard what has been said this evening, free from all rancorous party feeling; it is animated by a desire for the progress and success of the country, and altogether guided by a wish to perform its duty in directing and carrying forward legislation in the best possible form in the interests of the country. That seems to me to be recognized as one of the truly important functions of the Senate. It has the right of inquiry, like the other House, and it has been using of late that right of inquiry by prosecuting investigation into matters of the greatest importance to the country. That is another of the important duties of the Senate, and one that can be exercised by us, apart from the influence of that kind of party feeling which must necessarily to some extent, attach to almost every step in a House largely governed by party considerations. As to its legislation, we have already on a former occasion discussed that subject at considerable length and I think every hon. member has recognized that this House possesses a wide field for its labours in legislation. Its seats are garnished by men from every profession

and business in the Dominion, and from the most experienced men among them in every section of Canada, and if valuable opinions on banking, law, and business of all kinds, are required in any detail of legislation—and they are invariably needed, as everyone knows—they can be found on the benches of this House, I venture to say, in as great perfection and efficiency as in any assembly in this Dominion. It appears to me, therefore, that with these two great functions and others analogous to them, this Senate has plenty of work before it. I never despaired of the Senate; never thought there was any danger of its functions not being appreciated by the people, if it were only true to itself; and what we have to do now, as I think we are emerging from our state of transition, is to prove to the people that we possess powers equally important and exercise them in a manner equally beneficial to the country in our own departments to those that are possessed and exercised by other branches of the Legislature in theirs.

Now, with reference to myself, I feel the greatest difficulty in remarking at all upon what has been said by hon. gentlemen in this House. I feel grateful to my hon. friend from Halifax for the tribute—the very kindly tribute which he paid to the character, standing and ability of my hon. friend the Minister of Agriculture, and on this occasion I cannot stop to think for a moment of the little good-natured criticism which he made on the motive which he thinks led to my hon. friend being in this House. That I dispense with remarking upon, and I am glad to think that my hon. friend is properly appreciated. With regard to myself—and now I come to the most delicate portion of what I have to say—I would recall to the minds of hon. gentlemen that about four years ago, when I came here, I was entirely unacquainted, or nearly so, with the procedure of the Senate, and was not intimately known to a great many of its members. I came here determined to do my duty as far as it was possible for me to do it, and I have laboured in that direction as well as I could during the time I have had the honour of occupying a seat in this House, and of holding the high and honourable position of leader for the Government here; and hon. gentlemen, I wish you to know at this moment, and to be persuaded, as it is true, that I never aspired to, never

looked for, never wished for, any position higher than that which I occupied prior to the occasion of this discussion. The kindly feeling, the unduly warm appreciation which my small labours have met with in this House, have won from me a regard for the House and its members, and its business, and reputation, that would lead me and carry me to the greatest extremity of my powers possible, in order to further its reputation and its usefulness, and to assist my hon. friends in this House, all of whom are always ready to work in the same direction, in placing it in the position before the country that I think it deserves, and that it ought to have and will have. But the position which I to-night have the honour to occupy, which is far beyond any hopes or aspirations I ever had, and I am free to confess beyond any merits I have (cries of no, no), has come to me very much probably in the nature of compromise. I am here very much because I am not particularly obnoxious to anybody.

HON. GENTLEMEN—No; no.

HON. MR. ABBOTT—Something like the principle on which it is reported some men are selected as candidates for the Presidency of the United States—it is not that they are so able, it is not that they are so wonderfully clever, or such great statesmen, but it is that they are harmless, and have not made any enemies. I am inclined to think that that sentiment has had a great deal to do with the position in which I am placed.

HON. GENTLEMEN—No; no.

HON. MR. ABBOTT—I do not feel at all conscious of any ability to conduct the affairs of this great country in the way that they should be conducted, and I am ten times more conscious of and ten times more overwhelmed with the responsibility I have assumed when I reflect on the great man whose place I am supposed to fill in this Government. However, I felt, as you may suppose, greatly honoured in being asked to undertake the task of forming a Ministry, and although I assumed it with reluctance, I tried to do it, as I try to do everything to which I put my hand, to the best of my ability and energy; and I shall endeavour to continue to do my duty in

this position with all the ability and industry, whatever it may be, that I possess. That is all I can promise. I cannot promise that my services shall be of great account, or that I shall render great service to my country. I can promise that my whole strength of mind and talent, whatever it is, shall be devoted to its interests. To the members of the Senate who have spoken this evening, and who have overwhelmed me with praise, which I cannot claim to deserve, which I know I owe more to their friendly feeling towards me than to any merits I possess—to those members, I can only say: hon. gentlemen, I thank you most cordially and sincerely for the kind sentiments you have been pleased to express towards me, and my greatest hope, in what little time is left me of my career, is that I may be able to deserve them in some small degree.

#### SECOND READINGS.

Bill (L) "An Act to incorporate the Incorporated Construction Company of Canada." (Mr. Almon.)

Bill (M) "An Act to incorporate the Rocky Mountain Railway and Coal Company." (Mr. Lougheed.)

Bill (N) "An Act to incorporate the Warton Southern Railway Company." (Mr. MacInnes, Burlington.)

Bill (C) "An act for the relief of Adam Russworm." (Mr. Merner.)

The Senate adjourned at 10:15 p.m.

#### THE SENATE.

*Ottawa, Thursday, June 18th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THE GREAT MACKENZIE BASIN.

##### MOTION.

HON. MR. GIRARD moved:

That a Select Committee, composed of the Honourable Messieurs Abbott, Bolduc, Kaulbach, McClelan, Miller, Ogilvie, Montplaisir, Power and Girard, be appointed a committee to take into consideration all letters and documents which may be submitted to them, relating to the subject of the enquiry made in

the session of 1888 by the Select Committee of the Senate appointed to inquire as to the resources of the Great Mackenzie River Basin, which have been received by the Senate, or by the then chairman of the said committee, the Honourable John Schultz, at present Lieutenant-Governor of Manitoba, or by any public department, since the date of the third report of the said committee made on the second day of May, 1888, and adopted by the Senate on the 11th May, 1888, and which are not included in the said third report or in the appendices thereto; to report, with all convenient speed, as to the value of the information, if any, given in the said letters and documents, and as to what action should be taken thereon in the public interest, in pursuance of the following recommendation made in the said third report, namely:—

“Your committee that desire this report be considered an interim one, and the estimates given to be approximate, inasmuch as they are based upon evidence received up to this date, and a final report can only be made when answers shall have been received to questions sent to officers of the Hudson’s Bay Company, missionaries, Arctic explorers and others, now resident in, or who have visited parts of the country within the scope of your committee’s enquiry.”

He said: Every member of this honourable House will remember that three years ago, when a committee was formed to inquire into the resources of the Mackenzie Basin, it was presided over by the gentleman who is now Lieutenant Governor of the Province of Manitoba, and we all remember what patriotism he displayed on that occasion. He took the greatest interest in the development of our vast territories, and especially that part of Canada. It was understood, at the time, that the report which was submitted to and approved by this honourable House was not a final report. It was understood that, owing to the vast extent of the Mackenzie River country, it was impossible to get replies to all the lists of questions sent out to Hudson Bay officers, clergymen and others living there, in time to submit them to the House before the close of that session, but that those documents would be furnished at a later date to complete the important work done at that time. From one end of the Dominion to the other, the gentleman who presided with so much ability on that committee has been congratulated on the work he has done. If we refer to the Journals of 1888 we find the following in the report of the committee:—

“Your committee desire that this report be considered an interim one and the estimates given to be approximate, inasmuch as they are based upon evidence received up to this date, and a final report can only be made when answers shall have been received to questions sent to officers of the Hudson’s Bay Company, missionaries, Arctic explorers, and others, now resident in, or who have visited parts of the country within the scope of your committee’s enquiry.”

I understood that I was to continue the work which had been so well inaugurated by the gentleman who is to-day Lieutenant-Governor of Manitoba. It was with that idea that I had the honour to come, on different occasions, before the House, in connection with this subject. In 1889 I moved for the production of papers transmitted up to that date by Hudson Bay Company’s officers and other parties, to whom lists of questions had been sent in accordance with the decision of the committee. A certain number of replies had been received, which were submitted to the House, but as there were other papers expected we did not think proper at that time to go any further. At the end of the session, on a motion of mine, it was agreed that all those papers should remain, until further action, in the hands of our clerk. This session I directed the attention of the House, and especially of members of the Government, to that important part of the Dominion, urging that it should not be neglected, but that care should be taken to prevent intruders entering, either by way of the Yukon River or some other route, and taking possession of that country, because in its isolated position a very small force could take possession there, and it would be difficult to dislodge them. It might be necessary to expend a large sum of money, in that event, to regain possession. It is much easier to look after that country now than it would be if any trouble of the kind arose. I do not complain, because I understand that during the present session the Government intend to make a beginning in the work of civilizing that part of the country—that they propose to expend some money for preliminary expenses to bring it to the notice of the world. I think some steps will be taken before many months to survey a portion of the Mackenzie Basin and to construct roads and make other improvements incidental to opening up a new country. I have all along looked forward to completing the report made three years ago. I inquired for the papers which had been received during the vacations of 1889 and 1890. This year I have been put in possession of some papers which came in the first instance from the gentleman who has always given so much care and attention to that country—Lieutenant Governor Schultz—and these documents of themselves are exceedingly valuable. With these

papers and other information elicited by the committee we will have a preliminary history of that part of the country of a most impartial kind. The facts are given clearly and intelligibly. Some of them relate to the Yukon River, a territory rich in natural resources, and especially in mineral wealth. The other part has been prepared by Bishop Bompas. I think that these documents alone would be sufficient justification for my request to have the committee appointed. I do not propose to incur any expense for taking the evidence; I merely propose that the committee shall carefully examine the papers that have been sent in and decide whether they should be recorded in the public documents of the country. I have a decided opinion on the subject myself, but I shall not say anything more about it. I prefer to leave the matter in the hands of the committee.

HON. MR. KAULBACH—If this were a matter requiring any long consideration I should ask to be relieved from serving on the committee, but as my hon. friend says the duty of the committee will be mainly to examine the evidence already sent in, and which was not in the possession of the House when we made our report, I do not think it will take much time, and I have no objection to serve. When the committee was formed in the first instance it sat a long time and took a great deal of evidence, the result of which was not only gratifying to the committee but must have been of great interest to the country generally. Therefore, I think my hon. friend's motion is in the right direction, and will perfect a report which was certainly considered by the committee as incomplete until replies were received to all the lists of question sent out.

HON. MR. WARK—I would suggest to the hon. mover that he has selected half his committee from the Maritime Provinces, the most remote from the Territories in question, overlooking the senators from British Columbia and the North-West Territories, who ought to be better acquainted with that remote country than other gentlemen here. Would it not be well to add some of them to the committee?

HON. MR. GIRARD—My only objection to enlarging the committee is that it would involve more time to do the work, and this

I would like to avoid, seeing that the session is so far advanced. I have no intention to take evidence. The sole object is to examine the documents received since the report was made in the session of 1888, and to decide if they should be appended to that report. In my opinion, they will complete the report on the Great Mackenzie Basin.

HON. MR. ABBOTT—I understand my hon. friend's view is to make use of the information that he has got, and to connect it with the proceedings of those committees which we have had on former occasions on this subject, and not to go into any further investigation or incur any additional expense. That is a very praiseworthy object, and it meets with my approval. The hon. gentleman has named me as a member of the committee. I will not have time to attend to it, and I should like to have Mr. Carling's name substituted for mine, and also to add the name of Mr. Loughheed, who comes from the North-West, and knows a great deal about the Mackenzie River country, and is deeply interested in it. I have no objection to the committee with these changes.

HON. MR. GIRARD—When I drew up the motion which appears on the Order Paper it was after consulting the hon. gentleman. At that time his responsibilities were not so great as they are now; of course, I have no objection to making the change suggested.

The motion was amended and agreed to.

## EXPERIMENTAL FARM BULLETINS.

### INQUIRY.

HON. MR. BELLEROSE inquired :

Whether it is the intention of the Government to have the reports, bulletins, etc., of the Central Experimental Farm published in the French language.

HON. MR. CARLING—I may say to my hon. friend that all reports and bulletins issued by the Experimental Farm are in both languages.

HON. MR. BELLEROSE—I received last year and this year some of the bulletins, none of which were in French. I gave them to my friends, some of whom do not know a word of English, and I cannot imagine what use they are to them.

HON. MR. CARLING—I can only assure my hon. friend that these bulletins are published in both languages, and have been from the very start. I will make inquiry, and ascertain why French copies have not been supplied.

## SECOND READING.

Bill (I) "An Act for the relief of Mahala Ellis." (Mr. Clemow).

## FISHERMEN'S PROTECTION BILL.

### SECOND READING.

HON. MR. POWER moved the second reading of Bill (G) "An Act for better securing the safety of certain Fishermen." He said: It will not, I presume, be deemed necessary that I should say much with respect to this Bill. It was passed by this House the session before last by a very large majority. Last session, having been somewhat amended in the Senate, it was passed unanimously, and the Bill having commended itself on two occasions to the good sense of the House, I do not think it necessary to say much about it to-day. One of the duties assumed by this Government is to protect the lives and the health of the people throughout the country, wherever that protection comes within the jurisdiction of the Federal Parliament. With respect to employes in factories, it will be remembered that a measure was introduced some years ago, but doubts arose as to the jurisdiction of this Parliament and the legislation was not completed. There is no doubt as to the right of the Dominion Parliament to deal with the subject matter of this Bill. Hon. gentlemen who read the newspapers, of the Maritime Provinces at any rate, are aware that very frequently—as a rule, the thing happens several times in a fishing season—the dories going out from schooners engaged in the Bank fishing are lost in fogs, or at night get away from their vessels, and in some cases never get back to them, or reach the shore, and in other cases are saved after being a considerable time adrift. Hon. gentlemen will see that this is a misfortune which should be prevented if possible, and the first requisite for the safety of the fishermen who go in those boats is that each should have a compass, so that if she gets away in a fog

or at night from her vessel, knowing the course she took away from the vessel her crew will know the course by which to return; or if the boat gets away from the schooner to which she belongs, the crew will be able to make for the nearest land by the most direct course. There can be no doubt as to the necessity for a compass. In order to avoid the suffering which the crews of those boats often undergo it is necessary that they should have a reasonable quantity of solid food and drinking water in the boats with them. The first clause of the Bill provides for a compass, drinking water and solid food. In order to pave the way for this work it is necessary that the owner of the vessel should supply, when sending her out on her voyage, the compasses necessary to place in the boats; and by a very valuable amendment made in this House last year it was provided that in addition to the compass the vessel should be supplied with a fog-horn or trumpet, in order to let the crews of the boats know the position of the schooner. The second clause of the Bill provides that any owner of a vessel who makes default in carrying out the provisions of the first clause shall be guilty of a contravention of the Fisheries Act.

HON. MR. KAULBACH—I do not know that I shall just now oppose this Bill, but my hon. friend has not told us why this measure has come before us the third time. Evidently it was lost in the other House. I have opposed this Bill because it is useless legislation. We confined it to the deep-sea fisheries, and made other important improvements, but I then felt, as I do now—coming from a county where half of those engaged in the deep-sea fisheries reside—that such legislation is not required by the intelligent men engaged in that important industry. They know what is necessary for their own protection and the successful prosecution of their enterprise, and they did all that my hon. friend asked for in his first Bill, without any suggestion from outsiders.

HON. MR. POWER—Oh, no.

HON. MR. KAULBACH—I state it from my personal knowledge. I know that they did all that my hon. friend required by his first Bill, and in addition they did what my

hon. friend added to his Bill at the suggestion of myself and others—namely, carried fog-horns. We have a Department of Marine and Fisheries, and it seems rather a stigma on that Department to introduce legislation like this, as if they were negligent of their duties. Although I do not oppose the Bill, I consider it unnecessary. It is only encumbering the Statute-book, and the grievances and losses which my hon. friend has related have not occurred to people from our province, but to people engaged in the fisheries from Gloucester, Cape Anne and other places in the United States. Unfortunately, some of our people go there, and are involved in those accidents, but that is the only way it affects us. If my hon. friend could legislate for the people there his Bill might be of some importance; but, as it is, the measure is utterly useless.

HON. MR. POWER—Just one word as to the way the Bill comes back before us again: The session before last this Bill did not get down to the House of Commons until it was too late to be dealt with there, and not being a Government measure it was dropped. Last session the Minister of Marine and Fisheries was absent at Washington the greater part of the session, and the Bill did not receive the consideration it would have had if he had been there. The hon. gentleman from Lunenburg says that in his county all those who equip vessels do so in the way that this Bill requires. I do not wish to contradict him, but I think I have read in the newspapers accounts of dories from Lunenburg fishing schooners whose crews have suffered for want of the appliances mentioned in this Bill. But even if all the outfitters of Lunenburg did their duty, there are others in Nova Scotia and in other provinces who neglect their duty; and if the people of Lunenburg do what the Bill requires he can have no objection to having the merchants and fishermen of other counties obliged to do their duty as well as those of Lunenburg.

HON. MR. KAULBACH—My hon. friend has shown his want of thorough knowledge of the business. By this Bill the merchants are not responsible; it is the owners. The merchants have nothing to do but supply the orders given by the captain of the vessel, not the outfitter. In Lunenburg

the fishermen own their vessels, as a rule, and the hon. gentleman from Alberton (Mr. Howian) can tell him, from his knowledge of our fishermen who go down to Prince Edward Island, that they are an intelligent class of men, who are quite capable of prosecuting their industry with prudence and success, and who are not likely to neglect any precautions that may be necessary to secure the lives of their crews and the success of the voyage.

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

The Senate adjourned at 3:45 p.m.

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#### THE SENATE.

*Ottawa, Friday, June 19th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### BILL INTRODUCED.

Bill (O) "The Canada Divorce Act." (Mr. Macdonald, B.C.)

#### SECOND READINGS.

Bill (J) "An Act for the relief of Thomas Bristow." (Mr. Clemow.)

Bill (K) "An Act for the relief of Isabel Tapley." (Mr. McInnes, B.C.)

#### THIRD READING.

Bill (G) "An Act for better securing the safety of certain Fishermen," passed through a Committee of the Whole without amendment, and was then read the third time and passed.

The Senate adjourned at 3.30 p.m.

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SENATE.

Ottawa, Monday, 22nd June, 1891.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE HUDSON BAY ROUTE.

MOTION WITHDRAWN.

The notice of motion being called—

"That an humble Address be presented to Her Most Gracious Majesty the Queen in Council; showing the advantages that would accrue if the Parliament of Great Britain and Ireland would share in the responsibility of developing the Hudson Bay route, whereby the agricultural resources of Western Canada will be stimulated in their development, to the manifest advantage of the food supply of the population of the British Isles."

Hon. Mr. BOULTON said: I ask permission to withdraw this motion, which has been on the Order Paper for some time, and in connection with its withdrawal I wish to put on record the following correspondence:

(Private.)

EARNSCLIFFE,  
OTTAWA, 19th May, 1891.

"MY DEAR BOULTON,—I have your note of the 18th, for which many thanks. It don't much affect your Hudson Bay resolution. There is no chance of Her Majesty's Government making any grant, and it is bad policy to court a certain refusal.

"Yours faithfully,

"(Sd.) JOHN A. MACDONALD.

"Senator Boulton."

I continued to press my views on the Premier, in a letter of the 28th, not knowing that he was so unwell, and I received the following letter two days after his funeral:

"OFFICE OF THE MINISTER OF  
RAILWAYS AND CANALS, CANADA,  
OTTAWA, 12th June, 1891.

"MY DEAR SIR,—On Friday, the 29th May, a few hours before Sir John Macdonald was stricken down, he dictated to me the enclosed letter in reply to yours of the 28th ult.:

"You will, I am sure, pardon me for not having sent it before, as I have no doubt that you can understand the reason for the delay.

"Believe me,

"Yours faithfully,

JOSEPH POPE.

"The Hon. C. A. BOULTON,  
"The Senate."

The letter which Mr. Pope enclosed was as follows:—

"OFFICE OF THE MINISTER OF  
RAILWAYS AND CANALS, CANADA,  
OTTAWA, 29th May, 1891.

"MY DEAR SIR,—Sir John Macdonald, being unwell, desires me to acknowledge the receipt of your

letter of the 28th inst., with reference to the question of Imperial aid to the Hudson Bay Railway. Sir John's opinion shortly is this, that it would be all very well to press for Imperial aid if there were any likelihood of its being obtained. In this case, however, it is certain to be refused, and such refusal might prove an additional obstacle when things are more advanced, and there are better chances of success.

"Believe me,

"Yours faithfully,

"JOSEPH POPE.

"The Hon. C. A. BOULTON."

On the 26th of May last I read in the notices of motion for the proceedings of the House of Commons that notice was given by Sir John Macdonald on Friday next for a Committee of the Whole to consider the following resolution:—

"Resolved, That it is expedient, in order to enable the Winnipeg and Hudson's Bay Railway Company to construct a railway from the City of Winnipeg to some point on the Saskatchewan River, to enter into a contract with such company for the transport of men, supplies, materials and mails for twenty years, and to pay for such services during the said term \$8,000 per annum, such payment to be computed from the date of the completion of the said railway.

I wish to draw the attention of this hon. House to the fact that the last official act of our late Premier was to put a notice on the paper for the promotion of the Winnipeg and Hudson Bay Railway; that one of the last letters written with his own hand, on the day he is supposed to have penned his last letter, was in connection with the Winnipeg and Hudson Bay Railway, and the last letter he dictated before being stricken down was in connection with the Winnipeg and Hudson Bay Railway, one of those great public enterprises with which his name has been so indelibly connected, and which add so much to the prosperity of the country and contributes to the vigorous flow of the people's trade. In accordance with the idea that he expressed in his last letter, that it would be better to postpone this question until there was a better chance of success, I desire to put all this correspondence on record as an evidence that up to the last moment of his life Sir John Macdonald was at work on the public questions of the country, and ask permission to withdraw the resolution, which I hope to introduce on a more favourable occasion.

The motion was agreed to, and the Order of the Day was discharged.

The Senate adjourned at 3.35 p.m.



## SENATE.

Ottawa, Tuesday, June 23rd, 1891.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (P) "An Act for the punishment of the offence generally termed Body Snatching." (Mr. McMillan).

Bill (Q) "An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Co." (Mr. Boulton).

## CITIZENS' INSURANCE CO.'S BILL.

(Reported from Committee.)

HON. MR. ALLAN, from the Select Committee on Banking and Commerce, reported Bill (H) "An Act respecting the Citizens' Insurance Co.," with certain amendments. He said: I might explain that in the Bill, as it originally stood, the reduced capital was fixed at \$250,000, and it was thought better, on the suggestion of the hon. gentleman who had introduced the Bill, that instead of \$250,000, which was too small, it should be made \$400,000. That amendment was accordingly made. It is the only amendment that was made by the Committee, and as it is in accordance with better security, I hope it will meet with the support of the House.

The report was adopted.

## BODY SNATCHING.

## MOTION WITHDRAWN.

The notice of motion being read—

"To call the attention of this House and of the Government, to the frequency of the commission of the offence generally termed "Body Snatching," perpetrated for the sole purpose of levying blackmail upon relatives and others for the surrender of the corpse so disinterred, and to the necessity of enacting as early as convenient suitable legislation upon the subject, whereby such offence may be declared to be a felony, and the offenders, including all accessories before and after the fact, liable to severe punishment."

HON. MR. McMILLEN said: In consequence of the Bill I have just introduced on this subject, with the permission of the House, I beg to withdraw my motion.

The Order of the Day was accordingly discharged.

## ABOLITION OF THE GRAND JURY SYSTEM.

## MOTION.

HON. MR. GOWAN moved—

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all correspondence between the Department of Justice and the judges in Canada charged with judicial functions in criminal matters as well as the Attorney General of each Province, respecting the expediency of abolishing the functions of the grand jury in relation to the administration of criminal justice."

He said: Hon. gentlemen will recollect that the Session before last I called attention to the subject of grand juries, and endeavoured to prove that they had survived their usefulness. My hon. friend, now the Premier, was present on that occasion, and I hoped that I had interested him with the subject, for I had given a good deal of attention to it, and I spoke with the experience of some forty-one years in the actual exercise of functions in connection with the criminal law. However that may be, with that kind and courteous consideration for others which has won all our hearts, he was good enough to make some rather extended observations on the subject. I was gratified, because I felt that I had at least impressed our Premier, then the hon. leader of the House, to some extent as to the necessity for some enquiry, and I was gratified that I had secured one step towards the attainment of the object which I had in view. I was glad to get some favourable expression consistent with the position he occupied, on the suggestion I had offered—at least that enquiry should be made, and getting it from such an able and experienced man as my hon. and learned friend. The matter went in due course to the office of the Minister of Justice, and last year a circular was issued by the Honourable Sir John Thompson, addressed to all the judges in Canada exercising criminal jurisdiction, and to the Attorney General of each Province of the Dominion, soliciting opinions on the subject. Had that hon. gentleman, (Sir John Thompson,) pronounced against the measure, or thought proper to shelve it, I would have almost felt that I was mistaken in my view, even if I retained my opinion, because I regard him not only as a great lawyer, but as an able, far-seeing

man, and I may, if a little aside of the question, go a step further and say that I believe him to be not merely a man of broad views, but also one alive to securing just and equal rights to all in our mixed community. Yes, I believe him to be keenly desirous to secure just and equal rights to all, without distinction or "partial affection," within the limits of our constitution, that constitution which binds all our Provinces together, and which must be our guide in all our legislation. That communication from the Minister of Justice was received by the judges throughout the country, and over 100 replies were sent to the Department of Justice. These replies are from some, and in fact nearly all, leading legal minds in the country. I have not gone over them, but a summary that I obtained from the Department shows that no less than fifty of those who sent in answers are in favour of abolition, thirty-nine against, ten doubtful, and two who have declined to answer, so that on the whole, as far as numbers are concerned, a very considerable majority is in favour of abolition, and a very respectable minority against it. I have not seen, and have not analyzed what they said on the subject. I have not been able to study the arguments used, but I notice, taking the first three names, Judge Taschereau, one of the ablest lawyers in Canada, and a man who, although of French origin, has produced the very ablest book on criminal law now in use—one that is a "vade mecum" in every court in Canada—is the first of those who are in favour of abolition. The next is Mr. Justice Gwynne, also a very able criminal lawyer, one who was engaged for many years as Crown counsel, and afterwards sat for years on the bench of the Superior Court of Ontario and now occupies a place in the Supreme Court of the Dominion. Then, there is Chancellor Boyd, whom we in Upper Canada all know to be a most eminent jurist. While on the other side, taking the first three in the order that I received the list, I find that Attorney General Mowat, Chief Justice Haggarty and Sir Thomas Galt, all able men, hold an opposite opinion, so far as I can make out. Perhaps I was not so much surprised with regard to one or two of the gentlemen named, but I certainly felt surprised when I saw the name of Hon. Mr. Mowat, Attorney General of Ontario, opposed to this change; for he has been for many years

(and I have admired his conduct in taking the course he did) a great law reformer, and the obstacles in the way of justice which "the wisdom of our ancestors" had placed in his way—all these technical absurdities, he bore down and toppled over without the slightest hesitation. He was most energetic in the way of reform—in fact he was almost like a hippopotamus rushing through a cane brake in his desire to make direct and plain the path of ready justice. When I see his views and the arguments he uses I will perhaps be able to appreciate the reasons why he occupies the position that he does. At present all I can say is, I am somewhat surprised that so able a man and so valuable a man, as a law reformer, has taken the view that he appears on this occasion, to have taken. What I ask is that these papers be produced, and the reason I ask it is this: It is a very important question. It very seriously touches the administration of justice, and here we find one hundred men competent to form an opinion on the subject—men exercised in the office of justice, forming different opinions, some fifty on one side and some thirty-nine on the other, while some are doubtful. I have not gone into an analysis by provinces, but I find that in most of the provinces the judges are pretty equally divided, while in my own province the majority of the judges who have spoken on the subject is slightly in favour of abolishing the system. Now, while I admit, and I think, would claim, that the greatest weight should be attached to their opinions, I must admit also that they are not infallible, and with the proper material before them intelligent laymen can as well dispose of such matters as perhaps the most astute lawyer. The condition being this, that a large number are for and a large number against, the majority, however, being in favour of the abolition of the grand jury, the material is there for everyone capable of reasoning to form a correct conclusion on the subject. I do not intend to ask, nor do I expect immediate action. I have the fullest confidence in the men who control public affairs, and I have no doubt that at the proper time they will take action. I do not propose to follow up this motion with any action this session, nor perhaps later, if I should be convinced that the reasoning is against me, but what I want is this: that that valuable contribution to the discussion

should be within reach of every man, layman as well as lawyer, judges and attorneys-general—that it should be in the hands of all, to enable everyone who takes an interest in the subject to form an intelligent opinion, and to enable me, who have taken some pains on the subject, to get the views of those who differ from me.

HON. MR. KAULBACH. I do not think we could well discuss this question until we have the correspondence before us. I remember some two or three years ago, when my hon. friend brought the matter before the House, I was very much impressed with the force of his arguments, and although I have always favoured the liberty of the subject being protected as far as possible by the grand jury, which was at one time an excellent system, I feel that the usefulness of that body has been materially lessened of late, in my experience of criminal matters: therefore, I shall be very anxious to see the correspondence from those gentlemen who have been addressed—judges of the courts having charge of these matters, as well as attorneys-general—especially as I am not fully convinced myself as to whether we should or should not abolish the functions of the grand jury, and I am very glad that my hon. friend has moved for the correspondence. I hope that on some future day the hon. gentleman will bring up the matter in a manner in which it can be more intelligently discussed than it can be at the present moment.

HON. MR. BOTSFORD. I am very glad that the hon. gentleman has brought this matter before Parliament. I may say that I have a very decided opinion, from long experience, that the course which he has taken is one that will tend to improve the procedure in criminal prosecutions. I may say—though it may seem singular, not being a lawyer—that I presided for some twenty years in the Common Pleas in my own county, and I have seen many cases where justice has been defeated by the operation of the system which was in force, and from that experience I drew the conclusion, before I resigned my office, that the system was one which ceased to be a benefit in the administration of justice. I have known some very glaring cases where justice was not administered in consequence either of ignorance, or prejudice, or impro-

per influence. I have seen it in cases that have come before myself, and therefore I congratulate the hon. member on bringing this subject before the country. I am satisfied that in this case, like most reforms in the laws of our country, the more this question is discussed the larger the majority will be in favour of the proposed change.

HON. MR. ABBOTT. I shall be very glad, indeed, if the House adopts the Address of my hon. friend. I only rise for the purpose of saying that in view of the great importance of the subject and its extreme interest to all persons, I caused the papers called for in this Address to be put in progress of preparation some time ago, and although it is somewhat voluminous I hope to be able to lay it before the House in a few days.

The motion was agreed to.

#### BILLS INTRODUCED.

Bill (36) "An Act respecting the Grand Trunk Railway Company of Canada." (Mr. Vidal).

Bill (18) "An Act respecting the Niagara and Grand Island Bridge Company." (Mr. Clemow).

Bill (14) "An Act respecting certain matters affecting the Administration of Justice." (Mr. Abbott).

Bill (95) "An Act further to amend the Act 36 Vic., Cap. 61, respecting the Trinity House and Harbour Commissioners of Montreal." (Mr. Abbott).

The Senate adjourned at 4.20 p m.

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#### THE SENATE.

*Ottawa, Wednesday, June 15th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THE LIBRARY OF PARLIAMENT.

FIRST REPORT OF THE JOINT COMMITTEE OF BOTH HOUSES.

THE SPEAKER presented to the House the First Report of the Joint Committee of both Houses on the Library of Parliament,

which was read by the Clerk at the Table, as follows:—

**'JOINT COMMITTEE OF THE LIBRARY OF PARLIAMENT.**

**"FIRST REPORT.**

"The Joint Committee on the Library of Parliament beg leave to present their First Report, as follows:—

"The Committee met at 11 a. m. on Saturday, June 20th, in the rooms of the Speaker of the House of Commons.

"The Report of the Librarians was read and adopted. It was ordered that the Government be requested to purchase three hundred copies of second edition of Bourinot's Parliamentary Practice and Procedure when the same is issued.

"It was ordered also that the Government be requested to place the sum of \$2,000 in the Estimates for the purchase of copies, to that amount, of the second edition of Todd's Parliamentary Government in the Colonies, the said sum having been voted on a former occasion, but diverted by consent of the House to procure copies of the second volume of Todd's Parliamentary Government in England.

"A sub-committee, consisting of the hon. the Speaker of the Senate Hon. Mr. De Boucherville, Hon. Mr. Poirier, Hon. G. W. Allan, and Mr. Davin, M. P., was appointed to consider the purchase of certain French books offered to the committee by Mr. Audette, of Montreal.

"A sub-committee, consisting of Hon. Mr. McClellan, Mr. Scriver and Mr. Desjardins, of L'Islet, was appointed to audit the Library accounts.

"The Speaker of the Senate and the Speaker of the House of Commons were requested to advise with the Minister of Public Works regarding the introduction of the electric light into the Library.

"The committee then adjourned."

**HON. MR. SCOTT**—It is not the usual practice to discuss the report of a committee on its presentation, but as the leader of the House was not present at the meeting of the committee, I desire to inform him that a general opinion—in fact, a unanimous opinion—was expressed in the committee that the Government should purchase the works referred to in the report—that is, Mr. Bourinot's forthcoming edition of his work on Parliamentary Practice and Procedure, and the forthcoming second edition of Todd's work on Parliamentary Government in the Colonies. In fact, the publication of the latter depends largely on whether the Government will contribute the \$2,000 referred to in the report. The Library Committee, some years ago, reported on the desirability of aiding the publication of Mr. Todd's work, and the report was adopted. Subsequently, Mr. Todd published his work in England, and the money was diverted by the consent of the House to procure copies of the second volume of Todd's Parliamentary Government in England. In view of the

fact that the edition of Parliamentary Government in the Colonies is now of particular importance, inasmuch as it deals with many of the questions coming before the courts for a definition of the dividing line existing between the powers of the Federal and Provincial authorities, it was thought desirable that a number of copies should be obtained. This was more particularly adverted to from the fact that the House of Commons now contains so large a number of new members—upwards of eighty gentlemen, who are not provided with copies of the former edition. The new edition, I am informed, contains a very considerable amount of new matter, particularly with reference to questions that come before the courts as to the jurisdiction of the Provincial and Federal authorities.

**HON. MR. ABBOTT**—I presume it is not the intention to press the adoption of the report to-day. I need not say I am quite aware of the value and importance of Mr. Todd's book, but the subject referred to in the report has not yet come under my observation. I presume we shall await the action of the other House on the report before adopting it here, and I therefore move that the report be taken into consideration on Thursday of next week.

The motion was agreed to.

**THIRD READING.**

Bill (H) "An Act respecting the Citizen's Insurance Company." (Mr. Abbott.)

**THE PRINTING OF PARLIAMENT.**

**SECOND REPORT OF THE JOINT COMMITTEE ADOPTED.**

**HON. MR. READ** moved the adoption of the second report of the Joint Committee of both Houses on the Printing of Parliament.

**HON. MR. POWER**—As a rule, there is not any discussion upon the reports of Joint Committees in this House, or very little; but I think that the first paragraph of this report deserves some consideration. It reads as follows:—

"On the reference from the House of Commons, they recommend that 250,000 copies of the report of 1890, by Professor W. Saunders, on Experimental Farm Work; also, one hundred thousand (100,000) copies of Professor Robertson's Report on Dairying in con-

nection with the Experimental Farms; and also, a Canadian edition of fifty thousand (50,000) copies of the report of the "Tenant Farm Delegates of 1890, on their observations in Canada," for distribution. Ten per cent. to the honourable the Senators, and the balance to the members of the House of Commons; to be done up singly, and marked 'mailed free,' ready for use by the members as early as possible, either during the session or the recess, by mail, as may be expedient.

Hon. gentlemen will see that that paragraph involves a very considerable expenditure. Professor Saunders' Report in connection with the Experimental Farm is one of considerable length, and the committee recommend the printing and mailing separately of 250,000 copies, and of 100,000 copies of Professor Robertson's Report on dairying, and also a Canadian edition of 50,000 copies of the Report of the Tenant Farm Delegates. It will be observed, with respect to this paragraph, that it provides that Parliament shall assume an expense which I think ought to be borne by the Department of Agriculture. If it is desirable that these reports should be distributed in the large numbers indicated by the committee, that is a work which I think should be done by the Department which issues the reports, in which case the expense would be charged to the Department, as in should properly be, and not to the printing of Parliament. That remark applies to the three reports. The number of Professor Saunders' report which is recommended to be printed and distributed is excessive. Probably 100,000 copies would be quite sufficient for all purposes. Then, with respect to the Report of the Tenant Farm Delegates, of 1890, that report has been printed in England at the expense of the Department of Agriculture. I understand from the hon. Minister that his Department has caused to be printed in England 800,000 copies of the report. Hon. gentlemen know that the work, being stereotyped, can be printed, if copies are required in this country, at a much less cost in England from the plates than they can be printed here. If the Department has exhausted the whole 800,000 edition in the old country, the Minister might cause to be printed there another 50,000 copies for distribution in Canada. The primary object, of course, in the distribution of the reports of these farm delegates, is to induce persons in the old country to emigrate to Canada. It is not intended to induce people in one portion of Canada to remove to another; therefore, we should

not reprint the work here. There are several of these reports—I think four or five—and they will make a voluminous work when taken together, and it should not be reprinted; or if it is to be done, it should be printed in England. A notice to reconsider this particular paragraph of the report was given in the committee; and it strikes me that the better plan would be to adopt the report, omitting this first paragraph.

HON. MR. MILLER—We cannot amend a report of a Committee of both Houses.

HON. MR. POWER—Then I think the better way would be to defer the adoption of the report until the committee shall have met again. This paragraph of the report was carried, I think, by a majority of one in the committee; and as it involves considerable expenditure we should not hasten to adopt it.

HON. MR. KAULBACH—Although it may involve considerable expenditure, I consider the importance of that report so great that any reasonable expenditure to circulate it should be provide for. Whether it should be printed in England or here, I do not know which would be the better or more economical way. I have casually looked over that report, and I think it must impress everybody that looks over it as it has me—that it is carefully prepared, that the Tenant Farm Delegates have spent a good deal of time and taken a great deal of trouble in getting accurate information on the resources of our country, and I think we should feel indebted to the Minister of Agriculture for bringing such men over here, as the people in England will place full reliance on the report they make. My opinion, is that the number of copies asked by the committee is hardly large enough. It does not make much difference whether the expense is borne by the Department of Agriculture or by Parliament, as it all comes out of the revenues of the country in the end. It is desirable that we should spread as much as possible a knowledge of the resources of our country amongst the nations of the world. It is desirable that we should populate our great North-West, the resources of which are practically unknown, and there is no doubt that our greatest development in the future must be in that direction. From what I know

of that country, its richness is beyond almost anything we can conceive. In fact, the agriculturist has only to tickle the soil and nature, in the most ready manner, laughs with the abundance of its harvest. It must eventually be the home of a great and prosperous people. I do hope that the House will adopt the report of the committee, and I regret that the number of copies recommended for distribution should be so small.

HON. MR. READ—When this matter was up in the committee there was considerable discussion upon it, and there was a consensus of opinion that no literature could be distributed in this country with such great benefit as these reports of Professor Saunders and Professor Robertson. I speak from my own experience when I say that the information that they convey is of a most valuable character. It is information derived from experiments which no private individual has the time or ability to undertake himself. They should be in every farmer's house and available to every one. They are not very voluminous, and the cost of printing them will not be excessive. They furnish information about early and late sowing of different kinds of grain, showing the results of experiments that have been conducted here. Everybody does not know that if he misses a week he loses 30 per cent. of grain, and if he misses a fortnight he loses 50 per cent. in his returns. Most farmers know that the returns are not so good, but they do not know the extent of their loss. It was the general opinion of the senators present that they did not require so many of these reports as the members of the Commons did. Some said they had a whole waggon-load at home that they had not distributed. I do not say that all the senators are as negligent as that. I am possibly lazy myself, and do not take the trouble to distribute these reports as I ought to do. But the members of the House of Commons who represent agricultural constituencies all said they wanted these reports. As for gentlemen who live in cities, they know nothing about them, and care less.

HON. MR. BELLEROSE—I agree with the hon. gentleman as to the importance of these reports, but the more important they are the more I am disposed to demand that they be translated into French.

HON. MR. READ—The usual proportion will be in French.

HON. MR. BELLEROSE—I see that even the report which is submitted to us to-day for our approval is not before us, and it is difficult for us to say whether we should sanction or oppose it. I have seen it in English, but not in French—my own language. If the report of the committee is only in English I have good reason to suspect that we shall not have these valuable reports published in French.

HON. MR. McCLELAN—The publication of the reports of Profs. Saunders and Robertson would, I think, be of very great service, and I quite agree with the chairman of the committee, that the unanimous opinion of the Printing Committee was that both reports would be of very great value. If we have an Experimental Farm, which necessarily entails a good deal of expense, it must be of essential importance to the agricultural part of the community that the results of the experiments should be clearly and fully laid before them, and therefore I think the committee was quite cordial in making that recommendation; but the Chairman of the Committee has rather misapprehended the principal objection made by the senior member from Halifax, with regard to this recommendation, relating more particularly to the re-printing of the report of the Tenant Farmer Delegates. That, perhaps, is an unnecessary expense, inasmuch as it is being printed in England for circulation, where it is exceedingly applicable, and where its circulation would seem to be very necessary to attain the object intended—that is to say, to bring people from other countries. It certainly cannot be intended that the circulation of this voluminous report would be of any advantage in the older provinces of the Dominion. It is no advantage; it is a disadvantage, rather, that the people of the older provinces should be influenced by the circulation of this literature to leave their homes to move to another portion of the Dominion. That is not the object of this expenditure, I am quite sure. Then, another point made by my hon. friend from Halifax was, if it was necessary to circulate this sort of literature within the precincts of the Dominion, whether it would not be very much cheaper to get what copies we require from the English edition

rather than have the report re-printed in Canada. It seems to me that the point was well taken, and that the committee erred in the recommendation they made.

HON. MR. LOUGHEED—As a member of the committee, and therefore one of those who are responsible for the recommendation contained in that report, I desire to say a few words on this subject. I may say the matter was very fully discussed in the committee. Over an hour was taken in the consideration of this particular clause, and it was fully threshed out. In regard to the contention urged by the hon. member from Halifax, I might rather accuse him of indulging in special pleading with regard to this particular matter. He has pursued two particular tacks in relation to it, one of which was the responsibility to be assumed by the Department of Agriculture and the other that the printing of the report is entirely unnecessary. I apprehend, if the Department of Agriculture submitted to this honourable body an estimate for the printing of this particular report, my hon. friend from Halifax would be the very first to object to that estimate. The object is, that these reports should not be printed, and particularly the report made by the Tenant Farmers' delegation. Hon. gentlemen appear to be apprehensive to some extent that an injustice will be done to the older provinces by reason of re-printing that report. To those who have not perused this report, I may say that very particular care has been paid in the preparation of it to present the advantages of the older provinces for English settlers, and if the North-West were in any way selfish in that particular matter they would not urge the printing of this report, as particular stress is laid upon the advisability of English settlers, who can afford to do so, settling in the older provinces instead of emigrating to the North-West Territories. Certainly, that consideration is given in this report to the older provinces which cannot fail to be flattering and advantageous to them. I beg to submit to this House that literature of this kind is very desirable at present. The nation to the south of us, not only through its State Governments, but also through large landed corporations, has spent large sums in the publication and distribution of that important class of literature. I have

perused carefully the various reports issued by the Department of Agriculture in relation to our North-West country, stating the general resources of Canada and showing the suitability of our lands for settlement, and I say unhesitatingly that no class of literature has been issued that is of so important a nature as these particular reports. They have been prepared by gentlemen who were entirely disinterested, in a material way, in this country. They had no prejudices, nor had they local interests to serve. They examined this country carefully and they have reported thereon. Consequently, in the distribution of their reports, not only in Canada but in Europe, those who care to read them will give that attention to the statements contained in them that they are entitled to receive. They will rely on a report coming from an entirely disinterested and a competent source, which, I may say, is an extremely difficult thing to obtain in the preparation of reports, particularly with regard to new countries. I would say this in support of the committee's report, that they took into consideration the recommendation made by the Committee on Agriculture and Immigration. That committee, selected by the House of Commons to make inquiry into these important subjects, recommended to the Committee on Printing that 300,000 copies of Prof. Saunders' report and 100,000 copies of Prof. Robertson's report, and a Canadian edition of the Tenant Farmers' report should be printed, of which the Committee on Printing should assume the responsibility. While we are not absolutely bound to carry out the recommendation of that particular committee, we are bound to give it a certain amount of attention, in view of the fact that they specially examined into this matter and, after solemn consideration, submitted a report to the House of Commons, and that House, after solemn deliberation, referred the report to the Printing Committee. I say, therefore, it came to the Printing Committee endorsed by two very important bodies, namely, the Committee on Agriculture and Immigration and the House of Commons; and hence, we are justified in carrying out the recommendation of that committee and of the House, merely decreasing the number of copies of Prof. Saunders' report to 250,000, instead of 300,000. I think it is to the advantage of

the Dominion generally that this report should receive the endorsement of the Senate, and that this literature should be printed and have the widest distribution possible.

HON. MR. ALMON—In this case I must agree entirely with what has fallen from the senior member from Halifax. I think the number of copies recommended was far more than we required for circulation. Although I agree with those who consider that this is very necessary literature, I think we are going too far in expense in ordering more copies than will be circulated. If any one of us were to ask himself what becomes of all the copies he gets, and how much of this literature is merley lumber in his house, I think if he would answer the question conscientiously he would agree with me that he receives far too many. We are under great obligations to the present Government for having reduced the duty on sugar, but the reduction in the revenue must be met, they say, by economy in other directions. I wish they had reduced the duty on cornmeal, which is an unmanufactured article. Last year the Government modified the duty on pork, in the interest of our lumbermen. In Prince Edward Island, where potatoes are frequently exported, to sell at 20 cents a bushel at Halifax, (and they are even cheaper in the Island), any one can see how pork could be raised cheaply there if cornmeal were admitted free of duty. It may be said that this is extraneous, but it is not; we are called upon to exercise economy to meet a reduction in the revenue, and saving might be effected by reducing the number of copies of these reports for circulation. If one-half of the number of copies ordered are issued there will still be more issued than the number now circulated.

HON. MR. READ—I wish to explain to the hon. member from Delanau dière that I will see that the French edition is printed as soon as possible.

HON. MR. BOULTON—I may be pardoned for saying a word or two in connection with the subject before this House, coming as I do from the North-West, where we are anxious to do all we can to promote immigration. The Minister of Agriculture has performed some very valuable services to the country indeed in promoting experimental farms both here and in the North-

West, and also in the appointment of a Dairy Commissioner, and extending an invitation to agricultural delegates to visit this country and report upon it from one end to the other. Now, the value of those services is not in the fact of the visits being paid, or the experimental farms being established, but in the dissemination of the results of experiments and investigations among the farmers of the country. That can only be done by the circulation of these reports, which have been so carefully and intelligently prepared for the purpose, and the proportion of the cost to the country of printing these reports is very small indeed compared with the cost of establishing the experimental farms themselves. They would lose, I venture to say, one-half their value if the farmers and the people of the country were not made acquainted with all the information that the professors are able to distribute. It has been said that, the tax having been taken off sugar, we should, therefore, exercise greater economy. I quite agree with the hon. gentleman who says so, but we have all heard the story of the Irishman who landed at New York and grumbled at the price of bread. He said it cost him four pence for a loaf in New York that he could get for two pence in Ireland; but when he was asked why he didn't stay where bread was cheaper, he replied that he couldn't get the two pence to buy a loaf. There is no use having cheap sugar if the farmers cannot make enough money to buy at the reduced price. With regard to the distribution of these pamphlets, I concur in the opinion that a more intelligent plan might be adopted to spread them amongst the people. It is no easy matter for members of this House to have to make out lists and distribute those documents. What I would be inclined to do would be to take the voters' lists of the municipalities in the district where I am interested, and send them to Professor Saunders, with a request that he would send copies of these reports to each resident farmer in that district. If necessary, he could have printed on the cover "with the compliments" of the member representing the district, or his initials might be attached to the document, to show the source from which it comes. Too great pains cannot be taken in distributing as widely as possible the valuable information collected at the expense of the country.



HON. MR. SCOTT—The main point made by the senior member from Halifax has not been answered—that is, with reference to the 50,000 copies of the Tenant Farmer Delegates' Report. He says—and I have no doubt it is the fact—that a very large edition has been issued in England, and that the plates are stereotyped. If so, why get out a special edition in Canada? The cost must be very much less to get the report issued on the other side, and it would relieve the House if the hon. gentleman would say that the cost of printing the report in Canada will be no greater than the cost of printing it on the other side of the Atlantic, and it would probably relieve us a great deal more if we knew that the printing was to be done at the Government Printing House, and not sent to a private concern, as some of those reports have been. With reference to the reports of Professor Saunders and Professor Robertson, I quite agree with all that has been said about them in this Chamber—that they are invaluable—and it is most important that they should reach the people for whom they are intended. The great difficulty is that they are not read by the people for whom they are intended. The fault lies with ourselves, probably, as much as anybody else, but the information which is supplied by the Experimental Farm reports, and by the gentleman at the head of the Dairy Department, is much needed in the country. With reference to the 50,000 copies of the Tenant Farmers Delegates' Reports, it would relieve us all if we were told that the cost of printing them on this side of the Atlantic would not be greater than the cost of printing them in England; if it is to cost more to have them done here, I think the report should be printed on the other side of the Atlantic.

HON. MR. FLINT—I rise to give my support to the motion now before us. During the recess, between last session and my return to Ottawa this year, I was constantly distributing reports issued by the Department of Agriculture, and I found no trouble in doing so. I had a very large number of those reports sent me. If every other member had as many I know he must have had something to do to distribute them. I gave them only to persons engaged in farming, in cheese-making and fruit-growing, and I took every pains to inform them of the object in distributing those

reports. I know that they received them with a great deal of pleasure: several told me that they had read the reports with a great deal of profit. We cannot inculcate the idea of what is best in farming better than through those agricultural reports. Of one thing I am sure—the reports are read. Sometimes I had to give them to farmers who could not read. In such cases I asked if they had not sons or daughters who could read, and suggested that they should get their children to read the reports for them. Some of them told me afterwards that they had done so and were well pleased—that they had derived a great deal of information from them, which would be useful hereafter in their agricultural pursuits. Taking all these facts into consideration, we cannot spend the money of the people better than in the distribution of this valuable information to the farmers. We cannot expect that much good will be done by sending these reports in large quantities to the offices of legal gentlemen; but merchants, millers and others engaged in business can spread them broadcast amongst the farmers, if they wish, and if they are all of the same opinion that I am, they will be quite willing to do so. I would not mind if I had a cartload of those reports; I would try to distribute the whole of them. If they are sent to any one who runs a mill, no farmer should leave that mill without having one of them. I have distributed fully ten bushels; I got three sacks of them, and I know that each sack would contain three bushels, and I distributed the whole of them during the recess. Let us give the farmers all the information we can that will lead to a better system of farming, dairying and fruit-growing. If we do so the country will reap the benefit. We should do all in our power to prevent our farmers becoming restless and looking across the line to brother Jonathan. Let us try and keep them at home, and we cannot accomplish that object better than by giving them such information as is furnished by the Department of Agriculture in these reports.

HON. MR. ALLAN.—I had the pleasure of meeting several members of the Tenant Farmers' delegation when they were out in this country, and I have read since, with a great deal of pleasure, the report which has been published. As coming from Ontario, I am sure I can confirm what

has been said already with respect to those delegates—that they have done ample justice to that province. In fact, one of the chief objects they seem to have had in view was to point out to emigrants from England the advantages which the older provinces possessed for obtaining comfortable homes, and those who can purchase farms in the older provinces are recommended to settle there rather than go to the North-West. I join most heartily in what has been said with respect to the advantage of giving the widest possible circulation to these reports issued from the Experimental Farm, and especially those of Prof. Saunders and Prof. Robertson. I have done my best in times past to give them the utmost circulation in the country, wherever I have had the opportunity of doing so, although I am afraid I have been myself, like others, not as diligent as I ought to have been in making every effort to give them as wide a circulation as possible. I do not know whether the ingenious expedient suggested by my hon. friend on my right should not be adopted to advantage by other hon. gentlemen—that is, of giving them to the keepers of toll-houses to throw them into the waggons of farmers as they pass through the toll-gates. What may be gained by the circulation of a large number of copies of the Tenant Farm Delegates' Report in this country I cannot see. On reading it, it appeared to me the great advantage of that report is its setting forth before the people of England the inducements which Canada presents for immigration. That is information we hardly require so much amongst ourselves, and that is the only hesitation I have with regard to this report—why it should be necessary to circulate such a number of copies, which seems to me is much more intended for information for people on the other side of the water than for people amongst ourselves.

HON. MR. CARLING—It is very gratifying to me, as head of the Department of Agriculture, to know that the reports of Professor Saunders and Professor Robertson have been so highly spoken of in this honourable House. They are reports of the Department of Agriculture, and such reports, as the reports of any other Department, are limited as to number. Last year the Agricultural Committee of the House of Commons, a very large committee, number-

ing 100, recommended that 100,000 copies of Professor Saunders' Report be printed and distributed amongst the members of the House of Commons and the senators, for distribution in the rural districts. That was done, and they were so much appreciated by the people in the country that an increased demand has been made upon the members of the Senate and of the Commons, and on Professor Saunders and myself, for copies of the report. We were unable to supply the demand. This year the committee considered the matter as to how many should be printed of the present report, and, by a unanimous vote, it was recommended that 300,000 be printed for distribution, in the same way that they were distributed last year; but I believe the committee have reduced the number from 300,000, which was originally recommended, to 250,000. The demand for these reports, as I have already mentioned, is very great, and it is most gratifying to know that the agriculturists of Canada appreciate what has been done in the way of experiments at the different experimental farms in the Dominion. It is pretty well known, I believe, that in addition to the Central Farm at Ottawa there are four branch farms, one at Nappan, in the Province of Nova Scotia; one at Brandon, Man.; one at Indian Head, N.W.T., and one at Agassiz, B.C.; and I believe that the farms at those different stations are very acceptable to the people, and the experiments that are there being carried out are very much appreciated—so much so, that the demand for the reports of these experiments is increasing every day. I think it has been already mentioned that no information can be distributed amongst the agriculturists of Canada that will be of more advantage to them than the reports that have been made by Prof. Saunders, which are reports not only of experiments made at the Ottawa farm, but at the four branch farms in the different Provinces I have already mentioned. As to the report of Prof. Robertson, the House will know that we are about to establish experimental dairy stations. Prof. Robertson is one of the most expert dairymen, I believe, in the Dominion, and his reports are very much valued. Last year he paid a visit to the different provinces—to Prince Edward Island, the Maritime Provinces, to Quebec, Ontario, and the North-West; and I believe that

during the time he was away he delivered sixty-two addresses to a large number of agriculturists, which were very much appreciated, and since that time they have demanded from us as many reports as possible. In addition to these reports, bulletins are distributed to all parts of the Dominion, and any member of the House of Commons, and any gentleman in this House that will give a list of the names of parties in his particular locality who would like to receive these reports, they are regularly sent to them by post, free. Under an arrangement with the Postmaster General all matter sent from the Experimental Farm, and all correspondence with the Farm, are carried free, so that to a man living in Victoria, B.C., or in Prince Edward Island, the Farm is as easy of access as to the man who is living in the county of Carleton. These are advantages which are very much appreciated by the people in the different Provinces. The advantage to the country of establishing experimental dairy stations I think will be very great, and will be highly appreciated by the community generally. We have a good market in Great Britain. I think there is no country that sells anything like the quantity of cheese in that market that Canada does, and I believe the cheese of Canada is considered the very best that is imported into Great Britain. Our butter does not stand as high in the English market as our cheese, and we think, by experiments that are being made, and instructions that are being given and will be given, that we shall be able to produce as good a quality of butter in Canada as can be made in any part of the world. At the present time Denmark supplies the largest portion of butter that is imported into Great Britain. A few years ago that country was not able to export any quantity to Great Britain, but now the article they produce is so superior in quality that it has a greater demand in the English market than any other butter that is exported; and Professor Robertson, with his knowledge and skill, thinks that Canada can produce as good, if not a better article, and that we can supply the British market with butter equal to that of any other country. With regard to the Tenant Farm Delegates' reports, it is very gratifying to know that they have been so much appreciated, not only in this country, but in Great Britain. Some 800,000 of those reports have been

published in Great Britain and distributed far and wide, and there is not a newspaper of any prominence in Great Britain that has not favourably commented on them—so much so, that we have correspondence coming to us and going to the High Commissioner every day, asking for further information about Canada, and I believe that Canada, at the present time, never stood so high, and information respecting it was never so much sought for as at present. A large number of our young Canadians have been going from Canada to the United States, and I think it is very important that everything that can be done should be done to prevent them leaving our country, instead of going to our Great North-West. We have a magnificent country, and I believe it only wants to be known to be appreciated, and it only needs to be thoroughly known by our young people to induce them to adopt the North-West as their future home in preference to going to a foreign country. A large quantity of literature has been published with regard to the North-West by the Government and by people living in Manitoba and the North-West, but as the Tenant Farm Delegates were disinterested parties, who came out here for the purpose of giving an unbiassed opinion, and as the opinion they have given has been so much appreciated and looked upon as truthful and reliable, our friends in Canada think it would be wise to distribute a number of those reports in the Dominion. The cost cannot be very great, and anything we can do to educate our people up to a knowledge of the resources of our own country, instead of allowing their minds to be diverted to those of foreign countries, would be well-expended money.

HON. MR. PERLEY—I highly approve of the expenditure that is to be made in the matter of printing the reports of Prof. Saunders and Prof. Robertson, and of the Tenant Farm Delegates who visited our country last year. I believe that a certain sum of money can be devoted to no better use than printing the report of these delegates. I had the pleasure of meeting some of these gentlemen at my own place in the North-West. I found that all I met of them were intelligent, practical farmers. I took my team and other teams and drove a number of those gentlemen over a large portion of the country, and in the evenings conversed with them on what they had

seen in the different sections that they had driven through during the course of the day. I found them to be thoroughly practical farmers—not of the ordinary class, but of an extraordinary class. They were all experts, if I may use the term, in the different branches of agriculture in which they were engaged. They were large farmers in their country. They were keen judges of horses, cattle and stock of all kinds, and understood all about it, and the opinion that they expressed to me, I know, if distributed in the old country as it is in the reports that they have made, must be invaluable to people forming an opinion of a country to which they desire to emigrate. Not only that, but the opinions of such men, as they are successful farmers—one of them I think had 1,800 acres on a farm in the old country—would be invaluable. This gentleman visited my place and spoke of the North-West in comparison with the agricultural capabilities of the old country. He said he had never yet seen a country so adapted to agriculture and the raising of stock as the North-West Territories were. He also said that for dairying there was no better country, and he spoke from his knowledge of the business, as he had 100 cows on his farm. He asked me the percentage of butter fat that a given quantity of milk would produce on my farm, which I was able to give him, because I was in the dairy business myself, and gave him a test made by a young Englishman who was in my employ, and he said that the milk there made a better butter test than the milk on farms in England. He remained with me over a day, and the opinion of this gentleman, and his colleagues, versed in agriculture and selected because of their eminent fitness for the position of delegates, would be, to my mind, invaluable on such a subject. We know that men are often selected as emigration agents because of political influence. These delegates were not selected by that standard at all; they were selected because of their eminent fitness to discharge the duty that was imposed upon them—because their report and their opinion would be valued by their fellow-countrymen who had confidence in their fair and impartial judgment. I notice that the report of these gentlemen is impartial; they were prepared to set forth the disadvantages as well as the advantages which they found in this country,

and I am sure there is no way in which a certain amount of money could be expended more advantageously, not only in the interests of the North-West, but in the interests of the whole of Canada, than in printing and distributing the interesting reports made by these gentlemen. It would have a beneficial effect in this way: when we see scientific men—because there are more scientific men farming on a large scale in the mother country than in Canada—coming out to Canada, we know from their high standing in their own country that they are men competent to give an opinion, and when they report favourably on the resources of our country it will have its effect on the young men of Canada who are inclined to seek their fortunes abroad. I do not know of any other expenditure of the Department that will produce better results for it than the money expended for the printing and distributing of these reports, not only in the old country, but among our Canadian boys, thereby giving them a knowledge of their own Dominion, which many of them, I am sorry to say, do not possess at the present time. Having been personally with those delegates a day or two, and talked with them, I am convinced that they are competent men, intelligent men, who were able to tell me a great deal that has been very valuable to me—men thoroughly conversant with the principles of agriculture, and I contend that the report of such men is of far more value than the report of any emigration agent who may have been appointed because of his political influence.

HON. MR. GOWAN—I entirely agree in all that has been said, and so well said by my hon. friend from Quinté division, and other gentlemen, with regard to the value of this literature and the importance of widely distributing it. With regard to the reports of the Tenant Farm Delegates, to which the Minister of Agriculture has referred, I must say that I think it is the most important of all these reports to be distributed—at least, in Ontario, and for this reason: we know that our part of the country is flooded with foreign reports from foreign corporations recommending in the strongest terms lands in the neighbouring Republic; and I think it therefore exceedingly important that the evidence of those delegates should also be before the public, so that they may have the bane and

antidote both before them for this foreign matter that is being distributed amongst our people. It has been remarked that it is not desirable to encourage settlers in the country to leave the older provinces and go to the new. My experience is, that that has not been the effect of the distribution of such literature; but young men, naturally restless and anxious to better their condition, look around them to see where they can better themselves, and they get hold of this foreign literature, which pictures the United States as a land flowing with milk and honey. If their attention is called to a report of the Department of Agriculture they look upon it as an interested report, and they do not give the same attention to it as they would to such a report as that of independent delegates, who examined and reported for themselves. With regard to the facilities for distribution and the mode of distribution, I found not the least difficulty in placing, and well placing, every copy I received. In my part of the country, twice a year over fifty of the representatives of the people elected annually, reeves and deputy reeves, assemble in council, and my mode of distribution is to send at once to them copies of what I receive for distribution, and they are read, prized and valued, to my certain knowledge. I shall therefore most heartily support the recommendation made in the report and will vote for its adoption.

HON. MR. DEVER—I thought there was a misconception or a desire to create a misconception in this House of the object and intention of gentlemen who may possibly criticise this report. There seems to be a desire on the part of certain gentlemen to make it appear that hon. members are opposed to these reports and to the information that they contain. I do not know of any one gentleman in this House who is not most anxious that these reports shall be spread broadcast in every part of the world where they will do most good. There was a difference of opinion in the committee, and it was there stated that reports are sometimes sent abroad and not distributed, or distributed in places where they did no good. Certain gentlemen gave instances where there had been large mail bags of reports such as this sent to gentlemen in cities where they had no facilities for distributing them amongst farmers,

and these mail bags and their contents were allowed to remain in the coach-house or outhouse untouched, thus defeating the object which Parliament had in view in sending them out. Certain gentlemen held that the Minister of Agriculture is the proper medium to distribute this literature amongst the people where they would do most good. Another suggestion was, that because this report had been printed in Great Britain that a great saving could be affected by having the number now sought to be printed struck off there again. There was, seemingly, no gentleman on the committee who understood these several points, and there seemed to be an expression of opinion that reference should be made to the Minister of Agriculture for this information. I listened with a great desire to hear from the Minister a decision on those points, but I must say that while he eulogized, as we all do, the matter contained in these several reports—and there is no gentleman in the country who had read the report of the Tenant Farm Delegates that should not feel proud of the country of which he owns a part—we did not get the information that I expected. I read the report of these delegates myself with the greatest delight, and until then I did not realize that we had such a country. While we desire to distribute this information amongst the people as widely as possible, we desire also to do it in the most economical way. A good deal has been said on this point, and on the other points I have mentioned, but I fail to see that they have been answered—whether it is better to have an edition printed from the stereotype plates in England, or whether it is the Minister of Agriculture who should see that the reports are distributed wisely and economically, and whether they should not be distributed in the other countries, where they would do most good, and not, in the provinces of the Dominion, to disturb the minds of our young men and excite in them a desire to remove from one portion of the country to the other.

HON. MR. O'DONOHUE—With regard to the reports themselves and their contents, there seems to be only one opinion about their utility; but to my mind the weakness is in the system of distribution. Now, gentlemen living in the cities and towns of Canada have been receiving large packets of this kind of literature. They

have not distributed the whole of them. I know that large sacks of them are often sent to persons who do not distribute them. My hon. friend on my right says he knows cases of the kind also. The object of this publication is lost if their distribution is not procured. That is the great point of value—the distribution. Is the present system of distribution the best that can be adopted? You send sacks of reports to gentlemen living in the cities and towns that are never circulated. Will hon. gentlemen sit down, or get some one to sit down for them and address all these pamphlets and send them to the post offices? In the first place, it is impossible, for no one can know all the farmers to whom he should send them, and those documents are complete waste to the extent that they are not distributed. Now, our post offices are scattered everywhere over the land. Why not make our own officers, the postmasters, agents for the distribution of this literature? Then its distribution will be ensured. Everyone calls at the post office, and the postmasters can hand out these reports and pamphlets. Such distribution would be valuable.

HON. MR. MILLER—With reference to the suggestion to which we have just listened, I may say that it is the course that I adopted myself with regard to the books and reports sent to me. I sent them to the principal post office, with a request that they would forward a certain number to the smaller post offices for distribution where they would do most good.

HON. MR. CARLING—I think that the distribution in the House of Commons has been very successful. The members have these reports sent to them during the session. Last year the reports were rather late—were not printed until after the House had risen—and the members of this committee I believe, are anxious that these reports should be printed in time for distribution while the House is still in session. If hon. gentlemen of the Senate would give a list of names to the Department, or to the Chief Director of the Experimental Farm, of prominent farmers in their constituencies to whom they would like to have these reports sent, we would take care to see that they were all properly addressed and forwarded. There can be no difficulty about the distribution.

It may not have been so well done, perhaps, in the Senate as in another place, where the members come from their constituents and have a list of all the voters in their constituencies, or of the prominent agriculturalists at least. There they have not only distributed the documents sent to them, but they have sent letter after letter to me to try and get city representatives, or senators who may not wish to use them, to let them have these reports, so that they might have them to distribute in the rural constituencies. If senators would give lists of prominent gentlemen in the counties from which they come, with post office addresses, and tell us the reports they would like to have sent, I will undertake to have them forwarded. I am sure there is no difficulty in the other House, and there would be no difficulty in the Senate if it was done in this way.

HON. MR. POWER—Perhaps the hon. Minister will give the information asked for by the hon. gentleman from Ottawa and myself with respect to the printing of the Tenant Farmers' Delegates' reports in England and here?

HON. MR. CARLING—One of the chief objects in having the report printed here is to have it distributed before the close of the session. I think that the type has been distributed in England.

HON. MR. POWER—The book has been stereotyped.

HON. MR. CARLING—I know that reports here have been stereotyped, but I do not know if they are in England; very probably they are. I think if the reports were to be printed in England it would cause a delay, and they would not be here until very long after the session, and the distribution would not be so good as if they were printed in time to put them into the hands of members for distribution before the prorogation of Parliament.

HON. MR. MILLER—By some omission, it appears the report was not printed in the French editions of the Journals. Now, that is a very important objection which has been taken by the hon. gentleman from Delanaudière. If it is made an objection, of course the report would require to stand over until another day. If it is not

made an objection, it would be as well to have the report adopted, in view of the desirability of getting the issue out as soon as possible.

HON. MR. BELLEROSE—I will not make an objection to having the report adopted to-day, only I wish it to be understood that the reports mentioned shall be published in both languages.

HON. MR. CARLING—Certainly, they will be.

HON. MR. VIDAL—There is a well-understood rule that all such reports shall be printed in both languages in certain proportions. With regard to the distribution of these documents, like my hon. friend from Barrie I have availed myself of the county councils. In all the Provinces, where we have such institutions, the county councils have members scattered all over the municipalities who are extremely interested in supplying their own immediate constituents with literature of that kind. They are pleased to do it, and I have availed myself, as my hon. friend has done, of that means of distributing the numerous documents sent to me since last session. That is a very feasible and available plan. Under the instructions of the Printing Committee, these documents now come to us wrapped up, all ready for sending by post, and we have this session added another item, which will aid in the distribution—we have ordered that those covers shall be stamped so that the postmasters will know that they are Parliamentary reports, and will send them free. A difficulty had arisen in some post offices, the postmasters thinking that unless a member wrote his name on them they could not be sent free, and to do that with several hundreds of them was a serious task. To obviate that, we have decided to have wrappers stamped in such a way as to ensure their passing free through the post office. The postmaster where I live did not require me to put my name on the documents I sent. He knew me, and was aware of the fact that they were Parliamentary documents, and with that knowledge he would not ask me to be at the trouble of initialing all the documents I sent by post; but I took the opportunity of the reeves being in session in our town to distribute a large

number of them, coming, as they were obliged to come, to the office I occupied there as county treasurer, where I had an opportunity of seeing them all. I think the documents are of the value set forth by several who have spoken. I have listened attentively to what has been said about the cost of printing and the suggestion of getting the stereotyped edition from England as a matter of economy, but when we remember that it is the House of Commons that deals with money matters and incurs expense, and that we do not, as a general rule, interfere when they say that such an expenditure is desirable, we can have no objection to the recommendation of the committee. We may feel it necessary to interfere when some principle is involved, where this House should use its influence and authority to attack anything they think wrong, but I do not think that a matter involving the expenditure of even a few hundred dollars in carrying out what has been recommended—almost ordered, you may say—by the House of Commons, is one where we should interfere.

HON. MR. MCINNES (B.C.)—It must be quite evident, from the remarks of hon. gentlemen, that the system pursued in the past with respect to the distribution of these reports has not been satisfactory, and that the number issued on former occasions—which number, I believe, was 100,000—is quite sufficient if the present system is pursued; but it has occurred to me during this discussion that a better system could be adopted—that the Department of Agriculture, under whose control and jurisdiction the experimental farms are, should get the list of the Dominion voters and send a copy of these reports to every farmer throughout the Dominion. Hon. gentlemen may smile at that, but I do not think it would increase the number asked for, or the number recommended, in the first place, to the committee. I am speaking now subject to correction, but I do not think we have, according to the last census, over half a million of farmers in the Dominion, and should there be one or two hundred thousand copies more asked for than is recommended in this report, and one sent to every farmer in the Dominion, there could be no earthly excuse for them to say then that they were not supplied with

all the information furnished by the Department, or that they failed to derive all the benefits accruing from the establishment of the Central Experimental Farm and its branches. A great deal of trouble and anxiety would be removed from the members of the other House, and from members of the Senate, and at the same time an even and general distribution of this literature would be made to the farming community throughout the whole Dominion. I offer this suggestion, and I think its adoption would be a great relief to members of both Houses and even to the Minister of Agriculture himself.

**HON. MR. VIDAL**—Surely it would require a considerable addition to the staff of any department to distribute such a mass of documents, and five hundred thousand would not be enough to reach every farmer. To send that many copies would require the employment of an additional staff, besides depriving us and our fellow legislators of the pleasure of supplying those who are interested with those documents.

**HON. MR. POWER**—Inasmuch as the few observations which I made with respect to the adoption of this report have led to an almost universal chorus of approval of the action of the hon. Minister of Agriculture, and inasmuch as those remarks have also given hon. gentlemen in all parts of the House an opportunity of expressing valuable opinions on the question of these reports, perhaps the House will pardon me if I say a few words now, even though I am slightly out of order. I did not deal with the question of the value of those reports at all. I did not attempt to question it, and I am happy to be able to add my tribute to the statements made by other hon. gentlemen as to the very considerable value of those reports, and particularly as to their value as literature intended to promote immigration. Of the reports of the Tenant Farmers' Delegates, there is no doubt that those reports are just the kind of literature which is calculated to lead intelligent farmers to come to this country to settle; and I am glad to hear from the Minister the good effects that the reports are already meeting—at least I gather that from what he said. I did not question the value of the reports of Prof. Saunders or Prof. Robertson. I

am glad, indeed, to hear that there is some probability that Canada will take the position that she ought to occupy as a country exporting butter. I do not know any reason why Canada should not do as well in that respect as Denmark and Holland, which now control the London market. I approve of what has been done in sending Prof. Robertson out to enlighten the country on the subject of dairy farming. Those are steps in the right direction, for which the Minister deserves the commendation of Parliament. As I say, I did not question the value of the reports at all. I simply dealt with the method of distribution, and the means adopted to print the reports. The suggestion made by the hon. member from New Westminster, in which I entirely concur, is deserving of the consideration of the Minister of Agriculture. It may be that it would involve a little additional work to some of the existing clerks of the Department; possibly, it might require the addition of some two or three or four clerks. That is not a very serious matter. I think, as a rule, the Government are rather pleased to have an excuse to find something for more of their supporters to do, and the necessity for three or four clerks would not be a very serious objection to adopting that mode of distribution. There is an objection, which has not been indicated by any previous speaker, to the present method of printing and distribution. The Minister did not tell us how many copies of this report were distributed by the Department; but under the present system the probabilities are that the members send copies of the reports to those who receive them from the Department. The Department is in a better position than any member or all members to know how many copies of any report are needed for distribution, and they have greater facilities for the distribution. I think therefore that the distribution should be made by the Department, and the cost of printing the reports should be charged to the Department. The Minister will have no difficulty whatever in getting a very liberal vote from the House of Commons for doing work of that character. Then, under the present system these reports are set up and printed in the report of the Department and distributed in that way: the type is distributed, and then the reports have to be set up again at great additional



expense and printed under the instructions of Parliament. We would save the second setting of the type and a large expenditure by adopting the system indicated by the hon. member from New Westminster. I hope the Premier, as well as the Minister of Agriculture, will be kind enough to give a little consideration to the suggestion made by the hon. member. Hon. gentlemen have spoken as though there were no question in the minds of the committee as to the proper course to be pursued. The fact is, that some gentlemen were of the opinion that the motion to adopt that part of the report was defeated in the committee; if carried at all it was by a majority of only one. Another hon. gentleman says that it is a matter for the House of Commons—that if the House of Commons desire to have these reports printed in such numbers it is not our concern. The majority which decided in favour of the printing of the reports was made up of the senators. A majority of the members from the House of Commons were opposed to it—that is, the report of the Tenant Farmers' Delegates. There is another circumstance which the Minister mentioned, and some other hon. gentleman also, that foreign corporations were distributing literature with a view of inducing our young men to leave Canada and to settle in other countries. I should like to know. I have not the information myself, whether our own great corporations—we have two great railway corporations in this country—I should like to know whether they are making the efforts which I think they ought to put forth to counteract the efforts of these foreign corporations and to induce settlers to come from Europe and settle here, or to induce people who choose to leave one part of the Dominion to go and settle in another part of it. There was another argument used in favour of printing and distributing this report of the Tenant Farmers' Delegates—that large numbers of our Canadian young men were going to the United States. I was surprised to hear that statement made.

HON. MR. KAULBACH—Who made it?

HON. MR. POWER—It was made by the Minister and by another hon. gentleman.

HON. MR. CARLING—I think the hon. gentleman misunderstood me.

HON. MR. POWER—The Minister may not have intended to make it, but the statement was made in the hearing of all of us, and the same argument was used in the committee. It is a rather singular argument to come from Conservatives, who have always contended that our young men did not go to the United States, that the assertion that they did was a base Grit calumny.

HON. MR. KAULBACH—I wish to say one word with regard to the distribution of these reports. I do not agree with the suggestion made by the hon. member from New Westminster, endorsed by the senior member from Halifax, that the proper way would be to distribute them from the Department. I approve of the way that it is done now, that is, by members of the two Houses. Every member knows the important farmers in his own county. As far as we ourselves are concerned, ten per cent. is all that is left to us. I know what comes to me I take particular care of; I see that every one of these documents is sent to some person who will be glad to get it. Probably I know more about my own county than other senators know of theirs, but I am not aware of any instance in which these reports are piled up in waggon-houses. I would be sorry to hear of any gentleman who would allow the reports sent to him to be treated in that way. I did not hear any one speak about our young men going to the United States; the only remark of that kind that I heard was one that fell from the hon. member from St. John. He suggested that the circulation of the Tenant Farmers' report might have the effect of disturbing the minds of people living in the older Provinces and leading them to settle in the North-West. That only shows the value of the report. There are people in every province who are not content, no matter where they are, but want to go further west; this literature, instead of leading them to emigrate to the United States, would attract them to our own North-West, where there are comfortable homes for all who wish to go there.

HON. MR. ABBOTT—If I may be permitted to say a word or two before the motion is put, I would like to do so with respect to this question of distribution. Hitherto all papers of this description and

character issued by Parliament have been distributed, as I understand it, by dividing them amongst the members and sending a certain number to the members of each House in the expectation that these gentlemen would distribute them judiciously amongst the people whom they know in their electoral counties or districts, and that process, I think, has been reasonably successful. It is one which costs nothing; it is one which I venture to say—having been a member myself of the House of Commons for years—is extremely interesting to the members themselves, who have direct relations with their constituents, who know them, and who can select from amongst them those men who are best qualified to make the best use of the literature which they get, and who take care that the number, which is limited, is so distributed as to produce the best results amongst the most intelligent classes of the constituencies. That, I may say with confidence, is the result of the present mode of distribution in the House of Commons, and I will not do this House the injustice, and I will not allow it to be assumed, that members of this House will, when they receive literature of a valuable character, allow it to be relegated to outhouses or to be destroyed or lost to the public, rather than take the trouble of sending it to the people in their districts, or even to county councils, and other public places from which it will reach the public. That process, I firmly believe, is as effectual a process, even as respects the Senate, as any other that can be devised, because if we were to send these papers to postmasters, many of whom are engaged in all kinds of occupations in the country—who are under no obligation to distribute these reports amongst the people, because they are not obliged to do it and are not paid for it—they would not probably do it, and the probability is that the reports of the Tenant Farm Delegates, which are of incalculable value, and the reports of Professors Saunders and Robertson which are of equal value in another direction, will be found papering pounds of sugar and parcels of tobacco and tea instead of being read by the farmers in those localities. The idea of taking the voters' lists and sending a copy of the report to each voter who is a farmer, presents difficulties which my hon. friend from British Columbia did not realize when he suggested

it. In the first place "farmer" is not precisely the qualification for a voter, and in many cases he is scarcely mentioned as a voter. The proprietor is a voter; the tenant is a voter and the farmer's son, so that the clerk in a Government office reading over the list of voters would be unable to distinguish in a large proportion of the lists whether a man that he finds on the list is a barber, a mechanic or a man having anything to do with farming. I am ashamed to confess my ignorance of the number that appears on the voters' lists, but they range from 3,000 to 4,000 to a constituency, which would bring us up to the number of a million in all the constituencies and this report, if carried, does not authorize the printing of more than one-third of that number and I think the precautions which we would take to distribute them by dividing them amongst the representatives of the people in both Houses—for I will maintain that we are representatives of the people as much as the other House, only appointed in another manner—and relying with confidence upon the disposition of these gentlemen to convey this information as it is intended they shall do to all the people within the reach of their pens and their posts, I think that mode of doing it is a very effectual and very inexpensive way. There might be a more perfect way discovered, but none that would not cost a great deal of money and I doubt if it would be any more effectual. I must say that the remarks of the hon. gentleman from Halifax on the report of the Tenant Farm Delegates were perfectly justifiable. He did not in any respect, as he observed, dispute the value of these reports. The Minister has explained that the object of printing the report here instead of in England is that it may be printed and distributed by members before the House rises, which is a very important feature, and I think it is a good reason for printing it here. Moreover the price is small—I fancy four or five cents a number will print them, so that the difference in printing them here and printing them in England will not be very great. There is one point about the translation of the report of Prof. Saunders, which we think as much of in Lower Canada as they do elsewhere, but which has not yet been distributed amongst our fellow-citizens of French origin in Quebec; and I was asked that the decision of this House should not be taken on this report

until our friends ascertained the action of the other House on this matter. Some of the French-speaking members have been generous enough to say that they do not wish to delay the adoption of the report for that purpose, and the Minister of Agriculture has undertaken to say that there shall not be any delay in distributing the report in their own language at as early a date as possible.

HON. MR. PROWSE—I think the information given to the House that there are large numbers of these reports not distributed to the farmers is very limited indeed. It may possibly happen that gentlemen residing in the large cities may be at a loss to know to whom to send these reports, and I would suggest to any gentleman who finds a difficulty in that way if he would drop a line to the Minister of Agriculture declining to accept them for distribution it would enable the Minister to add to the list of those who come from agricultural districts, and who would only be too happy to distribute them themselves.

HON. MR. POWER—I do not see the point of that, inasmuch as these reports are not to be distributed by the Minister of Agriculture at all.

The motion was agreed to.

#### BILLS INTRODUCED.

Bill (37) "An Act to amend the Act respecting the New Brunswick Railway Company." (Mr. MacInnes, Burlington.)

Bill (51) "An Act to incorporate the Vancouver Dock and Ship Building Company." (Mr. Macdonald, Victoria.)

Bill (62) "An Act to enable the Victoria and North American Railway Company to run a ferry between Beecher's Bay in British Columbia and a point on the Straits of Fuca within the United States of America." (Mr. Macdonald, Victoria.)

Bill (97) "An Act to amend the Acts respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited)." (Mr. Abbott.)

Bill (38) "An Act respecting the Central Counties Railway Company." (Mr. McMillan.)

#### COLLINGWOOD AND BAY OF QUINTÉ RAILWAY CO.'S BILL.

REFERRED TO COMMITTEE.

Bill (47) "An Act to amend an Act to

incorporate the Collingwood and Bay of Quinté Railway Company," was introduced.

HON. MR. ALLAN moved that the Bill be referred to the Committee on Standing Orders and Private Bills. He explained that no petition had been presented to the Senate for this Bill, and it was therefore necessary that it should go to the Committee on Standing Orders and Private Bills.

The motion was agreed to.

The Senate adjourned at 5:15 P.M.

#### THE SENATE.

*Ottawa, Thursday, June 25th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### ROCKY MOUNTAINS RAILWAY AND COAL CO.'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (N) "An Act to incorporate the Rocky Mountains Railway and Coal Company," with certain amendments.

He said: The amendments which have been made are merely to correct an omission in the original copy. A name was erroneously taken out and another put in. Another error was the insertion of a word which was omitted in copying the Act.

HON. MR. LOUGHEED moved that the amendments be concurred in.

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

#### BILLS INTRODUCED.

Bill (R) "An Act respecting certain Feminine Offenders in the Province of Nova Scotia." (Mr. Power.)

Bill (23) "An Act respecting the E. B. Eddy Manufacturing Company, and to change its name to "The E. B. Eddy Company." (Mr. Clemow.)

Bill (25) "An Act to revive and amend the Act to incorporate the Medicine Hat

Railway and Coal Company." (Mr. Loughheed).

Bill (26) "An Act to incorporate the Pembroke Lumber Company." (Mr. Clemow).

Bill (27) "An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue Debenture Stock." (Mr. McKindsey).

Bill (28) "An Act to amend the Act to incorporate the *Empire Printing and Publishing Company (Limited)*." (Mr. Sanford).

Bill (41) "An Act to amend the Act incorporating the Canadian Power Company." (Mr. Clemow).

Bill (24) "An Act to incorporate the McKay Milling Company." (Mr. Clemow).

## DISCRIMINATION AGAINST THE MOTHER COUNTRY.

### MOTION WITHDRAWN.

HON. MR. BOULTON rose to move—

That in the opinion of this honourable House, no treaty of reciprocity that may be negotiated with the Government of the United States, should contain any provision obliging Canada, directly or indirectly, to impose duties upon any articles included in such treaty which would discriminate against their importation from the United Kingdom, or any other country.

He said: I beg to ask permission of this honourable House to withdraw my motion. Since I gave notice on Monday last that I would bring this motion before the House for discussion to-day some correspondence has been placed on the Table with regard to reciprocity negotiations which are to take place next October, and in view of the tenor of that correspondence I feel it would be inadvisable to discuss this motion formally as I have it before the House to-day.

The motion was agreed to, and the Order of the Day was discharged.

## PROHIBITORY LIQUOR LAW.

### MOTION.

HON. MR. VIDAL moved:

That the Honourable Messieurs Allan, Girard, Lewin, Loughheed, McClellan, Macdonald (B.C.), Macdonald (P.F.L.), Miller, Murphy, Pelletier, Power, Scott, Stevens and Vidal be appointed a Select Committee to examine and report upon all petitions presented to this House, praying for, or relating to, the enactment of a law to prohibit the manufacture, importation, or sale of all intoxicating

liquors, for use as beverages; and to recommend such action to be taken thereon by the Senate as the said Committee may deem expedient."

He said: In asking your attention to the motion which I have placed on the Order Paper, I may say that I am simply following the precedent which was acted upon by this House in the years 1874, 1875, 1876 and 1877 when petitions for the same object for which the petitions lately presented to us pray were brought to this House in numbers amounting to many hundreds. On each of these years it was thought desirable and proper to refer those petitions to a committee of this House, that they might examine and report upon them, which was accordingly done. I am, therefore, following a precedent which was well established, in asking the appointment of the committee named in my notice of motion. The petitions already received by this House are over 2,900 in number; they come from all parts of the Dominion, from the furthest east to the furthest west; they are signed by all classes of the community, and they are certainly representative petitions, bringing to our notice the very general demand for the passage of this prohibitory legislation. I think it is due to ourselves, as well as to the petitioners, that respect should be paid to these petitions; and to say, after they are presented here, coming from such a source and in such numbers, that they are to be shelved in pigeon-holes and no notice taken of them, would be a reproach to this House that the Senate would not be able to withstand. I think it is due to ourselves that the petitions should be received with respect, and attention paid to them, but whether we can do anything to accomplish the end they have in view is quite another thing. The House will see that it is well to ask for this committee, in order to show that it does pay respect to those petitions that come to it from people who place confidence in our interest in and in our desire to promote the well-being of the country. I do not say a word about what kind of report the committee may likely bring in. On former occasions the committee brought in a report mainly, though not entirely, satisfactory to those who had presented the petitions. I may say that I have a two-fold object in view in asking that this committee be appointed: first, to manifest to those who have ap-

proached the House in this way that we acknowledge their right to be heard, that we receive their requests with respect, and that we pay attention to them, and that we take such steps as are in our power to examine into the matter, in order that we may act intelligently and, as far as possible, in favour of the object for which these petitions are sent to us; secondly, that I may elicit an expression of opinion from the members of this House on the great question of prohibition itself. I trust that this committee, if the House sees fit to adopt my motion and appoint it, will present a report of some kind, and on the presentation of that report there will be afforded ample opportunity for the discussion of the whole question. When the report of that committee comes before us it is highly probable that there will be divergence of opinion as to the action it may see fit to recommend, and then will be the time to express our views of prohibition, and I hope we may have as profitable and interesting a discussion on the subject in this House as they had in the other Chamber; but I do not desire to say a single word about the general question of prohibition, its advantages or disadvantages, on this occasion. It is due to these hon. gentlemen whose names I have taken the liberty of inserting in my motion that I should apologize for not having taken the precaution of asking their permission to do so, and requesting them to serve on the committee. The fact is, I believed that every hon. member of this House is ready to fulfil his obligations as a senator, and when called upon to discharge this particular duty I thought there would be no reluctance or hesitation on his part. I would like much that my hon. friends, instead of looking upon it as an order of the House that they shall act on this committee, would regard it as a personal request from myself that they should meet and talk over this important matter, and suggest what is the best course this House can take with respect to it. Whatever the result of such consultation may be, I think it is at least very desirable that some action should be taken by this House with reference to the petitions that have been presented to us. The gentlemen whose names I have proposed for the committee have been selected from every province, in order that all sections of the

country should be represented. The House will also observe that I have not confined my selection to those gentlemen who have heretofore pronounced in favour of prohibition, but have inserted names of opponents to such legislation. When the committee meets to discuss this matter it will, I hope, suggest something that this House can do towards meeting the views of the very numerous petitioners. It is, perhaps, scarcely proper that I should trespass upon the time of the Senate with any further remarks at present with reference to this matter, but on account of the action of the other Chamber yesterday I think it is both desirable and excusable that I should at least refer to the action that has been taken, as many hon. gentlemen in this House and many outside are looking to me as a prominent prohibitionist, and I have been besieged with a great many inquiries as to my opinion on the action proposed to be taken. Of course, I have no authority to speak for anyone but myself, but personally, I have no hesitation in saying that I think the action taken in the other House has been the greatest step forward that has been taken for the cause of prohibition for many years. My opinion is, that the appointment of this Royal Commission is really an acceding, to some extent, to the request of the petitioners for the enactment of a prohibitory law, as far as it can at present be done. It appears to me to be a most desirable, I might say a necessary step, that Parliament should be furnished with authentic and reliable information on these matters, in order that it should act intelligently. Then it must be remembered that the framing of an Act of this kind—an Act making very important changes in the country, affecting many existing interests, and the revenues of provinces and municipalities as well as of the Dominion—should be done with very great care and with an accurate and full knowledge of the results of such legislation where similar enactments have been passed in other countries and places. Therefore, in my judgment the action which has been taken, instead of being looked upon as an attempt to burk the question, should be regarded as a step felt to be necessary, and taken honestly in advance, for the promotion of the interests of the country in this direction. Hon. gentlemen will observe two words in the resolution which has been passed for the appointment of the commission, which,

in my judgment, would never have been inserted had it been intended to adopt that means to shelve the question. If that had been the intention, why would the Minister of Finance have put in the words "without delay"? Does not the fact of his inserting in the beginning of his resolution that "without delay" the commission should be appointed and information obtained show that it is not the intention of the Government to shelve the question? In my judgment, it is an honest expression of a very reasonable and rational desire to acquire full, authentic and trustworthy information on the matters connected with this kind of legislation, which it is desirable to secure before one could frame a satisfactory prohibitory Bill. Had the whole Parliament been pledged to prohibition I can scarcely conceive that it would venture to enact a law during the present session to come into immediate or early operation without having obtained first the information which this commission is to be appointed to obtain. Consequently, instead of temperance people feeling aggrieved at the action of the House, in my judgment Parliament has gone as far towards granting the request that has been made as it could go under present circumstances. I have gone a little beyond the object I had in view in making the motion I placed on the Notice Paper, but in my position, standing as I do at the head of the prohibitory alliance, although not authorized to speak for it, I think it is desirable, and no more than just, that I should express my views with reference to the action which has been taken.

HON. MR. POWER—I see that the hon. gentleman has been good enough to place my name upon this proposed committee; therefore, I have the right to say a word on the subject of his resolution. If the hon. gentleman had moved his resolution yesterday I should have had no objection to serve on the committee. I am not a prohibitionist, and I suppose never shall be; at the same time, I think the petitions coming in such numbers to our Chamber from all classes of society and from persons of all denominations and all parts of the Dominion are, as a rule, the expression of the honest convictions of those who sign them, and as such deserve to be treated with due consideration by the Senate. But I am a little surprised, after the action

taken by the other House at the instance of the Government, that the hon. gentleman should persist to-day in moving his resolution, which recommends a policy different from that laid down in the resolution passed by the House of Commons. What object can we attain by solemnly appointing a committee here to consider these petitions, when the Commons has resolved to appoint a Royal Commission to consider the whole question of the liquor traffic and prohibition in their effects on the revenue and otherwise? Considering that we are now almost at the beginning of the month of July, and that the Senate is likely to have a good deal to do during that very warm month, and inasmuch as the Government have apparently with the entire approval, and, I should say from the language used by the hon. gentleman after conference with the hon. member from Sarnia, the hon. gentleman proposes to deal with the matter in a way different from what they propose. That being the case, why should we interfere with the Government now? I think it is better to leave the matter in the hands of the Government, and I am the more surprised at the hon. gentleman persisting in his motion, as he has told us, as one who knew whereof he spoke, that the resolution of the Minister of Finance is an honest effort to settle the question and to do what the friends of prohibition desire. If the hon. gentleman was consulted with respect to that resolution and is in the inmost secrets of the Government, then he is perhaps in a position to say that it is an honest resolution or an honest attempt to meet the views of the prohibitionists; unless the hon. gentleman is in a position to say that, he has no authority to say that a motion made by one party in another place is an honest effort to settle the question and meet the views of the petitioners; and when we consider the well-known views of many of the gentlemen who voted for it, I am very much disposed to doubt the statement of my hon. friend from Sarnia, that that motion expressed the views of the honest friends of prohibition. As to the report of the commission coming up in a short time and action being taken immediately, we shall see when we are called upon to act; but I feel that under the circumstances our action can lead to no good, and for myself individually, as I happen to be on a

number of rather important committees, I would ask the hon. gentleman to omit my name from the list of a committee which I feel cannot do any important work.

HON. MR. VIDAL—I may be permitted to explain to the hon. gentleman that I am only expressing my own opinion. I emphatically stated that I did not speak with any authority at all. It is my personal opinion. I have had no conversation and no communication, and no knowledge whatever of what was designed to be introduced in the other House. I merely saw it for the first time in the newspapers, but I think my hon. friend, even on the reasons which he has mentioned, need not press his request that his name be withdrawn from the committee. I would like to have it appear on the record, and I would like to have the benefit of his counsel and advice in coming to any decision we may arrive at. One object I have in view is to show proper respect to the persons who have sent in these petitions. It would be most discourteous to these petitioners to take no notice of them, and I think it is due to them that the utmost respect should be shown to their petitions by this House. Whatever the report of the committee may be, it is likely to bring on an important discussion in this Chamber, and to bring out the views of the members. I trust the hon. gentlemen will not persist in withdrawing his name. He might not attend all the meetings, but I would like it to appear that he is invited and wished to be there. His advice is exceedingly valuable. In many instances he points out to us matters which escape the attention of others, and I should be very sorry if, in following the course he has indicated, he declines to serve on the committee, if he has time and can do so without personal inconvenience.

HON. MR. POWER—As the hon. gentleman's resolution is more or less a censure on the Government, I would suggest that the leader of the Government should move an amendment, leaving the matter where the Government have put it.

HON. MR. MURPHY—As the wisdom of the course of the hon. gentleman from Sarnia is in question, I think he has taken the only rational course that could be taken in this House. It is quite in keeping with the dignity of the House and the weight

and influence of the numerous petitions that have been presented to take the course he points out, and I think that his remarks in reference to the resolution passed in the House of Commons are just and equitable, and, with those I represent on that question, I would give it my hearty support.

HON. MR. ALLAN—I confess that I felt somewhat dismayed when I found my name placed on that committee by the hon. gentleman from Sarnia, and that feeling was not at all lessened by the announcement of the number of petitions sent in to this House, and which, under the resolution, we are expected to examine and report upon; but I feel that these petitions are bound to be received with due respect and consideration by this House, because, no doubt, they do represent the opinions of a very large number of the community which are honestly and conscientiously entertained by them, and I do not think they should be ignored or received with indifference by the Senate. Moreover, this question is of too much importance to be treated with disrespect, levity or indifference. I am not a prohibitionist, and, like my hon. friend from Halifax, I do not think I am likely to be; and the hon. gentleman from Sarnia knows, with respect to previous votes in this House, which have been taken on the Scott Act and other measures of that kind, that I have always refrained from voting against them, on the principle that if a large number of citizens think that such legislation is really the way by which the frightful evils arising from intemperance would be best remedied, for one, was always willing to give it a fair trial. But I also hold a very strong opinion that any legislation of this kind, to be effective, cannot go in advance of the conscience of the people. Unless the community themselves are impressed with the feeling that a measure is a right and proper one, we legislate in vain. It will only lead, in my judgment, to lawlessness and a great deal of immorality, and will be productive of more mischief than good. I do not object to my name being placed on this committee, because I quite share the feeling expressed by my hon. friend, and I desire, as far as this House is concerned, that we should show every respect to those petitioners, though I do not see what more we can do. Looking at the resolution adopted by the other

House, that it is desirable before proceeding with any legislation on this question to obtain every information we can on the subject, and the bearing that such legislation is likely to have on the business and revenues of the country, I do not see that the Senate can recommend any course in advance of the information sought to be obtained by the proposed commission. I hope my hon. friend from Halifax will change his mind, and give us the benefit of his advice and counsel on the committee.

HON. MR. McCLELAN—As I have been named by the hon. gentleman from Sarnia on this committee, I may say I entirely coincide with the remarks of the hon. gentleman if this committee is intended simply to be an act of courtesy to that numerous body of petitioners who are praying for the passage of a prohibitory law; and the duty of the committee will be simply confined to examining these petitions and reporting their numbers, which do not appear on our journals. In so far as that goes it may be a very proper mark of respect to so large and intelligent a body as have made this prayer. Nevertheless, I fail to see any practical object that can be attained by it at this stage of the session in a further investigation of this question by this House, for the very reason mentioned by the hon. gentleman from Halifax, that the matter has been already taken up and passed upon in the other House, and the appointment of a commission has been authorized. It is not at all likely that the Government will undertake to initiate any new policy for this year, and the policy they have introduced is entirely and completely in conflict with the prayer of these petitioners. Therefore, I do not see what possible object we are going to gain by appointing a committee to investigate and make a report on the petitions. The petitioners themselves pray that this Parliament will “forthwith” enact a prohibitory law, and after all these years, in which so many of us have been claiming that it was the duty of the Government, and it was to the advantage of the country, and that it was what the people from one end of the Dominion to the other desire, that prohibitory legislation should be enacted, I cannot understand the logic of the position taken by the hon. gentleman from Sarnia, who has so long and so ably advo-

cated that the country was ripe for prohibition, in supporting the action of the Government, that it is necessary to go into an extensive and costly investigation, by means of a Royal Commission, to show whether a prohibitory liquor law is required or not.

HON. MR. VIDAL—I did not speak for the Alliance; I spoke my personal sentiments.

HON. MR. KAULBACH—I do not rise to express any opinion about the committee, but I think from the number of petitions coming to this House it is due to the petitioners themselves that the committee should be appointed.

HON. MR. ABBOTT—I think I understand the spirit in which my hon. friend's motion is made. We have received an immense number of petitions in this House, as well as in the other House, in favour of prohibition, and the Government have taken a step which they thought the most judicious and the most proper under the circumstances, and not, I think, as my hon. friend from Hopewell said, in direct contravention of the prayer of those petitions. In one sense, perhaps—in what one might call an immaterial sense—it is a contravention of the prayer of these petitions, inasmuch as it does not assent to them altogether in their entirety—that is, to pass a prohibition law immediately, during the present Parliament, which is quite another affair. The power of doing that is not abrogated by the appointment of the commission to inquire into the circumstances which should guide them in deciding whether they should pass it or not. In point of fact, it is as if we had been asked by a large section of the people to pass a prohibitory law, and the Government has said we do not refuse to pass it, but we propose to inform ourselves a little better before we decide whether we shall pass it or not. That could not be said to be a contravention of the prayer of the people, but a step towards the attainment of that object, if its circumstances should be found on investigation to be such as to justify it. I understood my hon. friend's motion to be rather to enable us to express, in some form to be determined by that committee, to the people who have sent those petitions to us, our sense of their importance,



our sense of the grave consideration which they desire, and so prevent those petitioners from supposing that when they come before this House with requests that they consider to be for the benefit of the whole people we do not, as has been sometimes expressed with regard to these very petitions, put them in the waste paper basket and take no further notice of them. We do give them a serious consideration, and we seek to do all we can, consistently with what we believe to be the welfare of the whole country, to meet the prayer of these petitions. That, I understood from my hon. friend's remarks, to be the main object of the present motion. I would just ask my hon. friend to give us in Lower Canada a little more representation on this committee—if he would put on my hon. friend Mr. Ross, for instance; and I should like also he would put one of my colleagues on this list, say Mr. Carling, and I would be glad to see the motion pass.

HON. MR. VIDAL—With the permission of the House I shall be glad indeed to add the names of Mr. Carling and Mr. Ross to my committee.

The motion was agreed to.

## THE SAWDUST BILL.

### WITHDRAWN.

The Order of the Day being called :

Second reading (Bill D) An Act to amend chapter 91 of the Revised Statutes of Canada, intituled : " An Act respecting the protection of Navigable Waters. (Honourable Mr. Clemow.)

HON. MR. ABBOTT said : With reference to my hon. friend's motion for the second reading of this Bill, we have had this matter up before us on several occasions, and there is no doubt it is one of very considerable importance. There have been various reports made with reference to the effect of allowing the sawdust from the Ottawa mills to pass into the river, and I must say there is a diversity of opinion about it. However, there seems to be a strong opinion, a stronger opinion, in fact, in the direction that this sawdust is injuring the river, injuring the navigation, and also injuring the life of the fish, which is, of course, important to the people along the margin of the river as a means of livelihood in many cases. I have had some representations made to me on behalf of the mill

owners, who represent that the preparation of machinery or appliances for the consumption of this sawdust on the spot would be very expensive and very difficult—in fact, would expose their entire plant to the danger of fire, and would involve many other inconveniences. I have not had much opportunity myself of investigating this matter, but it appears to be the general opinion of my colleagues, in so far as I have gone into the question, that the exception which prevails in favour of the Ottawa river ought to be abrogated, and I would ask my hon. friend to withdraw his Bill for this year, in order that the mill owners may not be too suddenly, by force, compelled to make changes which would be very expensive and inconvenient. My hon. friend has been good enough on that consideration to agree to withdraw his Bill for this year, with the understanding, as far as I can say such an understanding can be arrived at beforehand, that his measure will receive the assistance of this Government, if it should be in power, in the year to come. I hope the very good friends of ours, and others who are affected by this announcement, will take notice also how far they can avoid the evil consequences which might follow their being suddenly compelled to enter upon an entirely different course of action with regard to their business, which is of course one of the most important in the whole contry, and which I have the greatest desire to foster and encourage and have the greatest objection to embarrassing in any way.

HON. MR. KAULBACH—I think my hon. friend promised us some two or three years ago that this impedient to navigation and to the fisheries would be, at least in part, obviated. Speaking more for the interest of the Province of Nova Scotia, the law there has been stringently enforced, even against mills with a single saw, and the mill owners there regard with a great deal of jealousy the fact that here, within sight of the Legislature, this immense evil, which has not only destroyed the fisheries but seriously impeded navigation, is permitted, while the small saw mills on the streams in their province, which do comparatively little harm, should be prohibited from having the same privilege.

HON. MR. CLEWOW—I may be permitted to say, after the announcement made

by the Premier, that I shall accede to his request on this occasion, but in doing so I congratulate the Senate on being instrumental in redressing a grievance that has been allowed to exist for many years. In 1885, as you are aware, a committee was appointed by this Senate to take evidence on this very important subject. They did so, and reported conclusively that the effect of this nuisance was such as to require immediate action on the part of the Government. At that time, of course, it was not expected that the Government would take immediate action, because I admit that there are very serious interests involved; but we were told from time to time that in the future a certain action would be taken. I brought the subject before the Senate, from year to year, except last session, when a Bill was introduced in the Lower House by the Minister of Marine and Fisheries, to carry out the object I had in view. I thought that was perfectly satisfactory, and I therefore had no further concern in the matter. But seeing that it was not enacted, I considered it was my duty, in the interests of the people of the country, that I should introduce the Bill now before the House, and if the Premier had not made the declaration we have had to-day I certainly should have invoked the feeling of the House on the question. Under the circumstances, I do not consider it necessary for me to deal at any great length on the fact that this grievance has been allowed to exist for so many years, and is continued even to the present day. I know that it is possible to abolish the nuisance—it is only a matter of a small expenditure—and that the mill owners are making arrangements at present by which they can remove the sawdust and make it a source of revenue to the country in a few years. It has hitherto contaminated our waters; it has destroyed all our fish, and its disadvantages are so apparent that I think the Senate can take credit to themselves for having been the means of remedying this great evil that has been allowed to exist for so many years. If the Senate has done no other service to the country but this one I think they would deserve the thanks of the community, and I have no doubt they will receive them, particularly when a measure is introduced next year by the leader of the Government to abolish this long-standing nuisance. Only the other day a child at Rockliffe was drowned in

the river because of the quantity of mill refuse floating on the surface of the water. Last winter an explosion took place in the bottom of the river of such a character that, to my knowledge, some 300 children would have been lost had it occurred a short time before it did. In view of these circumstances, I think we are perfectly justified in insisting that the evil should be done away with. Of course, notice should be given to the mill men. They have had notice from year to year, and last year they had notice from the hon. Minister of Marine and Fisheries that they had only one year to perfect their arrangements, and I do not think they require more; still, I am willing to wait another year, with the full knowledge that my hon. friend, the leader of the Government, will carry out the promise that he has given us on this occasion.

HON. MR. POIRIER—I cordially congratulate my hon. friend from Rideau division on having introduced this Bill, and having obtained from the leader of the Government the promise that we have just heard. I must state that, before leaving home for this session, several parties, riparian owners from the counties of Westmoreland and Kent, came to me with requisitions and asked me to do all in my power to have that clause of the Act repealed which is aimed at by the Bill now before the House. The abuses which are complained of are worse in New Brunswick, I believe, than in any other place, because very few, if any, of the water mills burn their refuse. It is practically all thrown into the river, with the inevitable result that our fisheries are being destroyed, and in many of the rivers they are actually gone. Salmon fishing, for example, which was at one time very prosperous in Kent and Westmoreland, has ceased to exist. I congratulate my hon. friend, and without making any more remarks on this question, I hope that due notice will be given to the mill owners, and that it will be taken by them into serious consideration. Notice has been given from time to time, but it has never been acted upon. The mill owners have taken it as notice *pro forma*, and although promising, time after time, within my knowledge, to change their system of disposing of the rubbish from their mills, nothing has been done. I do not see why

we should, on the one hand, spend large sums of money (as, for instance, last year over \$39,000 for artificial breeding or hatching of fish), if, on the other hand, the very waters in which these fish are to be deposited are polluted and poisoned by mill refuse. I believe that that is not true economy, and we might just as well wrestle with the question now as later on. I hope, therefore, and I am very sure that the word of the hon. leader will be carried out, and that this abuse will be done away with as effectively as law and legislation can do it in the next forthcoming year.

HON. MR. POWER—I am glad to observe that the faith of the member for Rideau division in the promises of the Government is more robust than that of my hon. friend from Lunenburg, who has very properly called the attention of the hon. gentleman who introduced this Bill to the fact that promises, almost like the promises which have been made by the Premier to-day, were made on previous occasions, and have not, to use a phrase sometimes heard in another place, been implemented. I should suggest to the hon. gentleman from Rideau division, and also to the hon. leader of the Government, that there is another method of arriving at the same end, which ought to be more satisfactory to the hon. gentleman from Rideau division and would certainly be more satisfactory to the hon. gentleman from Lunenburg—that is, that the Bill should pass with a provision that it should not come into operation until the 1st of July, 1892. That will give the mill owners all the notice they can possibly ask for, and it will guarantee to my hon. friend that that which he wishes will be done. I should like to call the attention of my hon. friend to the fact that even though the pledge given to-day by the Premier is a pledge which would be carried out if this Government remained in power, it is barely possible——

HON. MR. CLEWOW—But it is very improbable.

HON. MR. POWER—It is barely possible that before the time indicated by the hon. Premier some other gentleman might be Premier, who would not feel himself bound by a pledge given by the leader of this Government. If the hon. gentleman

from Rideau division is wise in his day and generation he will, while there is a Premier in this House, and one who is favourable to his view, do better to get his Bill through with the trifling amendment that I have suggested. There is another reason why some decided action should be taken. The hon. gentleman from Lunenburg rather left the House under the impression that this provision, forbidding the running of sawdust into rivers, was carried out in the Province of Nova Scotia. My experience has been the same as that of the hon. member from Shediac. In certain rivers in Nova Scotia the law is carried out; as to certain other rivers it is not carried out. There is a very important river in Lunenburg, on which very considerable mills are situated, and the owners of those mills were known to be very decided opponents of the Government; so far as I know, that is the only important river in Nova Scotia where the law has been carried out. Now, I think that is a condition of things that should be stopped as soon as possible, and I regret that the hon. gentleman is not going to push his measure.

HON. MR. ABBOTT—I think my hon. friend's information on this subject is not altogether accurate. The clause in the Bill which my hon. friend from Rideau division proposes to repeal is one which permits the Government, by Order in Council, to make an exception in favour of any specified river, or part of a river, as to the necessity of preventing sawdust running into the river. Now, I do not know whether there are any other Orders in Council than that which is applicable to the Ottawa river, but I am certain that there are very few; and I to-day heard from my hon. friend, the Minister of Marine and Fisheries, in whose particular department the matter is, that he was engaged frequently in seeing to the enforcement of this law, and that he was doing so vigorously everywhere, notwithstanding constant remonstrances from the mill owners and from the representatives of their counties in Parliament—that he was constantly engaged in enforcing this law throughout his own province, which is the one that my hon. friend refers to. I think, probably, that my hon. friend would find, on a close examination of the facts, that while there may be exceptions where,

from some accidental or temporary reason, the law may not be for the moment enforced, I can assure him, if he will have the goodness to inform the Government, or me, of any case where the law is violated, where no Order in Council exists relieving the millowners from the obligation of obeying the Act, that it shall be enforced, and that promptly and peremptorily. My hon. friend from Rideau division has been moderate in being satisfied with the proposal I made to him as regards this Bill. My hon. friend from Halifax will perceive that if his suggestion were adopted it would have the effect of destroying this exception wherever it exists. I do not know where it exists—I have not had time to investigate that. I imagine that my hon. friend from Rideau division had not investigated it. He first had his attention directed particularly to the Ottawa river, and his Bill was intended, no doubt, to remedy the difficulty that exists here. I think, therefore, he was right in being satisfied with the assurance I gave him as respects the Ottawa difficulty, and if there be other places where there is an Order in Council of that description which ought to be repealed, it seems to me it will be time enough, on the merits of that case, to deal with that particular case, as we shall do on its merits.

HON. MR. KAULBACH—I only rise for the purpose of answering one remark that was made by the hon. gentleman from Halifax. He is right as far as the La Have river is concerned, but the clause which the Bill was intended to repeal was inserted by the Government of the party of which my hon. friend is so strong a supporter. I am very glad to know that that legislation was not in the interest of his party, so far as that stream, at all events, is concerned.

HON. MR. McCLELAN—So far as New Brunswick is concerned, there are some streams which I think have been exempted by Order in Council, and so far as my observation has extended, they have been properly exempted. They are not rivers or streams which had fish in them, or streams frequented by fish, and therefore the mill refuse was no impediment to the fish, and there was no use or object in the Government or Parliament obstructing the lumbermen: it would be a waste of money

to throw obstructions in their way, where no advantage could be derived from it. That is so far as my observation extends; but I may say, and I am following in the same train as the remarks of my hon. friend from Acadie, that the general operation of the Fisheries Law in its application to fishing streams, has not been a very good one—that is to say, the regulations have not been strictly enforced. A very general complaint exists throughout the country that the rivers formerly frequented by fish, to an extent that made them valuable fisheries to the inhabitants in the locality, have become destroyed as fishing rivers—the fish have been driven away from them, and although there has been a very large expenditure made by the Government in the last fifteen or twenty years in maintaining fisheries officials, no practical advantage has been derived from that expenditure. Although a large amount has been spent for the propagation of fish and the protection of the fisheries, the fish, instead of having increased in these rivers, have been driven away, and the fisheries have been destroyed. It seems almost impossible for the Government—I speak now of all Governments—to enforce the regulations arising, not from an increase of the number of lumbermen, but mainly because their political influence is more concentrated and they are better able to bring it to bear on the Government, the consequence being that the interest of the lumbermen is better served in that way than the interest of the people.

HON. MR. CLEMOU—I feel very thankful that there has been such an expression of opinion by a great majority of the members of the Senate in favour of reducing the evil of which the people of this country have had to complain for so many years. Feeling, as I do, the greatest confidence in the Government—greater than the hon. member from Halifax has expressed—and believing that they will carry out the pledge they have given on this occasion, I will not press the Bill. I have every confidence in them, and I venture to run the risk of the Government being displaced by any other for the next five years. I therefore move that the Order of the Day be discharged, and the Bill be withdrawn.

HON. MR. POWER—The hon. leader of the Government said that his colleague

was doing his best to carry out the law for the protection of rivers. This Act was passed in the year 1875, I think, and it is rather singular that only now the Minister of Marine and Fisheries is beginning to take decided steps towards carrying out its provisions. I know the law has not been enforced on most of the rivers of Nova Scotia, and the hon. leader said he did not know of any Order in Council other than that respecting the Ottawa. Then, it means that the Government of which the hon. gentleman is the leader, and the preceding Government, have not been enforcing the law. Where their friends are interested they have allowed the law to remain a dead letter, and have only enforced it where the mill owners were unfriendly to the Government.

HON. MR. ABBOTT—I am sorry to have to say, twice on the same day, that my hon. friend is not quite accurate. I did not say that my colleague was beginning to enforce the law.

HON. MR. POWER—The hon. gentleman said he was enforcing it.

HON. MR. ABBOTT—I said that he was constantly engaged in enforcing the law. If I had thought that any meaning could be attached to my words, according to my interpretation of them, that would lead my hon. friend to suppose that the Minister of Marine and Fisheries had only now begun to enforce the law, I would have made it plainer, by stating that he was always engaged in enforcing the law. The statement made to me to-day was not a statement of what had been done for a time, or what was to be done in the future, but simply a statement that he was engaged in honouring complaints to him of infractions of the law, and his attention was constantly being called to infractions of the law in the Lower Provinces, which he was constantly and peremptorily stopping as he went along. My hon. friend must not understand me as intimating that my hon. colleague was only now beginning to protect those rivers, because that was not what I intended to say, and I do not think it is what I did say exactly. My hon. friend made a remark on another point which I did not quite catch.

HON. MR. POWER—I said that there was a distinction—that the law was enforced

only, so far as I know, where the mill owners were hostile to the Government, or largely so.

HON. MR. ABBOTT—The hon. gentleman said that I was not aware, or that the Government were not aware, of there being any other Orders in Council than the one relating to the Ottawa river. Now, I think what I conveyed—what I intended to convey, at all events—was that I did not know what other Orders in Council of this description there were throughout the country, and I made that my reason for not proposing that my hon. friend should pass this Bill, which entirely repeals the whole clause, with the intention that it should come into force next year, because I could not tell, on the instant, what Orders in Council there were, some of which, according to my hon. friend from Hopewell, were properly made and should be enforced. So the inference that my hon. friend drew from both circumstances was incorrect. He is not justified in saying, from anything I stated, that the Government were only enforcing the law against their opponents. The Government are enforcing the law, according to the statement made by my hon. colleague, the Minister of Marine and Fisheries, against letting sawdust run into the rivers, in all cases brought under their notice, which are not exempt by Order in Council.

HON. MR. SNOWBALL—I am glad to learn that the Government are about to take decided action in remedying what must be admitted by all is a serious grievance to those who have business in fishing waters. The Miramichi River is one of the most important of the lumbering as well as of the fishing rivers in the Dominion. Until some twenty-five years ago all the sawdust from the mills on that river was thrown into the water, but that was done away with. Such regulations were made by the Local Government, previous to Confederation, as not only restricted the quantity of rubbish thrown into the river, but protected the fisheries, which were fast being destroyed. That regulation was carried out with more or less vigour previous to Confederation. The mill owners saw the importance of the measure and agreed with the Government in remedying the evil. The regulations were carried out so faithfully on the part of the mill owners that on

the main river, where we have more sawing powers than there are on the Ottawa, there is not one shovelful of sawdust thrown into the river. This has been brought about largely by the people themselves. On the smaller rivers the regulations are not carried out so faithfully, although they are to a large extent. When attention is called to any infractions of the law these lumbermen ask: "Why should small, one-horse mills like ours be stopped when, if we go to Ottawa and look down upon the prettiest scene that can be found in the whole Dominion of Canada, you will see the river covered with sawdust, and no attempt is made to stop the practice of throwing it into the river?" We bring strangers to the Capital, and show them the beautiful grounds, and the hills across the river. We show them the falls, but you can hardly find any part of the river below the falls that is not covered with sawdust and mill refuse. It is a disgrace that right under the Parliament building, right in the face of the Government, this evil has been allowed to exist to the present day. Some steps should be taken to put an end to the nuisance, and I am delighted to hear the Prime Minister say that some action in that direction is to be taken at once. My hon. friend from New Brunswick says—and I am sorry to disagree with a colleague from my own Province—that there are some rivers in New Brunswick where the throwing of sawdust into the water is not an evil, as there are no fish there. Now, there is not a river in New Brunswick where fish have not resorted to, and if there are none to be found, there now it is simply because of the sawdust. That proper regulations should exist and be enforced, and that the rivers should be stocked with fish, is a matter of vital importance to the Dominion. I have made other notes, but possibly I have covered as much ground as I should at present, and I merely desire to express my pleasure to find that the Government will take prompt steps to remedy this sawdust evil.

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

#### SECOND READINGS.

Bill (Q) "An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company." (Mr. Boulton.)

Bill (18) "An Act respecting the Niagara Grand Island Bridge Company." (Mr. Clemow.)

#### GRAND TRUNK RAILWAY CO'S. BILL.

##### SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (36) "An Act respecting the Grand Trunk Railway Company of Canada."

He said: In moving the second reading of this Bill I have very little explanation to make. It is simply to give the company the right to change the location of one of their lines a few miles further east. There is no other object in the Bill.

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

#### ADMINISTRATION OF JUSTICE BILL.

##### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (14) "An Act with respect to certain matters affecting the Administration of Justice."

He said: This is a Bill which has been agreed upon with the Attorney General of Ontario for the purpose of regularizing proceedings in connection with the holding of trials, commissions of assize, and the jurisdiction of the county court judge and the like. The first clause makes clear the jurisdiction of the county judge over any territory which the Local Legislature may add to the territory for which he was appointed. The appointment being made by the Federal Parliament, a question appears to have arisen in the minds of the Attorney General and of our own Minister of Justice as to how far the jurisdiction of that county judge could extend over the portion of territory afterwards annexed to the original county by the Local Government, and it is to make it clear that the jurisdiction shall extend over that territory that the first clause is framed. The second and third clauses have reference to a similar question of a possible conflict of justice, the object of the Bill being to make it per-

fectly clear that certain lines of action with regard to county court judges and their jurisdiction, hitherto generally followed throughout Ontario, may be made, beyond any possibility of question, legal and constitutional. As I say, the clauses have been settled with the Attorney General, and they are satisfactory to both Governments. The fourth clause has reference to the holding of commissions of assize, and it is intended for a very similar purpose—to make it plain as to the holding of assize by judicial officers appointed prior to the passing of the British North America Act, or by the Governor in Council, or by any other competent authority. The confirmation of proceedings in the Local Legislature applies, of course, to judges under the jurisdiction of this Parliament. With respect to the others, the matter stands as it stood before. The fifth clause has reference to fees in provincial courts. It makes the jurisdiction of the provincial courts and the establishment of fees simple and plain, so that there can be no longer any question on those subjects. These are all explanatory, and introduce no new system, but confirm what has prevailed before and been found to work well.

HON. MR. KAULBACH—I am very glad that the suggestion has been adopted; although it comes from Ontario, it affects the whole of Canada. It is a suggestion that I intended to make myself to the Minister of Justice. We find a difficulty in Nova Scotia: we find that in case a county court judge, whether through sickness or other cause, is unable to attend his court, he cannot call in a judge from another district. That inconvenience will be avoided by this enactment. There is another object. The provincial Governments need not confine county court judges to their districts, but can make them, if they think proper, circuit judges, to go to any part of the Province. I believe that to be truly in the interest of the proper administration of justice. Very often a county court judge, when confined to a small locality, gets cramped in his ideas, and does not give that satisfaction which I believe he would give to the province had they jurisdiction and could send a judge to any district in the province.

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

## MONTREAL HARBOUR COMMISSIONERS' ACT.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (95) "An Act further to amend the Act 36 Vic., Chap. 61, respecting the Trinity House and Harbour Commissioners of Montreal."

He said: This is to adapt the present system of election of members of the Harbour Commission to the new state of things in the harbour of Montreal. It is specially with regard to the representation of the shipping class. Formerly the votes of the shipping class for the election of those members were proportionate to the amount of harbour dues they paid. At present there are no harbour dues, and therefore no one votes, and no one is qualified to vote for the representative of the shipping interest. This Bill alters the qualification, and makes it proportionate to the quantity of tonnage of each shipping house. It gives to each shipping house the same number of votes as if they were regulated by the amount of harbour dues that they were to pay. It is only substituting another measure of voting-power for one which existed before, but it does not disturb the influence or position of the various shipping houses in their election of a representative to the harbour board. That is the only alteration caused by the Bill.

HON. MR. KAULBACH—I would ask my hon. friend is this changed by the annual report given in of the amount of shipping? Does it fluctuate in proportion to the amount of shipping registered at the registry office?

HON. MR. ABBOTT—I think the election takes place every year—I am not sure as to the period; but the qualification of each shipping house changes in proportion to the shipping registered. The shipping is registered, and the amount appears in the annual report.

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

The Senate adjourned at 4:45 p.m.

## THE SENATE.

Ottawa, Friday, June 26th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## AN ADJOURNMENT.

## MOTION.

HON. MR. ABBOTT moved that when the House adjourns this day it do stand adjourned until Tuesday, the 30th inst., at 3 o'clock in the afternoon.

He said: Monday being a statutory holiday, I have given notice of a motion that we adjourn until Tuesday next. Of course, I know that Wednesday is also a holiday, and I thought it probable that the House would have some remarks to make on that fact. I should like to know what the House wishes to do.

HON. MR. KAULBACH—I suppose my hon. friend, the leader of the House, is courting an extension of time by his remarks. If he thinks that the business of the House would justify an adjournment until Thursday, the hon. gentleman has only to say so, and I shall not oppose it; otherwise, I object to so long an adjournment. Looking at the Orders of the Day for next Tuesday, there is an immense amount of work to be done: but if the leader of the House will take it upon himself to say that the public business will not suffer by an adjournment until Thursday I shall not make any opposition.

HON. MR. MILLER—Will the House of Commons meet on Wednesday?

HON. MR. ABBOTT—No.

HON. MR. MILLER—Then I should not oppose adjourning over until Thursday if it is the desire of the House.

HON. MR. READ—It would be better to adjourn until Thursday, so that members who do not live in the distant provinces may be able to go home for a couple of days. The public business cannot suffer by the loss of a single day, and that is all that an adjournment until Thursday would involve. We have not had an evening sitting yet, and we could easily make up the slight loss of time by sitting after recess. It would not injure our health.

HON. MR. OGILVIE—Would the hon. leader amend his motion, and make it an adjournment until Thursday?

HON. MR. ABBOTT—My hon. friend from Lunenburg talks of courting an extension of the adjournment: I desire to do what the House prefers. We have not a surplussage of work; we can get through with what is on the Order Paper, though I have no doubt it will rapidly increase. It occurs to me as being a rather unnecessary amount of trouble to give hon. members to ask them to remain here from Friday night until Thursday afternoon for one sitting the House.

HON. MR. READ—I would suggest that the adjournment be until Thursday next, at 8 o'clock in the evening.

HON. MR. ABBOTT—I do not like an adjournment to 8 o'clock in the evening. We have that long list of Bills for Tuesday next, and there will be more by Thursday.

HON. MR. OGILVIE—Say Thursday, at 3 o'clock.

HON. MR. ABBOTT—If the House prefers, I will amend my motion to read until Thursday, at 3 o'clock.

HON. MR. DEVER—I feel sorry to see a portion of the House so selfish; if they want to go home, why not give the members from the Maritime Provinces a chance to go home, too?

The motion was amended to read "until Thursday, the 2nd of July, at 3 o'clock in the afternoon," and as amended agreed to.

## SECOND READINGS.

Bill (37): "An Act to amend the Act respecting the New Brunswick Railway Company." (Mr. Howlan, in the absence of Mr. Vidal.)

Bill (62): "An Act to enable the Victoria and North American Railway Company to run a Ferry between Beecher Bay, in British Columbia, and a point on the Straits of Fuca, within the United States of America." (Mr. Macdonald, B.C.)



## VANCOUVER DOCK AND SHIP-BUILDING CO.'S BILL.

## SECOND READING.

HON. MR. MACDONALD (B.C.) moved the second reading of Bill (51) "An Act to incorporate the Vancouver Dock and Ship-Building Company." (Mr. McInnes, B.C.)

HON. MR. MCINNES (B.C.).—Before this Bill is read a second time, I desire to call the attention of the House to the fact that we have a graving dock and dry dock at Esquimalt, B.C.—a dock that has cost altogether \$1,250,000, of which sum the Dominion has contributed over three quarters of a million of dollars. It is admitted to be one of the best dry docks in the world, and is capable of accommodating the largest ships afloat. It is under the control and jurisdiction of the Dominion Government, and for the last year or two I am happy to say that it has been contributing quite a little to the public revenue. But I find by the third section of this Bill, in the last clause it states: "And the undertaking hereby authorized is declared to be a work for the general advantage of Canada," thereby plainly indicating that this is not to be an enterprise of a private character. I will also refer hon. gentlemen to the 10th clause of the Bill, which reads as follows:—

"The Company may receive from any Government or from any person, or body corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said dock and yards, grants of land, premises, loans, gifts of money, guarantees and other securities for money, and hold and alienate the same.

I think it is only fair for me to mention to the House, before this Bill is referred to the Committee on Railways and Canals, that when it is up before that body I will move that the words "other than the Dominion Government" shall be inserted in the 10th clause. I think it would be very unfair that the Dominion should be called upon—and it is quite evident from the construction of that clause that it is the intention of the company to call upon the Dominion here—to grant a large subsidy towards that enterprise. In order to prevent that, I intend to move at the proper time that the words I have just mentioned shall be inserted, because it would be unfair to subsidize another graving,

dock which would be within 75 miles of the existing work, and with which it would be in direct competition. I thought it only fair to call the attention of the House and of the members of the Railway Committee, who will have charge of this Bill, to the fact that if I fail to have these words inserted in the 10th clause, and the last two lines of the 3rd clause stricken out in the committee, I shall move on the third reading of the Bill that these amendments be made.

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

## CHIGNECTO MARINE TRANSPORT RAILWAY COS'. BILL.

## SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (97) "An Act to amend the Act respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

He said: This is a Bill to extend the time for the completion of the Chignecto Marine Transport Railway. I imagine it is not necessary for me to enter upon the details of this enterprise. It has been several times before the House. In addition to having been chartered, the time has been extended; the agreement has been executed, as the House knows, between the Government and the company; the work has been proceeded with to a very large extent, and it is a very heavy work indeed, involving an immense deal of labour and material; but the time which is fixed by the contract and by the last Act for the completion of it has not been found sufficient; and the company ask for an extension of time until the 1st of July, 1893, instead of the 1st of July, 1890. The work which has been done on this enterprise seems to be sufficiently large to justify the consideration by this House and of Parliament of the request which this company makes for the extension of its time. It is nothing new in the construction of great works that those who undertake them should not be able to finish them within the time fixed by their first contract or charter, and it has been generally adopted as a rule in this House that where a *bona fide* effort to complete a work is shown and established by a reasonable amount of progress the

House has not been unwilling to grant a reasonable delay to enable them to finish the undertaking that has been begun. In this particular case I hold in my hand a memo. of the amount of work which has actually been done. I may say that all the steel rails required for the railway have been delivered. The steel rails are of a very heavy class, required to carry these immense weights, weighing 110 lbs. to the yard, just about twice the weight of almost the highest class of ordinary railway rails. There are twelve and one-half miles of the track laid, out of seventeen. Nearly all the sleepers, very heavy sleepers—7 x 12, which is much larger than the ordinary sleeper—are delivered; and the broken stone, etc., about seven miles of it have been executed, and of the excavation there are nearly two million cubic yards finished, and only about one-fourth of a million to do. Of the masonry, there are 1,400 cubic yards finished and 39,000 to be done. The value of the cut stone delivered for the masonry, and not yet put into the work, amounts to about \$60,000. There are a number of other details, with which I will not trouble this House, showing the extent to which these contractors have carried on the work, the *bonâ fides* and enterprize which they have shown in constructing it, as far as it has gone. The total amount of work actually completed on this railway to date is £615,000 sterling, over \$3,000,000, leaving to complete the work only about half that amount, £314,000 sterling, the total amount of the contract being about £930,000; so that the company has actually expended over three millions of dollars in practical work, not in promotion expenses or matters of that kind, for here we have before us all the details of the actual work and materials furnished by them. They ask no further concession from Parliament, beyond the remission of the penalty which they would incur by not completing the work; and I do not understand that as a rule Parliament desires to make money out of penalties. As a rule, they would enforce the penalty for non-completion of the contract; but where it is thought that men have done their best to do all that is needed and all that is asked from them and required of them, and where, in point of fact, the Government has suffered no loss for the non-completion of their work, I think a

case would not be made out for the demand by the Government for the penalty. It seems to me that we are to a great degree bound in good faith to give these contractors the opportunity of completing this work. I do not see very well how we could refuse them. I think the refusal to allow men who have spent three millions of dollars to spend \$150,000 more would work very unfortunately on our enterprises when we apply to England to borrow money to finish them with; and I think it would be an extremely hard measure to mete out to these contractors to say that, not having completed their work within the precise time mentioned in the contract they should be mulct of so large a sum of money as they have invested in it. Under the circumstances, it seems to me that we should do as the House of Commons has done, and extend the time for the completion of this work and remit the penalty.

HON. MR. POWER—I do not rise for the purpose of opposing the motion of the leader of the Government, because I cannot help feeling, as the hon. gentleman has said, that the faith of the country is pledged to this undertaking, and the gentlemen who have charge of it have given the best evidence of their good faith in spending the large sum of money which they have spent on the undertaking. I have never been a believer in the utility of the work, and I never thought it was a scheme which should receive the immense subsidy from the Government of this country which it is to receive when completed; but that is a matter as to which my views were not shared by the majority of this House or a majority of the other House. That being the case, I think there would be no justification, perhaps, in our undertaking now to stop the further progress of the work. I rise rather for the purpose of saying I hope that in future, when hon. gentlemen here and gentlemen in other places undertake to show that the province of Nova Scotia, or the Maritime Provinces, have received an undue amount of public money for enterprises within their borders, that it will not be claimed that this Chignecto Ship Railway subsidy should be charged to the Lower Provinces. It was not asked for by them, or by any number of their representatives. It is not believed in by the people of the Lower Provinces, except by a very limited

number, I think, and it would be, therefore, most unfair to hold that the money which the Government, for reasons known to themselves, chose to promise to this company should be considered as a charge against the Lower Provinces. It is a charge against the Government of the day, and not against the Maritime Provinces.

HON. MR. KAULBACH—If the anticipations of the promoters of this work are realized it is going to be a commercial success, and, if so, it will be no expense on the country at all, though I have never had very great faith in the enterprise.

HON. MR. ALMON—\$170,000 a year on the country no expense at all?

HON. MR. KAULBACH—No; it is only a guarantee of 7 per cent. on the capital expended, but in any case it will pay more than \$170,000 a year. We are gainers, at all events, by the delay asked for in this Bill, because we are not called upon to pay the money until the work is completed; and I am sure, considering the amount done, and well done, as I believe it has been, we can give the extension of time that is asked for.

HON. MR. ALMON—I rise, not to oppose the motion of the leader of the House, for I feel it would be no use. I have already discharged the duty which I owe to the Province of Nova Scotia and towards the people in England who have advanced their money for this work, by moving, as I did in the year 1886, that this grant be disallowed. The hon. leader has said that it is usual to grant an extension of time in cases like this: I think it is a custom "more honoured in the breach than in the observance." If you enter into a contract with a mason to build a house for you, and he fails to complete it within the specified time, and you are caused inconvenience through his failure, you mulct him accordingly. I am astonished at my hon. friend from Lunenburg, although he is generally erratic, when he says that an agreement to pay \$170,000 per annum for twenty years is not a charge upon the country. I think we will find out that it is a serious charge, and when we consider the reduction in taxation, and the number of articles from which the duty should be removed if we could afford it, I think he will regret having

voted for this measure. But if we do not consider our own country, do we not owe a duty to the persons in England who are advancing the money? This Bill has passed the Lower House, and if it passes the Senate also people abroad will be beguiled into investing their money in this enterprise in consequence of our endorsement. I know it is not intended as a joke, but it reads like one, where it says that when the enterprise pays  $7\frac{1}{2}$  per cent. the Government will be let off. It is a very good joke; but should we have a joke on a subject of this kind? In the province to which I have the honour to belong we once sanctioned a wild-cat scheme called the Shubenacadie Canal. Persons in England were beguiled into investing their money in it, the House of Assembly having agreed to pay the interest on £20,000 in aid of the enterprise for twenty years. That time expired, and the canal was not completed, and the persons in England who had invested—widows and others, who could ill-afford to lose their money—lost their all. Everyone thought they were very foolish to invest in such a scheme, but the English newspapers were filled with abuse of Nova Scotia, because the House of Assembly had led those people into the investment. Now, instead of passing this Bill and leading English capitalists into putting their money into this ship railway, when I believe two-thirds of the hon. gentlemen present do not think it is a paying investment, we should discourage the project. The engineer is no doubt a man of great talent and energy, as is shown by his success in getting people to invest their money in the enterprise; but it can never pay. The only trade they can ever secure on that ship railway is that between Prince Edward Island and St. John, which consists of a few cargoes of potatoes and a number of barrels of oysters—that is all the trade that can possibly go that way, and for that we are asked to pay \$170,000 per annum for twenty years. I do not want to pose as a prophet, but I predict that in the course of three years we shall be called upon for money to enable this company to finish that work. If after three years are up that is not the case you can cast it up to me that I was wrong. When in three years time you find this work a melancholy ruin you will remember that I prophesied it would be a failure. When I opposed the grant in aid of this

project the hon. member from Lunenburg spoke very favourably of my motion but voted against it. That reminds me of a story told in Halifax about a member who represented King's county in the House of Assembly, a Mr. Hall. He was elected as a Conservative, but was a little annoyed because he was not taken into the Government. He always spoke in favour of Mr. Howe, but voted with the Conservatives. Mr. Howe said to him: "Hall, you are divided: you speak in favour of the Opposition but sit on the Government benches; therefore, we have your head, and Mr. Johnson has got the other end, and I think Mr. Johnson has got the best of you."

HON. MR. KAULBACH—My hon. friend has not interpreted my remarks correctly. I do not know what I said some years ago on this subject, but I never stated that the ship canal was a ruinous enterprise. I may have said that I had no faith in it, but the project of the Baie Verte Canal was urged strongly by Sir Charles Tupper, and this is a substitute for it. I have not the sanguine expectation of it that its promoters have, but I believe the ship railway will do a large amount of work. As an engineering scheme it will, no doubt, be a success. My hon. friend from Halifax is the last man who ought, as a Canadian, to belittle this work and hamper those who have invested their money in it. If it should be a loss to them, and the country should be called upon to contribute any portion of the guaranteed interest, my hon. friend is one of those who should be held responsible for it, because he has denounced the work before the experiment has had a fair trial. No member of this House knows less of the resources of this country and the benefits that have accrued from increased facilities for trade than the junior member from Halifax. I do not think that the ship railway will be of great advantage to Nova Scotia, but I hope it may be a financial success; and if everybody knows as well as I do the worth of my hon. friend's opinions on financial matters I am sure very little credence will be attached to any statement that he has made here to-day.

HON. MR. HOWLAN—Those who invested their money in this great work satisfied themselves as to its feasibility and practicability before doing so. If I

understand the matter right, this is a substitute for a work promised at the time of Confederation, when a large amount of money was to have been spent on the canals of Canada. It was decided then to construct the Baie Verte Canal. The gentleman who represented Nova Scotia at the great conference which met at Quebec brought up this matter. This Chignecto ship railway is a substitute for the canal. Those who represented Nova Scotia in those days were distinguished men—quite as distinguished as the two hon. gentlemen from Halifax—men of high standing and repute throughout the country, and who have aided materially in building up the Dominion by their great talents. One of them is a member of this House, though he is not present to-day. I refer to the hon. senator from Amherst (Mr. Dickey). He said, with regard to this matter:—

"This project which has been very much talked about was entered upon as a substitute for the well-known Baie Verte Canal. That was an undertaking which was agitated in the Provinces of New Brunswick, Nova Scotia and Prince Edward Island for half a century. It received the sanction of every Governor and every military commander to whom it was referred during the whole of that period, and it became one of those things that had to be done."

There is the opinion of one of our own senators. Now we come to the opinion of Sir Charles Tupper, and I am sure no one in this House will deny that his opinions are entitled to the greatest respect. He states:

"It has been shown that there is a tonnage on the Bay of Fundy and Gulf ports of something like 2,687,550 tons, entering and leaving those ports, which would receive the advantage of this work. Then there is the (American) fishing fleet of not less than 600 vessels, and who can estimate the value to the country at large of having the means of crossing from the Gulf of St. Lawrence to the Bay of Fundy by means of this ship railway, enabling vessels to carry two cargoes and make two voyages from Boston to the Gulf for every one by the existing mode of navigation. It would not only afford access to the large American fleet of fishing vessels that would be passing across the isthmus to the fishing grounds, but our own fishermen would be able, by obtaining access to the American ports, to carry on their business with a vigour and success which are impossible at present. It is estimated that there would be a traffic of 600,000 tons."

If you take the tonnage passing between the Gulf ports of New Brunswick, Nova Scotia, Prince Edward Island and Quebec, you will find that there is nearly eight millions of tons of shipping that might use this particular railway. If you examine the

opinions expressed by gentlemen skilled in finance and in public works of this kind, who have paid some attention to the subject, and on whose opinions the money has been advanced in England, I could multiply columns of reports favourable, not only to its financial features, but also demonstrating the feasibility of the work from an engineering point of view. Now that these people have spent three millions of dollars on this project it surely is not for us to say that they should not have an opportunity to complete their great work. As for the practicability and value of the work, I am not among those who condemn it. I think it will be a work of some service. I do not wish to weary the House with quotations from speeches and reports taken from various authorities and issued by commercial and other prominent bodies in various parts of the Dominion. I could read extracts which would convince any unprejudiced mind of the perfect practicability of the enterprise, but there are gentlemen here whose opinions on this subject are on record, and who, from their practical knowledge of the project, are able to show that it is not such a wonderful waste of money, and certainly not a work which should be regarded as in any way a loss to the Dominion. Once it is established there is no doubt that its traffic will increase. Can you find any part of Canada where you have even an ordinary ferry that did not originate with a scow, to be replaced by a steamboat, and then, with increased traffic, by two steamboats? We remember in the Maritime Provinces, when they were advocating the Western Extension from St. John to Boston, we were told it was a completely useless expenditure—that there was a steamboat running to Boston twice a week and that that was sufficient. What do we find now? Two lines of steamers running, one steamer every day, including Sundays, and two lines of railways. Not long ago we were told that if the Canadian Pacific Railway was built through to the Maritime Provinces there would be nothing for the Intercolonial Railway to do; yet the road was built, and both lines are busy. It is so with all avenues of trade in a young country: the more we have of them the better for the people. I have heard the remark made that a ship would be injured if it were carried across the isthmus on this railway. We have the best engineering

authorities to say that that is not so. I have great respect for the authorities that are quoted from in this pamphlet that I hold in my hand, and I confess I have not sufficient knowledge on the subject to be able to dispute any statement they make. The ship railway we are told may injure Halifax, but why should it be the case? There was a time when we had no railway running from Halifax to St. John, and there were those who said that to construct one would be a waste of money. Now there are four lines between these two cities, two of the Intercolonial Railway, one of the Grand Trunk Railway and one of the Canadian Pacific Railway, and all of them find traffic. The experience in the neighbouring country has been the same as ours—the more avenues for commerce the better for the country. In this case it is useless to be continually telling the people of England that they will be robbed of their money. British capitalists do not invest their money without knowing where they are putting it. They sent the best experts they could find, not only in England but in the United States and Canada, and these gentlemen made reports, with the result that capital was subscribed and the work was begun. It would be very unjust on the part of this Parliament, after an expenditure of three millions of dollars on the work, to step in and prevent its completion. Every word that we say here will be read in England, and will carry more or less weight, and hon. gentlemen should be careful how they make statements calculated to excite distrust in this project. We heard similar statements about the Canadian Pacific Railway. How often we were told that the project was only a midsummer madness; yet we find it in operation to-day, with its stock quoted at 81½ in the markets of the world. It is a proof that people may be mistaken about an enterprise of this kind in a new country. If the American fishing fleet can use this ship railway it will enable them to take fresh fish to the markets of the United States to an extent that is impossible while they have to go the long round-about way through the Straits of Canso. It will benefit Nova Scotia as well as Prince Edward Island and New Brunswick; it is an important work, and will greatly aid in the development of the resources of the Maritime Provinces.

HON. MR. WARK—As this is a Nova Scotia work, I was willing, after the able manner in which the Premier introduced the subject, to leave it to the Nova Scotia people themselves; but the hon. gentleman from Alberton (Mr. Howlan) has referred to New Brunswick. It is not a New Brunswick work, but our province will derive some benefit from its construction. It will be much more convenient for our fishermen, as well as those on the other side of the Bay of Fundy, to use this ship railway than to sail round the coast of Nova Scotia. We can get to the fishing grounds sooner by the new route. Besides, we have building stone and other things to export, which could be shipped more conveniently by this route than by sailing round the coast of Nova Scotia. The long route prevents the development of these industries. I do not care to hear the Maritime provinces spoken of in connection with such expenditures. The expenditures are all in Nova Scotia. New Brunswick and Prince Edward Island have very little benefit from them; the vast expenditure for railways is in Nova Scotia.

HON. MR. POWER—All in Cumberland, nearly.

HON. MR. WARK—They are all in Nova Scotia; we have nothing to do with them, and I hope we will not be charged with them.

HON. MR. KAULBACH—It is not fair to call this railway a Nova Scotia enterprise, because it touches New Brunswick at one end, and is only three-quarters of a mile from the boundary between the two provinces at the other end.

HON. MR. BOULTON—The objection of the hon. member from Halifax was more particularly directed to the fact that the expenditure upon this ship railroad might some day be charged against the Province of Nova Scotia. I think it is a mistake to cry out before any one is hurt; it will be quite time enough to raise a point like that when the charge is made that a useless public work has been palmed off on the Province of Nova Scotia. The work has been undertaken, and it is most desirable that it should be carried to completion. I am inclined to think that it may turn out to be one of those experiments that we

have shown such energy and enterprise in attempting in the construction of public works which have turned out so admirably and have been so beneficial to the country, and this work, which is absolutely the first of its kind, if successful, as I hope and believe it will be, will add another laurel to the brow of Canada—a brow that has been so frequently adorned with laurels won by successful enterprises. The city of Toronto has got its eye on this ship railroad, and its people are hoping some day to bring the trade and traffic of the upper lakes in their direction by the construction of a similar line. If this experiment should be successful the people of Toronto will be justified in inquiring how far it is practicable to connect Lake Ontario with Lake Huron by similar means. I am one of those who believe that it is to the advantage of this country to attract capital for the promotion of these great enterprises by judiciously assisting them. It is just possible that the Dominion may not be called upon to expend one dollar of the money guaranteed. If the enterprise becomes profitable no expenditure of public money will be necessary; if it is not profitable it will be put down as one of those mistakes which cannot always be avoided, but which will not debar us from making further efforts in the development of new channels of trade. The leader of the Government has stated that it would be most inadvisable to refuse an extension of time for the completion of this enterprise in the interest of capital, which seeks investment in such enterprises, and I shall therefore support the measure.

HON. MR. POIRIER (in French)—I wish to say a few words on this subject, because this ship railway touches the county where I reside, and because I have some degree of familiarity with the subject, and I wish to remove some misapprehension which exists. The public are generally under the impression that this enterprise will be for all time a burden on the treasury of the Dominion. The estimate of the cost of the original project, the Baie Verte Canal, was about five millions of dollars. It was an old idea, which originated prior to Confederation, and was revived some sixteen years ago. The Government of Mr. Mackenzie was disposed to give five millions of dollars for the con-

struction of the Baie Verte Canal, to unite the waters of the Gulf of St. Lawrence with those of the Bay of Fundy. In 1874 and 1875 a vote was placed in the Estimates for the purpose, but since then circumstances have changed, and a new view of the question is taken. This railway is not a local enterprise. It is destined to benefit the Province of Quebec almost as much as the Lower Provinces. It has received the approval of such important bodies as the Board of Trade of Montreal, the Board of Trade of Quebec, the Toronto Board of Trade, as well as the Chamber of Commerce of St. John. Now, what does the Government undertake to do in connection with this enterprise? It simply guarantees the interest on the investment for twenty years, to the extent of \$170,000 a year, which, being capitalized, represents a capital of about \$2,300,000. But the Government do not guarantee to furnish this amount; they simply engage that the interest will be paid on this sum. If the enterprise succeeds, then the Government will not be called upon to pay anything. If the enterprise pays, for instance, 7 per cent., which is the amount fixed, immediately upon the construction of the road, the Government will not be called upon to pay anything. But suppose the Government have to pay the interest for any portion of the twenty years: the Act specifies that the moment the company earn over 7 per cent. per annum they must refund to the Government every dollar they have received. Taking the maximum amount that the Government may be called upon to pay, it will represent interest on a capital of \$2,300,000, while the probability is that the enterprise will not cost the Government anything at all. To illustrate the probabilities that the enterprise will succeed finally I may remind the House that of the eight millions of tons registered in the Gulf ports, 10 per cent. would probably pass by this route, and at 50 cents per ton that would represent the amount of the interest guaranteed. Last year the tonnage passing through the Strait of Canso alone was two million tons: it is more than probable that the whole of that shipping would pass by way of the Chignecto Railway, and there is every probability that the enterprise will be successful. Let us take the experience of other enterprises as an illustration of what we may expect. Take the Suez Canal: The first year the total tonnage

passing through that canal was 435,000 tons; in four years after it was 8,000,000 tons. Last year I believe it was, 12,000,000 tons. Look at the Sault Ste. Marie Canal. The first year the tonnage was 400,000 tons; last year it was over 10,000,000 tons. When we take into consideration the fact that this ship railway will shorten the distance between the St. Lawrence ports and the Atlantic seaboard cities of the United States by nearly 400 miles, we can realize how likely the project is to succeed and what an immense advantage it will be in the exportation of perishable goods. Not only does it shorten the distance, but it diminishes the danger of the voyage. The navigation of the Strait of Canso and north of Cape Breton in the fall is exceedingly dangerous, so dangerous that the insurance companies refuse at that season of the year to insure vessels which navigate those waters. I think it would be bad policy to refuse this extension of time to a company that has shown such good faith, a company which has already spent three millions of dollars of its own capital on the enterprise, without demanding one cent of assistance from the Government—a company which at their own expense will complete the work if they are not obstructed. The company have to ask for this extension through no fault of their own. The difficulties in which Baring Bros. and other English companies, became involved affected the enterprise. That they have been able to continue their work shows that English capitalists have confidence in this project, especially in view of the fact that the Government of Canada has invested nothing in the work. The road has been graded, the rails have been laid, and more than two-thirds of the work is done. To refuse now to this company the extension asked for would be something unprecedented in the history of our legislation. I hope that the Bill will pass, not only because it is proposed by the Premier, but because it is for the general advantage of the Dominion, and particularly of the Province of Quebec.

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

#### SECOND READING.

Bill (38) "An Act respecting the Central Counties Railway Company. (Mr. McMILLAN.)

## BODY SNATCHING BILL.

## SECOND READING.

HON. MR. McMILLAN moved the second reading of Bill (P) "An Act for the punishment of the offence generally termed Body Snatching."

He said: This Bill is introduced in order to provide a punishment for body snatching, and I may state that the reason which prompted me to introduce this Bill was the unfortunate occurrence that took place in the county to which I belong, where the body of the ex-representative of the county of Glengarry, Mr. Purcell, was stolen from its resting place in a graveyard on the banks of the St. Lawrence. If it were possible for friends and relatives of a deceased person to resist the temptation of offering rewards for the recovery of bodies so disinterred I believe that the crime would not be likely to increase, but we cannot realize what we might be obliged to do ourselves were our immediate relatives so dealt with, and the chances are that when wealthy men, like our late friend, Mr. Purcell, die and are buried, such cases may occur again to induce their relatives to pay out large sums of money. I may say, in anticipation of the adoption of this Bill, that I do not wish to interfere with the anatomy laws in the different provinces, and in order to avoid any clash with such laws in existence it is my intention to refer this Bill to a special committee composed of gentlemen from the different provinces of the Dominion, so that they may present the Bill perhaps in better shape before this House for the third reading. With that object in view, and with the knowledge that we have no law on our Statute-books to-day by which parties guilty of this offence can be punished, I have introduced this measure, and I hope it will receive its second reading.

HON. MR. KAULBACH—I fully approve of this Bill. I think if it is referred to a select committee certain improvements might be made to it that would make it more effective. I remember some years ago, in my position as prosecuting officer, it was my duty to prosecute some parties for an offence, not of so grave a nature as this, but the offence of exhuming a body,

and I do not think the punishment awarded was sufficient. I think the prosecution was under the common law, and it was not the offence which this Bill is intended to meet.

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

HON. MR. McMILLAN moved that the Bill be referred to a special committee, composed of Hon. Messrs. Kaulbach, Lougheed, McInnes, B.C., Girard, Howlan, Almon, Paquet, Ogilvie, Sullivan, McKindsey, Snowball and the mover.

The motion was agreed to.

## ALBION MINES BANK BILL.

## FIRST, SECOND AND THIRD READINGS.

Bill (113) "An Act with respect to the Albion Mines Savings Bank," was introduced and read the first time.

HON. MR. ABBOTT—This Bill, and another which I hope to present to the House shortly, represent an extension of the charters of two small banks, one in Prince Edward Island and one in Nova Scotia. They are both in the same position. The charters of these banks expire on the 30th of this month, and we must, if possible, extend them before that day arrives; otherwise, I do not know what difficulty may follow. There is nothing in the Bills which does anything more, as I understand it, than merely extend their charters as they exist. They are very small banks. The one now under discussion is a small savings bank, used chiefly by miners, and there can be no objection, I think, to its charter being extended.

HON. MR. SCOTT—Better let the Bill be read at length at the Table.

HON. MR. ABBOTT—I propose to take all its stages now, and this evening the Deputy of His Excellency will be here to sanction it. The House proposes to adjourn until after the first of July, and we must in the meantime provide that this Bill shall receive His Excellency's assent before the 30th inst.

HON. MR. POWER.—It can be passed under suspension of the rule.



HON. MR. ABBOTT moved the suspension of the 41st Rule of the House, in so far as it relates to this Bill, and that the Bill be now read the second time.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

HON. MR. ABBOTT—I think it right to mention to the committee that this Bill seems to go a little further than I have stated. I understood it was merely a Bill to extend the charter. The first clause does extend the charter, but it seems it is also in contemplation to transfer over or amalgamate this bank with some other institution, in order to get rid of the inconsistency of so small a bank existing under our system.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill without amendment.

The report was adopted, and the Bill was then read the third time and passed.

### THE FARMERS' BANK OF RUSTICO BILL.

#### FIRST, SECOND AND THIRD READINGS.

Bill (40) "An Act respecting the Farmers' Bank of Rustico," was introduced and read the first time.

HON. MR. ABBOTT—This Bill is the one I mentioned when asking for the second reading of the Bill that has just passed. It makes certain provisions similar to those contained in the other Bill, the object being to get these two little banks out of existence. This bank has the right to issue notes, and this Bill takes away that right gradually, so that the whole of its notes will disappear in time, and then the bank will be transferred or amalgamated with another institution, the same as the other bank I have already referred to.

The Bill was then passed through all its stages, under suspension of the rule, read the third time, and passed.

### BILLS INTRODUCED.

Bill (43) "An Act further to amend Chapter 11 of the Revised Statutes, intituled: 'An Act respecting the Senate and House of Commons.'" (Mr. Power.)

Bill (55) "An Act to incorporate the Atikokan Iron Range Railway Company." (Mr. MacInnes, Burlington.)

Bill (57) "An Act to incorporate the Buffalo Lake and Battleford Coal and Iron Railway Company." (Mr. Read, Quinté.)

Bill (67) "An Act respecting the Victoria, Saanich and New Westminister Railway Company." (Mr. Scott.)

Bill (58) "An Act to incorporate the Whirlpool Bridge Company." (Mr. McCallum.)

Bill (64) "An Act respecting the Berlin and Canadian Pacific Junction Railway Company." (Mr. Merner.)

Bill (68) "An Act to revive and amend the Act to incorporate the Red Deer Valley Railway and Coal Company." (Mr. Loughheed.)

HON. MR. ABBOTT moved that the House do adjourn during pleasure.

He said: I expect the representative of His Excellency will be here at any moment to give the Royal Assent to these Bills.

At 5 p.m. the House adjourned during pleasure.

### BILLS ASSENTED TO.

The Speaker informed the House that he had been notified by the Secretary of His Excellency the Governor General that the Honourable Sir William Johnstone Ritchie, acting as Deputy to His Excellency the Governor General, would proceed to the Senate Chamber, this day, at 8 o'clock p.m., for the purpose of giving assent to two Bills passed by the Senate and House of Commons during the present Session.

Hon. Sir William Johnstone Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, 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 the Deputy Governor's de-

sire that they attend him immediately in this House."

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally, as follows:—

An Act with respect to the Albion Mines Savings Bank.

An Act respecting the Farmers' Bank of Rustico.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate, in the words following: "In Her Majesty's name, His Honour the Deputy of His Excellency the Governor General doth assent to these Bills."

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

The Senate adjourned at 8:30 p.m.

## THE SENATE.

Ottawa, Thursday, July 2nd, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE DIVORCE BILL.

WITHDRAWN.

HON. MR. MACDONALD (B.C.) moved the second reading of Bill (O) "An Act respecting Divorce." He said: Hon. gentlemen may remember early in the session, when the Divorce Committee was named, I took exception to the present system of dealing with the question of divorce as being uncertain in its operation and always hindering the ends of justice. In order to give practical shape to these views I have ventured—perhaps rashly—to introduce this Bill relating to divorce. I am fully conscious of the strong opposition to be met with on this question from hon. gentlemen who, from religious training, prejudice, or other causes, disapprove of divorce. To these hon. gentlemen I would say, we have an acknowledged system of divorce now. Why not attack that, and bring it into harmony with their

views? Why give a *quasi* consent to the present imperfect system, and withhold full consent from a more perfect and effective one, such as I now propose? I would ask these hon. gentlemen who are opposed to divorce—is it fair or just, this being a duty and function devolving on senators as a whole, and not exempting any particular denomination, to cast the whole of this work on senators of other denominations? If such proceedings are bad and degrading to our class, they are the same to every class. This alone is a very good reason for removing this procedure from Parliament, for its members are unequally placed in the performance of this duty. It is perfectly certain—owing to the weakness and depravity of human nature—that divorce will be granted. That being an incontrovertible fact, I maintain that we ought to have the best tribunal possible for hearing and deciding questions of such vast importance. Whatever our religious scruples may be, and however worthy of consideration, it would be a dangerous principle to concede to allow them to interfere with the free course of law and justice. Such scruples should not be allowed to stand in the way of the enacting of laws for the good government of the subject, relief from injury and abuses, and the regulation of affairs touching social life. It is also incontrovertible that religious precepts and example are not sufficient to control humanity in the paths of virtue and honesty, and that the strong arm of the secular law is necessary. I therefore say again: have the best law, and the best tribunal for dealing with social as well as other questions. It will, no doubt, be said that the present parliamentary system, by reason of expense and intricate formula, deters many from applying for divorce. Is such an argument sound, and are its logical consequences desirable; or is it fallacious and injurious to society? I think the latter, decidedly. If there is adultery on the part of either party, is it proper, is it desirable to keep the man or woman legally bound in such impure, degrading immorality? Who will say that it is? Who will say that relief should not be granted to the injured party? Is an innocent young man or woman to be forever branded with a degrading mark of inferiority and depravity? Are we forever to crush manhood and womanly

rights, and not give them simple justice? It may be said that giving the courts jurisdiction in such matters will increase the number of divorces. Such a contention is not in accordance with the experience and data we have. In Nova Scotia, where the courts exercise jurisdiction in divorce, in twenty-two years thirty-two decrees issued. In New Brunswick, where a similar law prevails, forty decrees issued in twenty-two years—about two a year—and one never hears of these cases. They are conducted quietly and properly. I have no statistics with reference to England, but have to acknowledge that divorces have increased in that country within the last two years. In Belgium, where the Code Napoleon is in force, under which divorces and separations may be granted, the numbers have been, in the last ten years, twenty-five in a hundred thousand couples. In France, where separation only prevails, the numbers have been thirty-five in a hundred thousand, showing 50 per cent. more separations in France than divorces in Belgium. In Bavaria, where there is legal restraint on improvident marriages, the increase in illegitimate children is very great; and such is certain to be the effect of preventing re-marriage: it will lead to immorality and adultery. I will no doubt be told to look at the number of divorces in the United States and the ease with which they are had. I fully agree that the number is appalling, and that divorces are too easily obtained; but the reasons are obvious. There are too many causes for which divorces can be had—in some States as many as thirty causes, and in no State less than ten; whereas, this Bill limits the causes to two. Another reason for divorces in that country as well as in this is early marriages—boys and girls of sixteen and twenty years of age marrying, without knowing their own minds or having the means to live—so that, the comparison of a country in which divorce can be had for any one of thirty causes will not hold good as against a country where divorce can only be had for two causes. I will now give a short description of the provisions of the Bill: By the British North America Act of 1867 the subjects of marriage and divorce are vested in the Parliament of Canada. Parliament may delegate to a court of justice any of its functions; it may create a court of original jurisdiction—for instance, the

Exchequer Court, Maritime Court, &c.—or it may confer jurisdiction upon any existing provincial court to deal with anything which may be the subject of its own legislation—for instance, the trial of election petitions under the provisions of the Controverted Elections Act. (*See Revised Statutes of Canada, cap. 9*). This Bill has been drafted on the lines of the Controverted Elections Act. As the Act does not contemplate the constitution of another court it cannot be objected that the proposal to transfer the granting of divorces from Parliament will involve the country in additional expense. It confers jurisdiction upon courts now in existence and now being paid for by the country. No extra officials are required. It extends to the other portions of the Dominion a form of tribunal for matrimonial relief which has existed for a long time in Nova Scotia and New Brunswick. The manner in which divorce has been dealt with by the courts in these Provinces appears to afford great satisfaction to the community and secures them against the objectionable publicity of our parliamentary system. As the Civil Code in the Province of Quebec provides for separation of husband and wife for specific causes, it has been deemed inadvisable to apply this Bill to that Province. In the Provinces of Ontario, Manitoba and the North-West Territories no relief whatever can be obtained in matters matrimonial, except by an application to Parliament. The Bill includes Prince Edward Island, because, by the present state of the law there, applications for divorce must, in the first instance, be made to the Lieutenant-Governor in Council. He may authorize the Chief Justice of the court to preside in his place. The effect of this Act would be to render practice uniform with the legal procedures generally. In British Columbia there is a conflict of opinion among the judges as to whether the Supreme Court of that Province has jurisdiction to decree divorce. With a view to settling the point, it is thought desirable to name that province as one of those to which this Act should apply. It is proposed that until the judges of the several courts make rules specially relating to divorce, the rules and practice now in force in these courts shall apply to all proceedings under this Act, and where there are no rules applicable that the principles and practice of the English Divorce Court shall

apply. In practice, therefore, the applicant will begin his action for a divorce, like any other in the Superior Court of his province, and go through the same form of pleadings, and the judge will hear the evidence, and deal with it on his regular assize circuit. An appeal lies to the full bench of such Supreme Court, and provision is made for appeal to the Supreme Court of Canada, thus following the same procedure as prevails in Nova Scotia and New Brunswick. Power is given to the court to refuse relief if, in the opinion of the court, the petitioner has connived at the adultery of the other party, or has condoned the adultery, or is in collusion with the respondent. Unreasonable delay, cruelty and desertion are also grounds for refusing relief. As incidents to divorce, power is given the court to grant alimony, direct settlements for the support of the wife, and to deal with the custody of children of the marriage in question. These, briefly, are the provisions of the Bill, of which I now move the second reading.

HON. MR. O'DONOHUE—I do not wish now to discuss the merits of the Bill, but merely to call the attention of my hon. friend to a provision of the British North America Act, in which the construction and maintenance of courts are exclusively given to the provinces. My hon. friend has not touched that, in speaking of his Bill.

HON. MR. MACDONALD (B.C.)—Because we do not create a new court. The courts are already in existence, each court with its staff of officials.

HON. MR. O'DONOHUE—You will find that the distribution of powers gives the administration of justice to the province, including the constitution and maintenance and organization of provincial courts, both civil and criminal jurisdiction, and including procedure in civil matters; and I say it is not competent for my hon. friend to bring in a Bill here for the constitution of a provincial court, and although he says the courts are already in existence, it is constituting a court for a different purpose from any for which those courts were organized. I say it is beyond the power of this Parliament to organize a court for such a purpose.

HON. MR. GOWAN—I asked my hon. friend if he would kindly put off the discussion of his Bill until a later day. I wished to prepare some full and extensive observations embracing the whole subject in its many aspects. Perhaps it was unreasonable for me to ask him to do so, as it was put off once or twice before, and I merely mention the fact to explain that in consequence of other engagements it was impossible for me to come properly prepared to discuss this matter. I am the less concerned, however, as my hon. friend has told me that he does not desire to press the Bill beyond the second reading this session. The subject is too important to rush forward without a full and complete discussion. I am not prepared to enter exhaustively into the subject. I must, nevertheless, say a few words.

HON. MR. SCOTT—Move the adjournment of the debate.

HON. MR. GOWAN—No; I desire to say only a very few words. In the session of 1888 two hon. gentlemen in another place, the Hon. Mr. Jones and the Hon. Mr. Davis, moved that steps should be taken to remove from Parliament the duty of granting divorce. Upon that occasion the hon. Premier, who is now no more—that great statesman, that man of lofty aspirations and high aims—expressed himself—and I presume spoke for the Government of the day—and what that sagacious and far-seeing statesman said I will read to the House:

\* Sir John A. Macdonald said that he was opposed to a divorce court, because if one were established the number of applications would greatly increase. That had been the experience of England; and of those who once strongly supported the establishment of the Divorce Court and the transfer of the trial of divorces from the legislature to the court, very many had seriously repented their advocacy of that measure, because the number of divorces, the corruption of society, and the number of collusive trials are increasing to the annually increasing degradation of the public mind. He preferred our system, which offers very considerable impediments to the granting of divorces, to the systems which prevail elsewhere.

I had an opportunity of seeing an early report of what the right hon. gentleman said, and I took occasion, I think it was the following day, to state what my deliberate convictions were with regard to the establishment of a court of divorce. What I then thought, and the opinions that I then expressed, I still hold to and maintain. I endeavoured to show that the proceedings

by private Bill for divorce, designed like other Bills to attain its completion in an Act of Parliament, to a certain extent bears some analogy to a suit in the court of justice, but it is not merely a proceeding between party and party, though the primary immediate operation of the particular law will be upon them. It is not a mere civil proceeding; the Act dissolves the marriage of the parties; it also punishes the matrimonial crime committed by one of them. It may in a sense be said to be a proceeding *in rem*, the *res* being the marriage. Indeed, I would say it is neither contractual nor purely penal, the operation being, in respect to the marriage status of the parties, a divine ordinance as well as a domestic regulation, which the law has sanctioned and has the power to regulate and control under the constitution. And these considerations must be kept in view in a question whether it is expedient to change the present legislative mode of dealing with divorce and commit the subject to be wholly dealt with by a court of judicature, constituted for the special purpose. Let me take a glance at both.

In entertaining applications for divorce and making a law to set the parties free to marry again—changing their status—Parliament can properly bring in view considerations of expediency or public advantage. A court of justice is necessarily restrained within fixed limits, and its procedure controlled by fixed rules, in matters assigned to it for adjudication between party and party.

Parliament would be making a law, and the supreme power of the State (within constitutional limits, of course) would have to consider what would most tend to the public good. The courts but expound and administer law which Parliament enacts.

The point is forcibly put by a learned writer on the sources of law; the functions of the legislator are in reality not legal but moral. With him the primary enquiry is, what ought to be? And he only enquires what is, to suit his provisions to the law, already in force. With the lawyer, on the other hand, what is, is always the primary enquiry, and there his enquiry stops.

'Tis true, applications for divorce have always been based upon a specific charge, and the facts necessary to support that charge established by satisfactory evi-

dence, and so far the proceeding is *quasi* judicial. Inquisition is made and the truth or falsity of the facts alleged determined, and to that extent there is an analogy to the proceedings of a court. But whether, by reason of the facts proved, the prayer of the petitioner should be granted, opens considerations for Parliament which could not be permitted to judges when called upon to pronounce what the judgment should be.

Further, in criminal cases the Executive may be called upon to decide whether, in view of all the facts and circumstances, the judgment of the court should be carried in effect or modified.

Now, Parliament may be said to unite in itself all these three duties and functions. It decides whether the charges are proved, whether they constitute such a case as should entitle the parties to a special Act for relief, and what relief, if any, should be granted to the party, in view of all the circumstances; and Parliament may, and ought always, to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order—the effect which the passing a particular law might have upon the well-being of the community. Parliament, as the supreme power, has its duties and responsibilities, and cannot compromise the well-being of society which has been entrusted to it under the constitution.

These are the considerations which brought me to the conclusion that, in the present aspect of the question, any delegation of the power respecting divorce would be inexpedient.

I am one of those who think that the grave, deliberate utterances of that great man who has passed away should be held almost as canon by those who respect his memory, and I for one am prepared to abide by the opinion he then expressed. I do not proceed to criticize the Bill that has been introduced by my hon. friend, because he is not desirous of seeking more than a second reading for it this session; but I must say that, looking at it in the rapid manner I was obliged to do, in consequence of other engagements, I think it is susceptible of many objections. In the first place, and my particular objection is this: if the principle upon which the Bill is founded be sound, why not apply it universally? Why say that certain sec-

tions of Canada should have the benefit of the measure and other sections should not? Why say that parties who have no conscientious scruples against divorce in Lower Canada should be excluded from having the benefit of the measure. There is another objection which occurs to me, and I hope, if my hon. friend brings it up again, he will consider it if he thinks my observations entitled to consideration. It is this: he proposes to delegate to the several tribunals all over the country the right to deal with these cases, but he provides no uniform procedure. Now, those who have had any experience in the business of the courts know how impossible it is to secure anything like uniformity of results without a uniform procedure that would bind all alike. If he had provided that the Supreme Court should lay down a course of procedure; if he had provided that there should be a functionary authorized to lay down rules that should be binding upon all, we might hope for uniformity of procedure; but leaving it to separate tribunals to establish modes of procedure, each for itself, would, to my mind, be productive of great confusion, and a man in one province would not know how the law is administered in another. Apart from the question of procedure, it is very important that a uniform law should prevail all over the country in respect to so important a matter as the separation of man and wife. Does my hon. friend, or any hon. gentleman who has experience of the administration of the law, hope for any uniformity with five or six distinct tribunals operating under different sources? If there is not uniformity there is uncertainty, and the professional man in one province would be unable to advise what course should be taken in another province or what would be the probable result from certain facts being submitted to a tribunal. I do not desire to enter into any minute criticism of the Bill, but from the hasty reading that I gave it, these objections occur to it, and I think they are fatal objections. The hon. gentleman alluded to a divorce court existing in British Columbia. As a matter of fact, it exists, but it is a creature of judicial construction and a divided court. I have examined the opinions that were given on both sides, and in my humble judgment the matter is in a very dubious state, and the time will come when this

Parliament may be appealed to to validate the existence of that court, which now owes its sole existence to judicial construction.

This is a subject which I do not care to dwell upon, as judges differ on it, and the profession are not agreed on the question either, there is argument *pro* and *con* as to the question of the constitution of the court in British Columbia; I may say that at best it is a creature of judicial construction—not a statutory creation—it is a jurisdiction which the judges have decided that they themselves possess. I will not occupy the House with any more remarks. I cannot see that it would be wise or in the interests of morality to establish a divorce court, and I repeat what I said before: it would take very strong argument to convince me that the deliberate utterances of our great and sagacious statesman should be set aside.

HON. MR. POWER—I do not think it would be courteous to the hon. gentleman who has introduced this Bill, and I do not think it would be altogether becoming to the Senate, to dispose of a measure which proposes to make so very serious a change in the mode of transacting business upon a very important matter, if this question were allowed to be put without any further discussion. I do not propose to say very much about it. It is hardly necessary to state at the outset that I am not in favour of the Bill. I do not think the measure has come to the House in the very best way. When the confederation of the provinces was being discussed this matter of granting divorces was deliberately placed in the position in which we have had it by the conference at Quebec and the subsequent conference in London; and if the experience of the last twenty-four years has been such as to indicate that a serious mistake was made by those conferences in leaving the granting of divorces with the Parliament of Canada, then we should have some evidence of that fact further than the evidence which has been supplied to the House to-day, and if there is a necessity for making so important a change I think it is a change which should be introduced by the Government of the country. They are charged with the general interests of the country; and I think upon a weighty matter of this kind, on which a deliberate conclusion was come to by a gathering like

the Confederation conference, that the Government are the only body who should introduce a measure looking towards a change of this sort. So far with respect to the mode in which the matter has come before the House, I do not think the hon. introducer of the Bill has given us sufficient evidence to show that the country is seriously suffering in any way from the want of a measure of this kind. The hon. gentleman simply gives us to understand that after carefully balancing in his own mind the advantages of the present system and what he conceived would be the advantages of the system which he proposes, he thinks the preponderance of advantage would be with the system which he desires to introduce. It is very difficult to prophesy. It may be that there is a good deal of force in the reasons which the hon. gentleman has given, and he may have apparently good grounds for thinking that the new system would work better; but it may be found, notwithstanding, that if the new system were adopted it would work very much worse than the present system. I notice that the hon. gentleman, while telling us that the number of divorces had not been very largely increased in the Lower Provinces by the introduction of a divorce court, forgot to say that the Lower Provinces were an exceptional part of the country. I am quite sure that my hon. friend from Lunenburg will agree with me in thinking that in the matter of morals they ought to be, and are, in advance of other parts of the country; and conclusions cannot be drawn from what happens in the Maritime Provinces as to what would happen in the rest of the Dominion. The hon. gentleman did not lay much stress on the case of England. That, I think, was a precedent that ought to have more weight with this Parliament than the experience of two or three small provinces. In England the effect of taking the granting of divorces away from Parliament and committing it to the courts has been to increase the number of divorces one hundred-fold. There were comparatively few divorces granted by Parliament.—I imagine not very many more than we grant here—and now the divorces are counted every year by hundreds, and there is not only mischief done by the publication of the details of these divorces (which the hon. gentleman says he would not propose to allow in this country) but the more

important mischief which the hon. gentleman has left out of sight altogether, that people would begin to regard the marriage tie as something less sacred than it was formerly considered. The fewer divorces are granted the better, and any hon. gentleman can see that it is important that people who enter into the contract of matrimony should realize the solemnity of the action which they are about taking. If, when a man or woman enters into the contract of matrimony, he or she feels that if, after the lapse of three or four years, the contract does not turn out satisfactorily, it will be easy to get a divorce at trifling expense and that all that is necessary to get that divorce is to commit adultery, then you are taking away the sacredness and solemnity from the tie in a very great degree and offering a sort of premium to people to enter into matrimony without sufficient consideration for what they are doing. If people who are about being married realize that they are marrying "for better for worse," and in the old language which, I regret to say, is not as common now as it used to be, realizing that what God has joined together no man should put asunder, they will be more careful about entering into the contract, and, having entered into it, they will be more careful as to carrying out its obligations. I do not think that the hon. gentleman dealt with that question at all, and that is really the most important consideration involved in his proposition. As it is now, for 999 people out of every 1,000 in the great Provinces of Quebec and Ontario and in the Province of Manitoba, people marry "for better for worse"—marry until one or the other dies; because the difficulty and expense involved in securing a parliamentary dissolution of marriage practically puts the divorce out of the reach of the great bulk of the population. That may be a little unfair, but I think that the benefit which is thereby conferred upon society is much greater than the slight injustice which is done to the poorer members of the community.

HON. MR. MACDONALD (B.C.)—What about the immorality?

HON. MR. POWER—The hon. gentleman speaks of the possibility of immorality. I fail to see how morality is in any way to be advanced by rendering divorce easily procured. The experience in the

United States, to which the hon. gentleman refers, where divorce is so absurdly easy—at least, in most of the States—has not been that this facility to get divorce has promoted morality. Canada may not be just as moral as she ought to be, but I think Canada, in the matter of domestic life, will compare favourably with the United States, or any section of that country; and I am afraid that if the hon. gentleman has no better argument than that, he will hardly succeed in convincing the House that we should change the system which has existed here since Confederation. That is the principal point I wish to make. There are one or two minor points to which the hon. gentleman referred, and which it may be desirable to notice. Speaking of the members of this House who happen to belong to the denomination of which I am a member, the hon. gentleman rather found fault with their not taking a share in the work of the divorce committee. I feel, for one, that while I should much sooner have nothing to do with those cases, still, if the duty were imposed upon me, rather than have a divorce court instituted, I should be prepared to do my duty as a member of the House in connection with those suits; because, after all, it has been in a great many cases the duty of judges belonging to the church of which I am a member to deal with questions of divorce, and they have administered the law as they have found it. At the same time, I am not aware that any difficulty has been found in securing, up to the present time, committees on divorce without placing on those committees members who have an objection to handling the subject. I had not prepared to say anything on this subject, but I have made the only point which I thought it very desirable to try to make; and I hope that some hon. gentleman who has given the subject more consideration than I will continue the discussion. It would be very unfortunate that so important a subject as this should be disposed of by the House without at least a reasonable attempt at discussion.

HON. MR. KAULBACH—Probably it is just as well, since the matter has come up now, that it should be further considered. I do not agree with my hon. friend from Toronto, who thought that Parliament could not delegate its powers to the courts.

I think it has ample power to delegate this subject to an existing court without creating a court. I do not agree altogether with the view of the hon. member from Halifax, that the present mode of inquiry in cases of divorce is satisfactory. As far as my knowledge goes, and I have had an experience of many years, it has not been quite satisfactory in its character. Divorces have been given here which, if the cases had gone before a court of law, would not have been granted. I think, also, that the committee which takes the evidence and reports upon it might have been formed in a manner that would probably have given more satisfaction than the present mode of construction. There are gentlemen in this House who, although they are opposed to relegating this subject of divorce to a court, yet shrink from being members of that committee, because it is not a pleasant duty to perform. I know I have applied to gentlemen that I thought were eminently fitted to act on that committee, and they declined to serve. Such a state of things is very unsatisfactory. Apart from any other consideration, I believe the ablest judicial minds in the House should be selected for that committee. While I feel that the working of the present system has not been altogether satisfactory, and that divorces have been given which should not have been granted, and while I recognize the convenience to applicants of having such cases dealt with by the courts, yet I cannot, feeling as I do the importance of this subject, vote for any measure which would leave divorce to be dealt with by the courts. I believe that to make divorce easy is to increase immorality. Instead of diminishing the number of applications I believe it would greatly increase them, and as I look upon marriage very much as a sacred tie, and consider that it should not be severed without the greatest consideration, I cannot approve of giving to the courts a jurisdiction which would have a tendency to weaken that tie. I admire the Roman Catholic church for the stand it has taken on this subject. By that denomination marriage is viewed as a tie which lasts for life. The church to which I belong, and to which my hon. friend from British Columbia also belongs, regards it as a tie not easily to be severed. In fact, the sentiment in our church is so adverse to divorce that there is an abhorrence to marrying persons who have been divorced.



To give the subject of divorce to the courts would be to increase the publicity of the proceedings, and thereby promote immorality.

HON. MR. MACDONALD (B.C.)—How about Nova Scotia?

HON. MR. KAULBACH—We have very few cases of divorce there. As the hon. member from Halifax says, we are a very moral people there, and consider the marriage tie so sacred that very few cases come up; but when they do, the newspapers take every opportunity to give the details to the public. In the United States, in 1885, there were 24,000 divorce cases, and the number has been steadily increasing, until now the divorces reach about 40,000 a year. We know what the result of lax divorce laws in that country has been. The greater the facilities for divorce the greater will be the number of divorces applied for. It has had that effect, and it will always have that effect, and therefore I am opposed to increasing the facilities for procuring divorce. If divorce is necessary it should be for only the one great offence of adultery. I see that my hon. friend in his Bill adds to that another cause—that of desertion. He proposes to go much further than we in this House have been disposed to go. I am strongly of the opinion that even where divorce is granted for the one cause recognized by this House, no right should be given to the parties to marry again. I believe that in nine-tenths of the cases that arise people have married without considering the sacredness of the marriage tie and when they have fallen out on some subject, divorce being easily obtained, they have allowed their affections to centre elsewhere, and have applied for divorce, with the idea of marrying again. If divorce is to be granted at all it should only be for such an offence as renders the relations of man and wife degrading, and there is but one court which should have the right to deal with the subject, the highest court in the land—Parliament—and although I do not approve of the present construction of the committee, we have the matter in our own hands, and the public generally are satisfied to let it rest with us. There is no danger, so long as this Parliament deals with divorce, of allowing a divorce for any offence but the one now recognized as

sufficient. But if this Bill deserved a favourable consideration, I would like to know why my hon. friend would treat the Province of Quebec differently from Ontario? In both provinces separation from bed and board can be procured, and if it is desirable to grant divorce through the courts, there is no reason why Protestants in Quebec should be treated differently from Protestants in Ontario. I repeat, I am opposed to granting increased facilities for divorce. Let people understand that they should be careful how they enter into married relations, and that when they marry the tie is for life.

HON. MR. ALLAN—I quite concur in what has been said by the hon. member from Halifax, that the subject before the House is one of too much importance to allow a vote to be taken *sub silentio*, and nothing said about it to show that the House takes an interest in the matter. I, unfortunately, am in this predicament, that I did not know, until I looked over the Orders of the Day, that this Bill was coming up for the second reading to-day, and therefore I am not prepared to speak at any length with respect to it. I thoroughly appreciate the motives which led my hon. friend from British Columbia to bring the subject before the House, because I know he has long held very strong opinions on the subject of divorce cases being dealt with by Parliament. Doubtless there are certain disadvantages attending that course. It may happen, sometimes, that upon committees of the House gentlemen may be placed whose legal knowledge is not of that character to fit them best to act in a judicial capacity, and then, again, unfortunately, there may be other influences at work in a popular assemblage which may sway the minds of the committee by other considerations than those of the strict justice and rights of the case. That it is impossible to avoid, but I think, great as those disadvantages may be, they would be more than counterbalanced by the evil which would follow from the establishment of a divorce court in this country. We all know that in the present age the sacredness of the marriage tie has been attacked, and in many cases people have endeavoured to bring it down to the level of a mere civil contract, apart from any divine sanction at all. Holding, as I do, very strong views to the contrary, I cannot look

upon anything that would have the effect of lessening the sacredness attached to the marriage tie without very great repugnance. I look, too, across the border to the United States, and I see there, in many States of the Union, what a lamentable condition of things exists with respect to this very important matter. I do not think any person can reasonably doubt that one cause which has led to that is the extraordinary facilities held out there for people who have entered into the marriage contract to separate on the slightest pretext. Once a divorce court is established here we have nothing to assure us that from one thing it may not lead on to another, until, from mere incompatibility of temper or other slight cause, parties may seek redress from the court and the marriage tie be dissolved. Another thing which I feel very strongly is this: I now understand, from something which fell from my hon. friend, that he does not intend to press this Bill beyond a second reading, but I confess I feel far more repugnance in letting it go to a second reading, because we affirm the principle of a Bill if we consent to the second reading, and I, for one, should be most strongly opposed to anything of that kind, or to its being supposed that, by allowing the second reading to go without opposition, I in any way sanction or commit myself to the principle of the Bill. I do not propose to take up the time of the House by speaking at length on the subject, because I was not aware that the Bill would come before the House to-day. This is a subject on which I feel strongly, and on which I think I have it in my power to show, if time permitted, that we in Canada are very much better off as we are at present and much better able to conserve the purity of domestic life by providing as few facilities as possible for granting divorces, instead of increasing the facilities. As a Canadian, I infinitely prefer to see the present state of things continue rather than the system proposed by this Bill. I hope that my hon. friend, when he elicits the opinions of other members of the House, will be content for the present with the expression of opinions we have had. If he persists in moving the second reading of the Bill I am disposed to test the feeling of the House by moving that this Bill be not now read the second time, but that it be read the second time this day six months.

HON. MR. ABBOTT—As my hon. friend, I understand, does not propose to press his motion for the second reading of the Bill, it may not perhaps be necessary to call for a vote just now. I had some conversation with my hon. friend before the meeting of the House, and I understood from him that after eliciting some discussion his intention was to withdraw the Bill, because in his opinion it has not come to the House at such a period of the session, or in such circumstances, as to justify the expectation that it could be got through the other House this year. If I understood my hon. friend correctly, that might terminate the discussion at once.

HON. MR. MACDONALD (B. C.)—On account of the late period of the session I intend to withdraw the Bill. Even though it were to pass this House, it is too late to have any chance of passing the other House this year, and with the permission of the Senate I beg to withdraw the Bill.

The Bill was withdrawn.

## THE GREAT MACKENZIE BASIN.

### MOTION.

HON. MR. GIRARD moved the adoption of the first report of the Select Committee on documents relating to the Great Mackenzie Basin. He said: This report is a continuation of one made to this House three years ago by a committee appointed at that time, of which the Hon. Mr. Schultz, now Lieutenant Governor of Manitoba, was the chairman. We remember with what interest the report of that committee was received, not only in Canada, but throughout the civilized world. It was a report which furnished a great deal of important information, showing the enormous resources of the Great Mackenzie Basin. It was understood at the time that, owing to the vast extent of that territory and the difficulties of communication, it was impossible to receive replies to all the lists of enquiries sent out. These lists have been addressed to employés of the Hudson Bay Company, to missionaries and to others living in that remote part of the Dominion, and replies could not be received in time to include them in the report to which I have referred. These replies have all been received, and are now in our possession. They certainly deserve a good

deal of attention. I have one from Bishop Bompas, who lives in the Mackenzie Basin, and he gives a great deal of valuable information which cannot be obtained elsewhere. He not only speaks of the valuable mines and forests and the varied resources of the Great Mackenzie Basin, but also offers suggestions as to what should be done in the near future for the development of that country. I think all the answers of Bishop Bompas will be highly appreciated by every one of us, and that we will find in that document a great deal of information which must necessarily have an important effect amongst the nations of Europe as to the value of our great Dominion. It will bring before the world, from time to time, the importance of our country, which is as yet scarcely understood even by ourselves. We will in time, however, become familiarized with the resources we have in our North-West, and will see that it is to our interest to do our best to keep that country, if not absolutely for ourselves, for our children at all events, because it will, in the early future, certainly have to receive more attention from the Government than it receives to-day. The suggestion in that document from Bishop Bompas is that civilization should be promoted in that far country by the establishment of two model schools for the instruction of the Indians. Model schools are already established in different parts of the Dominion. We have one at St. Boniface; one near St. Paul and some in the North-West Territories, and every one who reads the reports of those institutions must admit that they are the very best means of introducing civilization amongst the Indians. It has been ascertained that separation of the children from the parents is absolutely necessary if we wish to get the best results from these industrial schools. So long as the children are left with their parents they cannot advance much in the arts of civilization, but it has been proved beyond dispute that once they are separated from their parents and placed in charge of teachers they begin to learn with gratifying rapidity, and they are as readily taught as many of the children of white parents throughout the Dominion. The Government cannot too earnestly take into consideration the education of the Indians, for the time has come when we should return to them some of the advantages which they should receive for the domain that they have

parted with. The documents that were submitted to the committee, some ten or twelve in number, coming from parties occupying high positions, three of them from bishops and several from Hudson Bay Company officials, have received the serious consideration of the committee, who have unanimously arrived at the conclusion that they would be a very valuable addition to the information already received from that country. I ask the adoption of the report of the committee, which recommends the printing of the information we have acquired. I think it would be a very valuable addition to the report made three years ago by the Select Committee of this House on the resources of the Great Mackenzie Basin.

The motion was agreed to.

### MAHALA ELLIS RELIEF BILL.

#### SECOND READING.

The Order of the Day having been called,

Consideration of the Seventh Report of the Select Committee on Divorce to whom was referred the Bill intituled: "An Act for the relief of Mahala Ellis," together with the evidence taken before the said Committee.

HON. MR. GOWAN said: I propose to say as little as possible with regard to the details of the evidence in this case, and in the other cases that will be submitted to this House. Whatever care we may take in securing the inviolable secrecy of the evidence taken before the committee, it is impossible to do so with respect to the debates, and therefore I think it is my duty to say as little as may be in respect to each case that may come before us. In this case, the facts set forth in the Bill were proved to the satisfaction of the committee. I will not go into the details of the case, because the whole of the evidence is printed, and every hon. gentleman who desires to pass upon this measure must have read and considered it; therefore, it will not be necessary for me to go into the details. Suffice it to say, that the evidence disclosed to us a ruined life, an unfaithful husband, a wife foully contaminated, and cruelty of a most heinous character. In this case, both the petitioner and the respondent were represented by counsel, and the fullest opportunity was given for examination and cross-examination by counsel. I was not aware, until towards the close of the ex-

mination, that the respondent was present and I think he was specially invited to give evidence if he wished, and he declined. The facts are so fully set forth in the evidence, and are of so painful a character, that I will not dwell upon them, and do not propose to do so. Before I sit down, I might mention that since the report was agreed upon it has been intimated to me that there was some misunderstanding between counsel with regard to one of the clauses of the Bill—that which gives the custody of the children to the mother. I am told that both parties are willing that that clause should be eliminated on the third reading of the Bill. If so, I personally have no objection, but I offer every objection to having the Bill referred back, because our committee reported upon the evidence before it, and every word that we report on—every allegation that is made in the Bill—there was evidence before us ample to support it.

HON. MR. KAULBACH—I shall not detain the House by saying anything beyond what the chairman of the committee has stated. I approve of that clause giving the custody of the children to the mother being eliminated from the Bill. I rise, however, more especially for this purpose: on every divorce committee I have objected to the Senate, or to a committee of the Senate, taking into consideration questions of alimony or the custody of the children. I believe these are matters of civil right, which the provincial courts have jurisdiction over, and we ought not to interfere with them. There was one case, the Campbell case, to which I objected, because we gave the custody of the children and alimony to the wife. The reason why I consented to this clause remaining in the Bill in this case is, that both parties were represented by counsel, and no objection having been raised at the time, I did not consider it wise to force either party into another court to obtain redress or to obtain rights which we could give them, and which both parties seemed satisfied with at the time. I object to taking from the courts the question of alimony or custody of children, and I have objected and will object to any such Bill passing, unless it is with the consent of both petitioner and respondent.

HON. MR. McINNES (B.C.)—I am very

sorry that the hon. gentlemen who moved and seconded the adoption of this report have not given the House some reason why they asked that this particular portion of the report be expunged and that the control of the children should be left in the hands of the respondent. I read the evidence, as I suppose nearly every hon. gentleman has read it, and more disgusting and revolting evidence has probably never been adduced before a divorce committee in Canada; and judging from the acts that were proven to the satisfaction of the committee, and I believe to the satisfaction of every hon. gentleman who has read the evidence, I consider that man is not in a position, or ought not to be placed in a position, to assume the custody of those children. A man guilty of the abominable acts, extending over a series of years, which he has been guilty of, is not the proper person to have the charge of young children, and I think it would be an outrage to allow it. I cannot understand how his feeling should in any sense be taken into consideration. The man has proved himself to be a perfect monster. I, for one, certainly will not consent to that change in the report. I believe that the control of the children ought to be left with the mother, who has proved herself, as far as the evidence goes, to be a virtuous woman, and a good, faithful and affectionate mother.

HON. MR. KAULBACH—She asks for it.

HON. MR. McINNES (B.C.)—I do not know that she ever asked to have control of them, but it is her Bill, and the natural inference is that she desires to have the control of these children.

HON. MR. GOWAN—I am sorry that I fail to make myself understood. I do not propose that there should be any modification of the report. The report is fully and entirely justified by the evidence; but I may say that it came to my knowledge that there is some misunderstanding between counsel as to the proper place in which a claim might be advanced for the custody of the children remaining with the husband; and I said that, so far as I was personally concerned, at another stage, at the third reading of the Bill, I would not personally object to that clause being struck out, because the children are

now in the custody of the mother, and I do not believe that there is any court of justice in existence that, upon the face of the facts presented to us, would withdraw those children from the custody of the mother and hand them over to the father.

HON. MR. OGILVIE—I hope the report will be adopted without striking out that clause.

HON. MR. MILLER—The striking out of the clause does not come in on the present motion at all, but on the third reading of the Bill.

HON. MR. MCINNES (B.C.)—The hon. gentleman from Barrie says that, on consultation with counsel on both sides, it was admitted that they had power to appeal to the legal tribunals.

HON. MR. GOWAN—I have nothing to do with that; that rests with the House.

HON. MR. MCINNES (B.C.)—Why should we leave this woman to be dragged into a court of justice by this unmerciful and unmanly man? I believe in placing the woman beyond the reach of any more of the vile attacks of that man, and instead of amending the Bill on the third reading, I believe it should be adopted as it is.

The motion was agreed to, and the report was adopted.

HON. MR. CLEMOW moved the third reading of the Bill. He said: I may say that I cordially agree with what has been said by the previous speaker. The evidence is conclusive, and there is no doubt in my mind that the petitioner is entitled to the relief asked for. It has been truly said that the question has arisen as regards the clause of the Bill giving the right to the wife to have custody of the children. In 1885 that point was fully discussed and settled in this House in another case. I refer to the Evans case, page 366 of the report. The then leader of the House took strong ground that, inasmuch as the courts of Ontario had jurisdiction in this matter, the Senate should not interfere. It is not the intention of this Bill that the custody of the children should be given to the respondent. That is left entirely to the discretion of the courts hereafter. Owing to

a misunderstanding on the part of the counsel at the time of the hearing of the case, he neglected to ask the committee to eliminate that clause from the Bill, and, that being the case, it is only fair to have the matter brought before the House, as the House has the power to do so. It has been decided in the Evans case, and I do not see why we should not follow the same precedent in this case. If the courts decide that the wife should have the custody of the children it will be so; in the meantime, we have nothing to do with it—we remain quiescent, and let that question be settled by a legal tribunal when the proper time arrives.

HON. MR. LOUGHEED—I would like to ask the hon. gentleman from Rideau division if the petitioner in this case has consented to the elimination of the clause of the Bill?

HON. MR. CLEMOW—Yes.

HON. MR. MCCALLUM—I am a young member of this House, but my understanding of the powers of this Senate is, that we can dissolve marriage, but we do not undertake to declare what is to be done with the children. I believe that to be within the jurisdiction of the courts. When we dissolve a marriage our duty ends, and it is for the courts to say who shall have the custody of the children. Therefore, I move that the Bill be not now read the third time, but that it be amended by striking out from and inclusive of the word "that," in line 12, down to and inclusive of the word "from," in line 16; and from and inclusive of the word "and" where it occurs secondly in line 19, to and inclusive of the word "children," in line 20; also, that section 3 of the said Bill be struck out.

HON. MR. MILLER—It is really impossible to say from the reading of that amendment how far it goes. One would require to compare it with the clause of the Bill to see what alteration it would make. This is a private Bill, and a motion of that kind cannot be moved without notice.

HON. MR. POWER—The hon. gentleman from Rideau division very properly stated that this question had been before the

House on a previous occasion, and the circumstances under which it came before this House on that occasion were such as to establish a precedent, and a very important one. It was in the Evans divorce case in 1885. Sir Alexander Campbell was at that time leader of this House, and also Minister of Justice. He had given a good deal of attention to the question of divorce generally, and he had given particular attention to this case, because he mentioned, when the Bill was at an early stage, that he proposed to deal with this question that we are dealing with now at a later stage of the Bill; and when the Bill came up for the third reading the hon. gentleman said:

"There is in that Bill a clause to which my hon. friend who has charge of it drew attention at the second reading—that is, the clause providing for the care of the child. I think it would be wiser for us not to pass a Bill containing such a provision. We have done so on one or two occasions, and perhaps we have the power. By stretching the argument a little, it may be held that it is one of the incidents of the power of granting a divorce. I find in England, when the House of Lords dealt with the question of divorce, that they were very chary about making any such provision—that they confined themselves to the divorce itself. Whatever reason may have existed in England for that I think exists more strongly here, because the several provinces have different laws in regard to the custody of children, and we would be dealing with a question on which we are much less informed than a court of law is when it comes to consider such a subject."

I do not know that it would be necessary to say anything more than simply to read these weighty words of the predecessor of the hon. leader of the Government; but there is the fact that this wife has now the custody of the children, and those children cannot be taken away from her without an order from the court; and, as has been stated by the hon. gentleman from Barrie, no court would, under the circumstances of the case, give an order to take the children away from the mother. Then, the third clause of the Bill, which is proposed to be stricken out, reads in this way—I direct the attention of hon. gentlemen to the exact language of this clause:

"3. The said Mahala Ellis shall have the permanent custody and sole and absolute control of the persons of her said children, Charles Quirk Hardy Ellis and Matthew Cain Ellis, without any right of interference whatsoever on the part of the said Charles Shuttleworth Ellis.

The latter part of the clause is unobjectionable, but hon. gentlemen will see that Mrs. Ellis is given the right by this Bill to

marry again. The probabilities are that she will marry again. I think, as a rule, when people come here looking for divorce it is with a view of marrying again, and generally with some particular person in view. It may be that the person with whom Mrs. Ellis marries again may be discovered to be not the sort of person who makes a good guardian for those children; and if we pass this third clause in the absolute language in which it is expressed here she shall have the permanent custody and sole and absolute control of them. It may be that the interests of those children may suffer by-and-bye, because it will not be in the power of a court in Ontario to remove them from the custody of the person who, perhaps, under the circumstances, might not be the proper person to have such control. I do not think it will injure the children to leave them where they are at present, and we should not do anything which might have the effect of preventing a court in Ontario from dealing with the custody of the children later on. The portion of the preamble to which the first part of the amendment of the hon. gentleman from Monck relates is that which refers to the children. In the Evans case the Minister of Justice suggested to the hon. gentleman from Barrie that he had better have the third clause stricken out, and that was accordingly done, with the consent of the promoter of the Bill. As I understand it, in this case the promoter of the Bill consents to the striking out of the clause.

HON. MR. GOWAN—In view of the facts, the committee thought it better to report the Bill as it was introduced, with the usual clauses. In four or five cases similar clauses were inserted—in the Lyons case, in the Riddell case and in the Hart case and in one or two others such clauses were inserted in the Bill. In the case to which my hon. friend, who has charge of the Bill, alludes, that was ordered, for reasons then considered sufficient, to be stricken out. Now, the striking out of this clause does not take the children out of the custody of the mother. If it had that effect I would be disposed to resist it; but it has not. It gives the father leave to appeal to the courts, if he can make out a case entitling him, after years and years of correct living, to the custody of his children. I do not at all advocate the elimination of that clause,

and under the circumstances, inasmuch as there was a sort of understanding between counsel, I believe the matter should be debated, and this is the proper place to debate it, and I do not object on that ground; but I certainly would object if I thought, under the present circumstances, the children would go to the father.

HON. MR. KAULBACH—I support the amendment of my hon. friend for the reasons I gave when I spoke on the evidence, that I was under the impression that both parties, by themselves and by their solicitors, approved of the Bill passing in the way in which it was brought before us. Had not that been the case, I would have objected to the Bill being reported as it was, because I do not think that Parliament should take into consideration at all the question of the maintenance of the children, or of the wife, or the custody of the children. I think that we should not deal with such questions here. Let us deal with the question of divorce, and let the courts, which have a better opportunity of eliciting the facts, and a better opportunity of coming to a correct judgment on the matter than the Senate, deal with those matters. Let us leave to the courts which have jurisdiction in those matters the questions of alimony and the custody of the children.

HON. MR. LOUGHEED—As I support the amendment of my hon. friend for Monck, I desire to say a word with respect to why I do so. I may say, on hearing this case in the committee, I was strongly in favour of giving the petitioner in this case the custody and control of the children, but on second consideration, and on being informed of the fact that the petitioner and respondent had considered the matter

between themselves in its various aspects as it presented itself to them, we must naturally come to the conclusion, and I have done so myself, that they are better aware of the best course to pursue than we can be here. They are better aware of the circumstances which invest this case, and which surround both families in respect to these children, than we can possibly be. It is not therefore out of consideration for the respondent in this case—for I think words are not sufficiently strong to express our censure and condemnation of the

course pursued by him—but entirely out of consideration for the petitioner and children, for I must come to the conclusion that if she consented to this, knowing perfectly well that the sympathy of this honourable body would be in favour of giving her absolute control of the children—if she has come to the conclusion that the Bill should remain in the form suggested by the amendment, I am of opinion the Bill should be passed in this particular way. There are considerations, no doubt, involved in the education and maintenance of those children to which they have given due weight and which we cannot consider. I think, therefore, under this consideration we should support the amendment. I may say that I am not in favour of the principle propounded by the hon. member from Lunenburg, that we should not exercise what might be termed jurisdiction in respect to the custody of the children. We know that the tendency of practice now is in courts of justice that there should be finality in disposing of all questions in issue upon the one trial. We know that the current of authority at the present time is that there should be a final adjustment at one hearing of any case, and I see no reason why this principle should not permeate legislation as well as litigation. I am therefore entirely in favour of dealing with matters of this nature to a final conclusion; but in this case, out of pure consideration for this petitioner upon the circumstances stated, I support the amendment. Permit me to say that there are five or six authorities in which this honourable body have already dealt with the custody of children. Some of them have been referred to by my hon. friend from Barrie: I refer to the Lyons case in 1878, the Campbell case in 1879, the Riddell case in 1887, the Morrison case in 1888, and the Hart case in 1888. In all those Bills the petitioner in each case received the custody of the children in question, and I therefore support this amendment, not in acknowledgment of the principle laid down by the hon. member from Lunenburg, that we should not deal with this subject, but purely out of consideration for the petitioner and children upon the grounds stated.

HON. MR. McINNES (B.C.)—From what has fallen from the last speaker and from the hon. member from Barrie, I am more confirmed than ever in the opinion that it

is the proper course to leave the children in the possession of the mother. The hon. gentleman from Calgary and the hon. member from Barrie, to obtain support for the amendment, have referred to over half a dozen cases where the Senate has not seen fit to interfere with the children; but I would ask these hon. gentlemen if they have read the evidence that was adduced before the different committees in those cases? This case is entirely different, and I challenge any hon. gentleman here to show a similar case to the one that we are now discussing. In the other cases, while the men were highly immoral, they never displayed a particle of the brutality that this respondent did, judging from the evidence as reported, and in my judgment the respondent in this case has no humanity in his bosom—certainly he displayed none towards his wife; and I think it is reasonable to assume that he would not display any charity or humanity towards his children. I see no good reason why she should not have possession of her children, or why she should be exposed to annoyance from her unnatural husband. If she is as affectionate as most mothers are, she will have the greatest consideration for the welfare of her offspring. If at any time this man should reform, or any of his relatives should endeavour to get possession of those children to bring them up properly and educate them, I am certain she would be only too willing to comply with such a suggestion; but to deprive her of the control of her children would be something that the Senate would probably regret hereafter.

HON. MR. VIDAL—If the question were really one as to who should have the custody of the children I could understand the difference of opinion that my hon. friend from New Westminster has expressed, but it appears to be perfectly understood that the mother has the custody of the children, and they cannot be taken away from her, except by an order of the court, which will never be given under existing circumstances. That we may rely on. I would rather keep the words in the Bill, were it not for the point made by the hon. member from Halifax, which I think is a very important one, that no one else seems to have touched upon, and that is, that by enacting in the words specified in the Bill that this is to be a per-

manent arrangement, never to be disturbed, we are certainly placing those children in the position that, should it turn out in a few years that it would be for their good to have them placed under others, we prevent it by this legislation.

HON. MR. McINNES (B.C.)—No.

HON. MR. VIDAL—I am not a lawyer, but it appears to me that if the Parliament of Canada enacts that the children shall remain in the custody of the mother the courts of Ontario could not interfere and take them away from her. Under those circumstances, I am disposed to support the amendment.

HON. MR. ABBOTT—I do not propose to discuss the measure at any length, but there is a view which has been stated more than once about it that strikes me very forcibly indeed. We are passing a Bill for the relief of Mahala Ellis. There appears to have been some misunderstanding as to whether, as a part of that relief, Mahala Ellis claimed to have the custody of those children. It appears that neither the counsel for the petitioner nor the counsel for the respondent, was aware that, in reality, this was a claim which Mahala Ellis did not desire to press. She does not appear to have desired to have the permanent custody of her children; they are in her custody at this moment. They are both boys, both young at present, but the time may shortly come when the custody, maintenance and bringing up of two boys might be a serious burden on this unfortunate woman. I agree with every word that has been said by the hon. member for British Columbia, however strongly—and it has been very strongly expressed—as to the conduct of this man; but I am one of those who believe that there is a *locus penitentiae* for every one—that the time may come when the most dissolute young man may become a respectable member of society, when he may be considered by the courts to be the most proper person to have the custody of his children, to have the promotion of their interests in life, and have control over them, rather than a woman, who may at that time be the wife of another person and the mother of other children. That appears to be, I should suppose, within the consideration of Mrs. Ellis herself, because



we are told, and no one disputes the fact, that she consents to the removal of those words from the Bill. The effect of that removal will not be to give the custody of the children to the husband, as my hon. friend appears to think, or take the custody from her; it leaves them where they are now, which the evidence shows to be with the woman. But it leaves it in the bounds of possibility that at some future day the husband may become such a person as the courts will trust with the bringing up, the control and education of these children, and it may be that this same woman may be perfectly willing that the courts should do so. She expresses her willingness now to leave the door open for such a case as that. Surely, in coming to the relief of Mahala Ellis we should not deny her that opportunity of relief which leaves the door open to release her from the burdens of the maintenance, education and care of two growing boys, who may become, and become very soon, too strong for her, who may take their control into their own hands in spite of her, and who may need the strong hand of a father to control them, rather than the weaker rule of a mother. For my part, I would be disposed to leave this door open: I would be disposed to do what, in fact, the striking out of those words will do—leave it to the courts to say at any future time whether this man should have the custody of the children; and I would allow the courts, if they thought he was better fitted to control them than the mother, to say so, and I would have perfect confidence in the decision that they might arrive at. As matters stand now, it is utterly impossible that any court in the world should give the custody of the children to this man. That any court may be in a position to do so in ten years is something that I am not in a position to deny, and that I would always hope for.

The amendment was agreed to on a division, and the Bill was then read the third time, as amended, and passed.

#### ADMINISTRATION OF JUSTICE BILL.

##### THIRD READING.

The House resolved itself into a Committee of the whole on Bill (14) "An Act with respect to certain matters affecting the Administration of Justice."

(In the Committee.)

On the second clause,—

HON. MR. POWER said: There is one provision in this Bill which I consider a little too sweeping. It is as follows; "and without any such order the judge of any county court may perform any judicial duties in any county or district in the province on being requested so to do by the county court judge to whom the duty for any reason belongs." It appears to me that that is rather a sweeping power to give. It permits any county court judge, of his own mere motion, to request any other judge to discharge his duties. I think there should be some limitation to that power. It occurs to me that some such qualifying words as these might be added, "where any such judge is disqualified, incapacitated or excused from acting."

HON. MR. GOWAN—One or two provincial Acts have been passed authorizing local judges to take business in other counties in case of the illness of another judge, or under other circumstances, when the public interests require the duties of a judge to be filled. An Act was passed in Ontario authorizing that to be done. Some question arose with regard to the validity of the Act, whether it was constitutional to pass it or not, and a very strong opinion prevailed that, at all events in criminal matters, a judge of another county could not act in a county where his services were required, unless under the authority of the Parliament of Canada. I do not know what the history of this proposed legislation is, but I am rather inclined to think we are passing this Bill at the instance of the Provincial Government, to give effect and validity to Acts that they have passed, which I think are almost identical, if not identical, in words, with the proposed enactment in this Bill.

HON. MR. ABBOTT—My hon. friend from Barrie is quite right. This Bill is from end to end almost entirely drawn for the purpose of confirming the jurisdiction which has been assumed in local Acts over the various subjects which are referred to in this clause. The terms of it have been settled with the Attorney General for Ontario in order to meet the cases exactly as they stand, and in some instances it is,

as my hon. friend says, a reproduction *verbatim* of the local law, with a view to removing any possible doubt as to the jurisdiction of the Local Legislature.

HON. MR. POWER—That may or may not be, but it does not affect the principle, if one may call it so, of this particular provision. As I understand this provision, you give the judge of each county court a sort of roving commission to go over the province.

HON. MR. SCOTT—Not necessarily; only at the instance of another judge.

HON. MR. POWER—Why should the judges of two districts, rather remote from one another, or whether remote or close, if one of them simply wants to go fishing or something of that sort, be allowed to hand his business over to another judge? If he is incapacitated, disqualified or legally excused, then another judge should be allowed to act. I do not suppose any serious difficulty would arise from this provision.

HON. MR. MILLER—I am quite prepared to hear the hon. gentleman say that he does not make any serious argument in favour of his contention, and I think it would be difficult for him to do so after the explanations given by the hon. member from Barrie and the leader of the House. For my own part, if there were anything behind the Bill (such as would appear to be according to the explanations we have heard), I cannot see any objection to giving to the judges of the county court the discretion which this clause confers on them. We all know that the judges of the county courts are men of high standing and character, faithful in the discharge of their duties, open to public criticism and subject to removal for any dereliction of duty, and, therefore, I think we have them under sufficient restraint and obligation not to be afraid that they will do anything inconsistent with their high position. It may happen that a judge may get suddenly sick and find it convenient to call in the judge nearest to him, without getting any authority from the Governor in Council, or any authority such as is contemplated by the other clauses of the Bill. I do not see why he should not have that power, or if, as a matter of convenience, a

judge decided to absent himself from his district for a week or a fortnight, I do not see why an act which should come under the judgment of two judges should not be safely left in their hands. I see no reason whatever to amend the clause, and, therefore, I am disposed to support the Bill as it stands.

HON. MR. GOWAN—My hon. friend who has just spoken is quite right; the county judges in Ontario sit in four or five distinct tribunals; the County Court, Surrogate Court, Criminal Court and the Sessions, and they perform a number of other duties in aid of the Superior Courts. It frequently happens that they are engaged in a case, perhaps delegated to them by the Superior Court, that fully occupies their time, while the business of their own court requires their attention, and it is very convenient to call in another judge—perhaps a judge in an adjoining county; but the public service may require in certain cases that they be compelled to come in, and I think the provision is just as it was in the provincial Act and I cannot see any possible objection to it.

The clause was agreed to.

HON. MR. MASSON, from the Committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

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

#### HARBOUR COMMISSIONERS OF MONTREAL BILL.

The House resolved itself into a Committee of the Whole on (Bill 95) An Act further to amend the Act 36 Victoria, chap. 61, respecting the Trinity House and Harbour Commissioners of Montreal.

(In the Committee.)

On the 5th clause,—

HON. MR. ABBOTT—Since this Bill was introduced there has arisen a necessity for some further legislation for the Harbour Commissioners of Montreal. There has been, for the last three or four years, a plan discussed for the enlargement of the harbour and for the erection

of a permanent dyke for the prevention of floods, which have frequently, in past years, desolated a part of the city. Arrangements in connection with these improvements were not completed until very recently, and it is only within the last three or four days that a plan by which the means for making these improvements could be raised was agreed upon. The city of Montreal has voted one million of dollars towards the plan for the completion of the harbour, which plan has been carefully examined by the Government engineer, and has been approved. A great many plans were proposed, and a great deal of discussion took place. They were thoroughly considered, not only by the engineers of the harbour, but also by the engineers of the Public Works Department, and the plan which has been reached meets with the approbation of everybody, apparently. The Harbour Commissioners raise one million of dollars in addition to the million dollars furnished by the city of Montreal; and, I suppose, the House is aware that it is no new thing for the Harbour Commissioners of Montreal to borrow money for the enlargement of the harbour. They have done it in past years. They have a revenue amply sufficient to meet the interest on the amount they require, and have a very considerable margin. Their revenue last year, notwithstanding the abolition of harbour dues, was \$60,000 over and above what little debt they now owe; and they have therefore sufficient money to pay the interest on the million dollars that they desire to borrow. The legislation necessary simply consists of a short clause authorizing them to borrow that sum. The mode of borrowing, the security of the provisions respecting the loan form part of their Acts of incorporation for a great many years past, and require no addition and no amendment. The limitation of the sum to be borrowed is the only thing necessary at present, and I propose to ask the House to allow me to put into this Bill a clause authorizing them to borrow the million dollars required, and limit the interest to not more than 4 per cent. per annum. Their credit is so good in the markets of the world that they can get any amount of money at that rate. I, therefore, move that the following be added to the Bill as a 5th clause:—

The Harbour Commissioners of Montreal may borrow one million dollars or its equivalent in pounds sterling, for the purpose of constructing, extending and improving the wharves, structures and other accommodation in the harbour of Montreal in such manner as they deem best calculated to facilitate trade and increase the convenience and utility of the said harbour; and they may borrow the said amount in Canada or elsewhere, in such sums, for such number of years, and at such rates of interest, not exceeding four per cent. per annum as they find expedient, and in the manner provided by, and subject to, the Acts relating to the Harbour Commissioners of Montreal with respect to moneys thereby authorized to be borrowed by them.

I shall ask the House to take the third reading of the Bill some time next week, so that every hon. gentleman may have ample time to consider the new clause so that it may be fully discussed.

HON. MR. SCOTT—What is the present debt of the Harbour Commission?

HON. MR. ABBOTT—I could not state at present the exact debt, but the total interest is, I think, about \$80,000 a year.

HON. MR. SCOTT—Is there any of it guaranteed?

HON. MR. ABBOTT—None of it—not a dollar.

HON. MR. WARK, from the committee, reported the Bill as amended.

## SECOND READINGS.

The following Bills were read the second time without debate:—

Bill (23) "An Act respecting the E. B. Eddy Manufacturing Company, and to change the name to 'The E. B. Eddy Company.'" (Mr. Clemow.)

Bill (25) "An Act to revive and amend the Act to incorporate the Medicine Hat Railway and Coal Company." (Mr. Lougheed.)

Bill (28) "An Act to amend the Act to incorporate the *Empire* Printing and Publishing Company." (Mr. Power.)

Bill (41) "An Act to amend the Act incorporating the Canadian Power Company." (Mr. Clemow.)

Bill (27) "An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue Debenture Stock." (Mr. McKindsey.)

## PEMBROKE LUMBER CO.'S BILL.

## SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (26) "An Act to incorporate the Pembroke Lumber Company."

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

HON. MR. CLEWOW moved that the Bill be referred to the Committee on Standing Orders and Private Bills.

HON. MR. MILLER—The Bill should go to the Committee on Banking and Commerce.

HON. MR. ABBOTT—I think we ought to arrive at some principle about referring Bills. The question is apparently whether a manufacturing company's Bill, which this is undoubtedly, should be referred to the Committee on Private Bills, or the Committee on Banking and Commerce. A manufacturing company asking privileges of various important kinds, I think, deserves the consideration of one of the largest committees, and I think it does come strictly and literally within the term "banking and commerce," so that we had better adopt the principle that manufacturing companies' Bills should be sent to the Committee on Banking and Commerce.

HON. MR. POWER—I think the Committee on Banking and Commerce pay more attention to the details of such matters than the Private Bills Committee do.

The motion was agreed to.

## McKAY MILLING CO.'S BILL.

## SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (24) "An Act to incorporate the McKay Milling Company." He said: This is a Bill to incorporate a company

now doing a very large business at Ottawa and they are obliged to ask for an Act of incorporation to facilitate carrying on their operations, which I am glad to see is largely on the increase.

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

HON. MR. CLEWOW moved that the Bill be referred to the Committee on Banking and Commerce.

HON. MR. SCOTT—I think the Bill should go to the Private Bills Committee. The mere formation of a manufacturing company would not take it out of the category of private Bills, unless the company propose to issue debentures or bonds, which is, I think, a test as to which committee the Bill should go to.

HON. MR. MILLER—I do not agree with the reasoning of the hon. gentleman from Ottawa. I think if the Bill made provision for the issuing of debentures or bonds or stock it would come under the definition of banking; but as a manufacturing company I do not see why it should not come under the designation of commerce, and therefore would be properly sent to the Committee on Banking and Commerce. These Bills very often contain special clauses which come more properly within the purview of the Committee on Private Bills, but I do not think we are going far astray by laying down the rule which is now laid down by the Prime Minister, that where a Bill contemplates any interference with commerce it had better be referred to the Committee on Banking and Commerce than to the Private Bills Committee.

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

## FEMININE OFFENDERS IN NOVA SCOTIA BILL.

## ORDER OF THE DAY DISCHARGED.

The Order of the Day being called—"Second reading Bill (R), An Act respecting certain feminine offenders in the Province of Nova Scotia."

HON. MR. MILLER said: This Bill is a new Bill, containing novel provisions. I have not had an opportunity of seeing it until a few moments ago, when it was laid on my desk. That is not a compliance with the rule which requires a Bill to be distributed before it is read the second time. I think the hon. gentleman from Halifax should not object to postponing the second reading of it until some day next week. Certainly he cannot expect the House to go on with the second reading of a Bill of so novel a character without members having an opportunity of reading it. I presume it has been dis-

tributed to all the members at the same time that it was to me—since we took our seats—and it would be simply an impossibility for any member to attend properly to the business that has been transacted by the House to-day and at the same time read this Bill and make himself familiar with the principles of it.

HON. MR. ABBOTT—I was about to ask my hon. friend, only having seen the Bill within the last hour, if he would not put off the second reading until next Tuesday.

HON. MR. POWER—I have no special objection to doing so, but I wish to say just one word: there are no novel provisions in this Bill. Every provision in the measure is to be found in the Revised Statutes of Canada, some with respect to the Industrial School in Halifax, and the others respecting the Andrew Mercer Reformatory of Toronto. The Bill has been submitted to the Department of Justice, and approved by the Minister of Justice, and as the session is getting on, and the Bill has to go to the other House, I will move that the Order of the Day be discharged, and that the Bill be read the second time on Monday next.

The motion was agreed to, and the Order of the Day was discharged.

#### SECOND READINGS.

Bill (47) "An Act to amend the Act to incorporate the Collingwood and Bay of Quinté Railway Company." (Mr. Allan.)

Bill (55) "An Act to incorporate the Atikokan Iron Range Railway Company." (Mr. MacInnes, Burlington.)

Bill (57) "An Act to incorporate the Buffalo Lake and Battleford Railway, Coal and Iron Company." (Mr. Read, Quinté.)

#### BILLS INTRODUCED.

Bill (73) "An Act respecting the South Ontario Pacific Railway Company." (Mr. MacInnes, Burlington.)

Bill (46) "An Act respecting the South Western Railway Company." (Mr. MacInnes, Burlington.)

Bill (74) "An Act further to amend the Canadian Pacific Railway Act of 1889." (Mr. Scott.)

Bill (48) "Act to incorporate the Manitoba Life Assurance Company." (Mr. Girard.)

Bill (65) "An Act respecting the Montreal and Ottawa Railway Company." (Mr. Tassé.)

Bill (72) "An Act to incorporate the Peterboro', Sudbury and Sault Ste. Marie Railway Company." (Mr. Flint.)

Bill (39) "An Act respecting the Maritime Chemical Pulp Company (Limited) and to change the name thereof to 'The Maritime Sulphite Fibre Company, (Limited),' (Mr. MacInnes, Burlington.)

Bill (66) "An Act to confirm a lease made between the Guelph Railway Junction Company and the Canadian Pacific Railway Company, and for other purposes." (Mr. MacInnes, Burlington.)

Bill (75) "An Act respecting the Canadian Pacific Railway Company." (Mr. Scott.)

Bill (76) "An Act to amend an Act to authorize and to provide for the winding-up of the Pictou Bank." (Mr. Kaulbach.)

The Senate adjourned at 6:05 p.m.

#### THE SENATE.

Ottawa, Friday, July 3rd, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### INCORPORATED CONSTRUCTION COMPANY OF CANADA BILL.

##### THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (L) "An Act to incorporate the Incorporated Construction Company of Canada," with certain amendments. He said: I may briefly explain the nature of the alteration. The first is in the clause declaring what the capital stock of the company shall be. Originally it stood at \$100,000; the committee increased it to \$250,000. Then, in the notice which should be addressed to the several shareholders calling any meeting, the number of days was fixed at ten. It has been altered to twenty by the committee. The distance which the company

can construct and build tramways was originally 3 miles. This has been increased to 5 miles. The clause in the end prevents the company from exercising their powers under this Bill when they would clash with any provincial legislation.

HON. MR. ALMON moved that the amendments be concurred in.

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

WIARTON SOUTHERN RAILWAY CO'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (N) "An Act to incorporate the Wiarton Southern Railway Company," with certain amendments. He said: Although the changes made in the Bill are numerous, they are really of no particular consequence, beyond the fact that they enable two companies which have been somewhat antagonistic to join together, forming one company, and slightly change the route of part of the road. No objection seems to have been raised to it, and the committee thought it wise to embody the changes in the Bill.

HON. MR. MACINNES (Burlington) moved that the amendments be concurred in.

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

THIRD READINGS.

Bill (36) "An Act respecting the Grand Trunk Railway Company, of Canada." (Mr. Vidal.)

Bill (18) "An Act respecting the Niagara and Grand Island Bridge Company." (Mr. MacInnes, Burlington.)

Bill (Q) "An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company." (Mr. Boulton.)

Bill (37) "An Act respecting the New Brunswick Railway Company." (Mr. MacInnes, Burlington.)

Bill (62) "An Act to enable the Victoria and North American Railway Company, to run a ferry between Becher Bay, in British Columbia, and a point on the Straits of

Fuca, within the United States of America" (Mr. Macdonald, B.C.)

VANCOUVER DOCK AND SHIP-BUILDING CO'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (51) "An Act to incorporate the Vancouver Dock and Ship-Building Company," with an amendment.

HON. MR. MACDONALD (B.C.)—The amendment is for the purpose of securing the creditors of the company. I move that it be now concurred in.

HON. MR. MCINNES (B.C.)—I would request that this Bill be not taken into consideration before Monday next.

HON. MR. VIDAL—Unless the hon. gentleman has some particular reason for opposing the Bill, it would be a pity to delay the third reading.

HON. MR. MCINNES (B.C.)—As I stated at the second reading, I intend to move an amendment, of which I have not had an opportunity of giving notice yet.

HON. MR. MACDONALD (B.C.)—It is very late in the session now, and if the Bill is delayed it may not pass at all. I hope my hon. friend will not press his objection.

HON. MR. MCINNES (B.C.)—I will withdraw my objection to the consideration of the report, but I shall object to the third reading of the Bill to-day.

HON. MR. VIDAL—This is merely the insertion of a clause, which is very common in connection with borrowing powers, for the protection of the creditors.

HON. MR. POWER—If the hon. gentleman from New Westminster objects, the report cannot be considered to-day, because it has not been printed yet and the report must stand over until Tuesday.

HON. MR. MACDONALD (B.C.)—He has withdrawn that objection.

HON. MR. POWER—Then, if he has done so, the technical objection to his amendment should be withdrawn, too.

The motion was agreed to.

HON. MR. MACDONALD (B.C.) moved the third reading of the Bill.

HON. MR. McINNES (B.C.)—To the third reading of the Bill I object; it should not be taken into consideration until Tuesday next.

HON. MR. ABBOTT—It would be a pity, if it could be avoided, to put off the third reading of the Bill until Tuesday, because on Wednesday it is probable that all the Bills will be assented to. I know nothing about this Bill, but, perhaps, in the interest of the progress of business, the third reading might be taken on Monday next.

HON. MR. McINNES (B.C.)—Monday will do.

The third reading of the Bill was fixed for Monday next.

### CENTRAL COUNTIES RAILWAY CO'S BILL.

#### THIRD READING.

HON. MR. VIDAL, from the Committee of Railways, Telegraphs and Harbours, reported Bill (38) "An Act respecting the Central Counties Railway Company," with amendments. He said: Perhaps the House will dispense with the reading of the amendments. I can state the full meaning and substance of them. The proposition is to divide a road, already existing and having its charter, into five sections, in order that they may be dealt with separately, especially with respect to the borrowing and bonding powers. The only amendments to the Bill are verbal, to bring the clauses into harmony.

HON. MR. McMILLAN moved that the amendments be concurred in.

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

### SENATE AND HOUSE OF COMMONS BILL.

#### SECOND READING.

HON. MR. POWER moved the second reading of Bill (43) "An Act further to

amend cap. 11 of the Revised Statutes, intitled: 'An Act respecting the Senate and House of Commons.'" He said: I do not remember now how this Bill came to be in my charge, but there is no harm in it, and I presume there will be no objection to its passing a second reading. The essential part of the Bill is in the last few words: "but no such allowance shall be made for travelling outside of Canada." It appears that in a recent session some member of the House of Commons charged travelling fees from a point outside of the Dominion to Ottawa, and it was felt in the House of Commons that that was not the intention of the law. This Bill is simply to amend the Act so as to carry out the intention of Parliament.

HON. MR. ABBOTT—I think the principle of the Bill is a very good one, and I entirely concur in it, and shall give my assistance to my hon. friend, if necessary, to pass the measure; but there is still an amendment which should be made. The language of the Bill is that no such allowance shall be made for travelling outside of Canada. There is a certain section of our people who do travel outside of Canada in order to reach Ottawa by the nearest mail route—those who cross the northern part of Maine—and I would suggest to my hon. friend that it may be necessary to amend the clause by inserting such words as "except in journeying from one point in Canada to another point in Canada."

HON. MR. MILLER—I think the Bill is a very proper one, but during the last quarter of a century there has been only one case reported which would justify the calling for the passage of such an enactment. That was, I think, last year, in the case of a member of the House of Commons charging travelling expenses to Ottawa from the old country. But there is another ambiguity in this Act which I am surprised did not receive the attention of the other branch of Parliament when the Bill was before it—that is, that under the legal construction of the Indemnity Act it is possible for member to come here and sit for two or three days in a session and to draw a very large sum of money for such attendance—that is, by calculating the days of adjournment, which are counted as sitting days, they overrun the thirty-one days, and they therefore become entitled to the \$1,000,

deducting the actual sitting days on which they were absent. I think this is an ambiguity in the Act of much more consequence than the one that is now being corrected by this Bill. I do not intend to move in the direction of changing the law as it stands at present, but I am surprised that this has been overlooked in the House of Commons. Perhaps this Bill may not go to his Excellency the Governor General for assent, as it is anticipated in many quarters that there will be many more substantial amendments made to the Indemnity Act, and they may all be included in one Bill.

HON. MR. HOWLAN—This Bill bears hardly on the members from Prince Edward Island. It requires the mileage to be reckoned by the nearest mail route. Often we have to go to Georgetown and take the steamer to get to Pictou. If the steamer cannot cross we have to come back to Charlottetown, and then cross the straits, and then when we get to Moncton we would be compelled to stay in Moncton until such time as we can get the Canadian Pacific Railway. So far as we are concerned, there are times that it is almost an impossibility to reach Ottawa by the shortest mail route. The shortest mail route might be 1,200 miles, while a member would be compelled to travel 1,500 miles.

HON. MR. POWER—Do you pay all the way?

HON. MR. HOWLAN—You can come from Halifax at all seasons of the year, and from all places on the mainland at all seasons of the year, but you cannot do so from Prince Edward Island by the shortest mail route. It is out of the question. You have got to take the first mode of conveyance that you can get across the straits, whether it is the shortest mail route or not.

HON. MR. McINNES (B. C.)—Will not that difficulty be all obviated when you get the tunnel across the straits?

HON. MR. HOWLAN—No doubt it will. I am very glad my hon. friend has reminded me of that, and when the tunnel question comes before the House I shall be very glad to get his assistance.

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

#### VICTORIA, SAANICH AND NEW WESTMINSTER RAILWAY CO.'S BILL.

##### SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (67) "An Act respecting the Victoria, Saanich and New Westminster Railway Company."

HON. MR. SCOTT said: I am informed that no petition has been presented to this House for this Bill; consequently, I move that the Order of the Day be discharged, and that the said Bill be referred to the Committee on Standing Orders and Private Bills. I took charge of it the other day when it came up from the other Chamber, because no other hon. gentleman seemed willing to take it.

HON. MR. McINNES (B. C.)—Does the Bill ask for anything else except an extension of time?

HON. MR. SCOTT—I am quite unaware of the contents of the Bill. I have not seen it, but whether it is limited to the clause my hon. friend speaks of or not, it will have to go before the Private Bills Committee.

The motion was agreed to, and the Order of the Day was discharged.

#### WHIRLPOOL BRIDGE CO.'S BILL.

##### SECOND READING.

HON. MR. McCALLUM moved the second reading of Bill (58) "An Act to incorporate the Whirlpool Bridge Company." He said: This is a Bill to charter a company to build another bridge across the Niagara River near the Whirlpool.

HON. MR. ALLAN—Might I ask the hon. gentleman if the only object of the Bill is to build a bridge?

HON. MR. McCALLUM—To build a bridge, and they ask also for power to build an electric railway, which is no longer than 6 miles.

HON. MR. ALLAN—I presume that is to build a railway under the cliff from the Whirlpool up to Niagara Falls.



HON. MR. McCALLUM—The Bill says they want to connect with electric railways in the United States and Canada.

HON. MR. ALLAN—It being a private Bill, there is no objection to its being read the second time. As I understand the Bill, it is not merely for the construction of a bridge, but to construct a railway under the cliff from the Whirlpool on our side to the Park, and if that is the case I for one would be disposed to object to such a measure, for it would destroy the beauty of the scenery, and it would be a great pity that any such road should be built.

HON. MR. McCALLUM—That is not the intention at all. The intention is to commence at the Whirlpool below the Falls and to cross to the United States, and give the people another opportunity of crossing the river.

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

#### SECOND READINGS.

Bill (64) "An Act respecting the Berlin and Canadian Pacific Junction Railway Company." (Mr. Merner.)

Bill (69) "An Act to revise and amend the Act to incorporate the Red Deer Valley Railway and Coal Company." (Mr. Loughheed.)

#### THE LIBRARY OF PARLIAMENT.

##### CONSIDERATION OF THE REPORT POSTPONED.

The Order of the Day being called,—  
"Consideration of the first report of the Joint Committee of both Houses on the Library of Parliament."

HON. MR. ABBOTT said: I do not exactly know why this was put in my name. My hon. friend from Toronto (Mr. Allan) usually takes an interest in that committee and presents the report; but since it is in my name, I may say that I am not aware that the report has been adopted by the House of Commons yet, and as it deals principally with money matters it is important that we should know what the House of Commons does with it. It is usual to wait for the decision of the Commons before we proceed, in order that we may know the views they take. Of course,

we are not bound by them, but we derive some information, at all events, from the course they take. The recommendations of the report are principally for money, and for a sum of considerable amount, and I would rather that the House would postpone the consideration of this until we hear a little more about it from the Commons.

The consideration of the report was postponed until Tuesday next.

#### THE RUSSWORM DIVORCE BILL

##### THIRD READING.

HON. MR. GOWAN moved the adoption of the Eighth Report of the Select Committee on Divorce, to whom was referred Bill (C) "An Act for the relief of Adam Russworm," together with the evidence taken before the said committee. He said: This is a report upon the case of Adam Russworm, who seeks a divorce from his wife on the grounds of desertion and adultery. The petitioner and the respondent belong to the same denomination, both were Canadian born and lived in the same neighbourhood. Both were members of the German Lutheran church. The petitioner was in comfortable circumstances and they lived happily together for years. Unfortunately for him, he was induced to leave his farm and take charge of a tavern. His wife accompanied him, and was brought in contact with a man whom she probably would not have known had she remained on the farm. The petitioner and the respondent had seven children. After living some time at this hotel the wife made some pretence which induced her husband to believe that she desired to visit friends, and she left him. She remained away for a considerable time. He made efforts to get her back, sending her money to pay her way home, but after a time he heard rumours affecting her, and upon further inquiry discovered that she was living in a state of adultery with a man whose acquaintance she made at petitioner's tavern. Further inquiry confirmed the reports he had heard, and the matter was completely settled by a letter that he had received from his wife, informing him that she was in the family-way by a man with whom she was living. There is full proof of the adultery, and all the facts set forth in the Bill are sustained in evidence. I do

not deem it necessary to go any further into this unpleasant and painful case.

The motion was agreed to on a division, and the Bill was then read the third time and passed.

### THE BRISTOW DIVORCE BILL.

#### THIRD READING.

HON. MR. GOWAN moved the adoption of the Ninth Report of the Select Committee on Divorce, to whom was referred Bill (J) "An Act for the relief of Thomas Bristow," together with the evidence taken before the said committee. He said: This, I am sorry to say, is another petitioner belonging to the farming class, Thomas Bristow, who seeks a divorce from his wife on the ground of adultery. They were married in 1882, and lived happily enough together until 1886, when she was constantly absent from home. Sometimes she told him where she went to; other times she refused, stating that it was none of his business. Finally she deserted him, and went to several places, employing herself at some work or other, he in the meantime making every effort to induce her to return. Friends on both sides interfered, but without success, and he discovered, in 1890, that she was not merely living in adulterous connection with a man, but had actually gone through the ceremony of marriage with him under her maiden name. All the facts set forth in the Bill were established in evidence; the committee were unanimous, and we reported the case accordingly.

HON. MR. KAULBACH—I think it is hardly necessary for me to make any explanation after the lucid manner in which my hon. friend, the chairman of the committee, has set forth the case before the House. It is to be remarked in this case, as in all others, that the preamble says generally that the object of this divorce is to enable the petitioner to marry again. I do not believe that a divorce should be granted for that purpose. It is a principle which I, for one, do not consider right. I think the divorce should be granted in this case, but not for the reasons contained in the petition and the preamble of the Bill, which merely state that it is for the purpose of enabling the petitioner to marry again.

The motion was agreed to.

HON. MR. CLEMOW—After the explanations made by the chairman of the committee and the hon. member from Lunenburg, it is not necessary to deal with the evidence in this case. That evidence is of such a character as to satisfy every reasonable mind that the divorce should be granted. I move the third reading of the Bill.

The motion was agreed to on a division, and the Bill was then read the third time and passed.

### THE TAPLEY DIVORCE BILL.

#### THIRD READING.

HON. MR. GOWAN moved the adoption of the Tenth Report of the Select Committee on Divorce, to whom was referred Bill (K) "An Act for the relief of Isabel Tapley," together with the evidence taken before the said committee. He said: This, I am glad to say, is the last of the divorce cases that have come before us this session. The evidence in this case shows a woman entitled to the relief that she asks. She was married in 1884, and lived some time with her husband, somewhat unhappily, in consequence of his misconduct and criminal acts, and endeavoured to support herself in a respectable way during the time that he was in gaol. The respondent was present at the time of the examination and cross-examined the witnesses, as hon. gentlemen will see. He, during the time that they were living together, made most infamous proposals to her to keep a house of ill-fame or a house of assignation, which was indignantly refused. She has been ever since supporting herself, and now occupies a respectable position as matron of an institution in the city of Hamilton. All the facts of the case, as set forth in the Bill, were made out, and the woman, by the evidence before us, appears to be fully entitled to the relief she claims.

HON. MR. KAULBACH—In this case the adultery is proved beyond any question, but as regards the attempt to keep a house of assignation, I think the evidence is very uncertain. The respondent was there himself, and did not attempt to give evidence or contradict in any way by witnesses the evidence of adultery.

The motion was agreed to on a division, and the Bill was then read the third time, and passed.

### THE CHIGNECTO MARINE RAILWAY CO.'S BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (97) "An Act to amend the Act respecting the granting of a Subsidy to the Chignecto Marine Transport Railway Company (Limited)."

(In the Committee).

On the first clause,—

HON. MR. SCOTT said: This is a very unpretentious Bill of three clauses; but it means a good deal to the people of this country. I suppose it is quite useless to talk of throwing in any opposition, and not in accordance with the practice we have adopted in recent years. After we are committed to an expenditure, when two or three years have passed the statute of limitation prevails and we cannot take exception to the project. It was very extraordinary to hear hon. gentlemen from Nova Scotia disclaiming that this was a charge that should be laid to the account of that province. It seems to be pretty generally repudiated by the people of Nova Scotia that it is a work for the particular benefit of that province. It is evidently for somebody's particular benefit, but whether it is to be a success or not is problematical. I am not here to deny that it may be a success, but I think, for the purposes of an experiment, it was a very serious matter for the Dominion of Canada to assume a responsibility of about four millions of dollars, for that is what it amounts to at 4 per cent. for twenty years. I think the money might have been much more prudently expended for Nova Scotia; and, in a country like Canada, it was a monstrous proposition that we should be called upon to make an experiment for the rest of the world, because in no part of the world does such a work exist. It excites a good deal of attention in scientific papers, and from time to time we see the feasibility or non-feasibility of it commented upon. I only rise for the purpose of calling attention to the enormous expense involved in what may be a problematic experiment. Even

though it were a success, hon. gentlemen who know something about it assure me that there would not be tonnage enough passing over it to pay anything like the \$170,000 a year guaranteed. It is a work that cannot be used during the winter season. It will only be available about seven months of the year, and it is a most regrettable circumstance that we should saddle the people of this country with a huge expenditure of that kind, simply that individuals may have an opportunity of testing whether it is feasible to carry a vessel on a railway. That is practically what it is. Some ship-builders maintain that the strain will be too great, and that even a vessel without a cargo would be injured in being carried over this railway line. On those technical questions I have no opinion at all. The one point on which I do feel positive is, that it was a very silly and improper expenditure for us to undertake, until we had known that such an experiment would be necessarily a success. If it were proved to be a necessary and useful work, and were a success, I should not have a word to say; but one cannot help being reminded that reports were afloat when this was first made a charge on the public revenue that it was done to serve a political purpose in the counties where the expenditure should take place. We have had a good deal of that from time to time in this country before. Expenditures have been made in a locality simply to help the election of a member. It would be a good deal better to pension off the constituents than to waste money in that way. There are other public works of the kind that I have in view at the present moment, and it is a very serious matter, our public debt assuming the proportions it does, that we do not discriminate more and proceed with greater caution when we assume liabilities of this kind. When this company asked for a charter ten years ago they did not seek any aid; they simply wanted a charter to try the experiment themselves; but finding no one willing to put money into it unless the Dominion would guarantee the interest upon the investment, influential gentlemen were able to induce the Government of the country to guarantee this large sum, equal to a capital account of \$4,000,000. It would be improper, Parliament having sanctioned it, to repudiate the enterprise, although the company

have failed to carry out the conditions under which the contract was made and ask now for an extension of two years. I suppose now, in the nature of things, we have to grant it, but there is no doubt that the credit of the company now is entirely based upon the 4 per cent. they are to get on their money from the Parliament of Canada. The probability is that that amount will construct the whole work; probably not a dollar of private capital will be in the enterprise, and the people of Canada are simply asked to try an experiment which may or may not be useful in the future. If it were feasible, one would have thought that such an experiment would have been tried across the Isthmus of Darien, where it would affect the commerce of the whole world; but it is in a very small and comparatively unimportant section of the world; it is costing a large amount of money, and its advantages are doubtful.

HON. MR. WARK—When the subject of Confederation was under discussion the Intercolonial Railway was laid down as a work which had to be constructed; and in connection with that there was much said about the expenditure for canals. There was to be a large amount expended in Ontario on canals, and it was understood that the Baie Verte Canal was to come in as an offset to these—and that there was to be an expenditure made in constructing that work. It was supposed then that the Baie Verte Canal would cost between seven and eight millions of dollars. That scheme was abandoned, and this is a substitute for it. This is expected to do the work, and to cost only about one-half the amount. The parties who are engaged in it have expended a large amount of money already, and have asked the Government for nothing, and will not ask the Government for anything until the work is completed. It may be somewhat surprising that the representatives from Nova Scotia take so little interest in the scheme; but they are not interested. They have a direct course, both to the south and into the Gulf, and do not require to use this railway; but if ships from Ontario wish to go south they require either to go over this marine railway or they have to go clean around Cape Breton and Nova Scotia. It is the same with fishing vessels from the Bay of Fundy

and from New England. They could make two voyages for the one they could make to go round Nova Scotia. When they can sail up the Bay of Fundy and be transported into the St. Lawrence with so little time and expense, as compared with the voyage round, it will be a great saving to them. Therefore, I do not think it is a question for the representatives of Ontario to raise objections on. I hope, therefore, that no objections will be made to the Bill in this House, when it has already passed the other Chamber.

HON. MR. DEVER—We cannot say if this enterprise will be a failure or not. I presume it will take scientific men to decide that at present; but it is universally held by practical men that it will be a success. Ever since Confederation it has been held by all Governments, even by the Mackenzie Government, that the Baie Verte Canal should be constructed through this neck of land, and if I mistake not there was half a million dollars put in the Estimates for one or two years for that purpose. At any rate, to get rid of the scheme there was a commission appointed, and I think there was a division between the members of that commission, one portion of the committee reporting in favour of it and one against it.

HON. MR. POWER—The portion that voted for it was the man who lived on the Isthmus.

HON. MR. DEVER—It was known then that it was a scheme to get clear of this obligation, if possible; still, the Government under Mr. Mackenzie always maintained and his party maintained that this canal should be constructed.

HON. MR. SCOTT—No; they opposed it, and refused assent to it.

HON. MR. POWER—They never consented to it.

HON. MR. DEVER—I think it is in accordance with the terms of Confederation that there should be some connection across this neck of land, and I think the Bill should receive the support of this House.

HON. MR. KAULBACH—My hon. friend from Fredericton is wrong with regard to

vessels of Nova Scotia having to go round Cape Breton. Whenever vessels can use the ship railway they can go through the Straits of Canso. I think that hon. gentlemen should abstain from making any adverse criticism of this measure at this time of day, for whatever is said against it must be prejudicial to the enterprise, and if it proves a failure will involve us in the payment of a large sum of money. If the railway is a success it will cost us nothing. If there is a deficiency in the 7 per cent. that is all we have to make up. I am not one of those persons who are sanguine about the commercial results of this scheme, but I think the gentlemen who have investigated the subject and made large investments of money in it are not fools. They seem to have great faith in the future of this country and the enterprise in which they have embarked. As regards the commerce that will pass over that railway, no man in this House can venture to predict what its volume may be. The Suez Canal was not expected to draw to it the traffic that it has carried. This work is chiefly interesting to New Brunswick and Ontario, so that any remarks that are made to the effect that it is a Nova Scotia enterprise are far from the fact.

HON. MR. BOTSFORD—This is the fourth time that this question has come before the Legislature and has been approved both by the House of Commons and by this Senate. What does the Bill ask; it asks no appropriation of public money; it simply asks, under the circumstances of the peculiar magnitude of the work and the engineering difficulties with which the company met, that an extension of time be given to finish its construction. I can hardly realize that in the present position of this scheme hon. gentlemen are really serious in objecting to the passing of this Bill.

HON. MR. POWER—No one is objecting to it.

MON. MR. SCOTT—No one has objected to it.

HON. MR. BOTSFORD—The Parliament of the Dominion is pledged to these parties to assist them as far as possible, and it would be a breach of trust—in my opinion, a breach of confidence that could hardly be

justified by any legislative body. Under the provisions of the Bill which was passed by Parliament, capitalists in England have expended over three millions of dollars in constructing this work. They have met with engineering difficulties which took a longer time than was anticipated to overcome and finish the contract. I can give you one illustration of it from personal knowledge. In constructing the Intercolonial Railway between St. John and Moncton—it was then called the Eastern Extension—the engineers met with a small pond not more than 250 feet in width, which it was necessary to pass over, and the construction of that portion of the road cost some \$40,000 in consequence of the depth of the water and the softness of the bottom. What have this company done? They have passed over and completed in their undertaking a lake a mile in length similar in character to this, and they have by engineering skill and by the expenditure of an enormous amount of money made a permanent way over this lake. They have made arrangements also to turn a river from its bed, in order to make a straight line for this work. Under such circumstances, it is surely but reasonable that the parties who have spent their own money—not one dollar has been expended out of the Dominion treasury—should be allowed time to complete this important work.

HON. MR. SCOTT—It is on our credit they are raising that money. They are raising it on the faith of this Parliament.

HON. MR. BOTSFORD—The money has been advanced by capitalists in England upon the faith of the Parliament of Canada, and not one dollar will be paid out of the Dominion funds unless the work is completed by the promoters of it and put into successful operation.

HON. MR. KAULBACH—Unless it fails to pay 7 per cent. interest.

HON. MR. BOTSFORD—I do not think, under the circumstances, it is necessary to dwell on this question; there cannot be any doubt that the Senate is bound to pass this Bill.

HON. MR. POWER—I think the hon. gentleman from Sackville misapprehended the observations of my hon. friend from

Ottawa. I did not understand the hon. gentleman from Ottawa to oppose the passing of this measure. On the contrary, I think he said he did not think there was any object in opposing it—that it was not the right time to oppose it. I do not think, however, with all respect to the hon. gentleman from Sackville, that it would be any breach of trust or of faith either, strictly speaking, if Parliament were to decline to extend the time now. These people came before Parliament. They said they were prepared to construct this work within a certain time, and they agreed to do the work within that time, and in the third Act passed by Parliament on their behalf there was a provision of a penalty for non-completion of the work. Now the company owe the Dominion of Canada to-day \$60,000, for they are in default for twelve months, at the rate of \$5,000 a month penalty. This Bill asks us to remit that amount. If we do not enforce that claim against the company we are perfectly justified in saying: "We have given you, up to the present time, everything you asked for; you have not carried out the agreement which you proposed yourself, and we do not propose to carry it on any longer." The Government would be well justified in taking that course, particularly as it is known to every part of the Dominion that the work is one not likely to prove of any particular benefit to any part of the country. The hon. gentleman from Lunenburg says it is not of any value to Nova Scotia. The hon. gentleman from Sackville, from his own residence, can see the line of the railway. It may be an interesting feature of the landscape there, but I do not think it will ever benefit his district, any more than it will benefit the remainder of the Lower Provinces. I am surprised that the member from St. John should undertake to state that the Government of Mr. Mackenzie, up to the time they left office, continued to be pledged to the construction of the Baie Verte Canal. The hon. gentleman will remember that a commission was appointed to inquire into that question, that the majority of that commission reported adversely to the scheme, and very properly so, and that the scheme was abandoned by the Government. Mr. Lawrence reported in favour of it, and the other two commissioners reported against it. This scheme is one that I fail to see can be of benefit to any part of the country. It may be a little advantage to

American fishermen who are trying to get home in the fall of the year, but I doubt if they will use it very much.

HON. MR. BOTSFORD—The hon. gentleman seems to think that I am influenced in my advocacy of this scheme because I own land near the railway.

HON. MR. POWER—I did not refer to the hon. gentleman owning land there. I said it was a feature of the landscape.

HON. MR. BOTSFORD—The hon. gentleman is entirely mistaken, and so is the hon. gentleman from Ottawa, when they say that only New Brunswick is interested in it; the members from Nova Scotia, and particularly the hon. gentleman from Halifax, are opposed to it. If the House does its duty to these English capitalists who have expended so large an amount of money it will pass this Bill, and the work will redound to the honour and credit of the country as being the first scheme of the kind to be completed in the history of the world. The whole Dominion will be benefited by it. Hon. members take a very pessimistic view of this question. They do not understand it; they have not been there. They do not know anything at all about the trade and commerce which is now carried on in the Gulf, the River St. Lawrence and the Bay of Fundy.

HON. MR. ALMON—When something could be done to oppose this scheme, when it first appeared before the House, although it was an outrage to my political feelings to oppose the Government, I deemed it my duty on that occasion to break loose from my party and vote against this work. I am not in the habit of shooting dead Indians, and therefore shall say nothing more about it; but I think that that railway will be like the Neebing hotel, which my hon. friend from Ottawa can tell you more about than I can, and which was a laughing-stock to everybody.

HON. MR. SCOTT—That was a small matter of some \$4,000.

HON. MR. McCLELAN—I may say that so far as the expenditure of money is concerned this is wholly a Nova Scotia affair. So far as it is a scientific experiment, it is a matter in which the Dominion

and perhaps the whole world is concerned. It may be that the world will gain as much by this experiment as Nova Scotia. So far as I am informed about the progress of the scheme, it is being prosecuted in the most substantial manner, and the company is doing work which cannot be criticized, in so far as attaining the end for which they are working. The masonry is very perfect, and everything is done in the most thorough manner, with a view, I have no doubt, of making the experiment, as the hon. gentleman from Sackville calls it, a success. I am inclined to think it will be a scientific success. I have no doubt that the railway will be completed and that vessels will be carried over it. As to how far the trade of the Bay of Fundy during the summer months will be promoted by it, is a question yet to be decided, and it can only be decided on the completion of the work; but, as an experiment showing to the world that 17 or 18 miles of marine railway can be built and operated for the transportation of ships, it is something upon which the eyes of the whole world are looking with considerable interest; because, whether this work becomes eminently useful or not, certainly, if it be a successful experiment the same thing will, no doubt, be tried in other parts of the world, where commerce will be more largely benefited. This whole discussion would have been much more appropriate on the second reading of the Bill than in committee, but I scarcely think that this House, (although, as the hon. gentleman from Halifax has stated, it will be perfectly competent for the Legislature to refuse to pass it, because the contract has been broken by the promoters) will throw out this Bill. It is not according to the customary usage of Parliament. We know that railway charters have been extended time and again, when the time for completion has been found too limited, and I have no doubt the same policy will be adopted in this case.

HON. MR. ABBOTT—I do not propose to say much about this matter, because I suppose, in point of fact, the necessity for discussing its merits has gone over. We can no longer be expected to take it up as if it were a new thing, and discuss the chances of its success or the advantages of the scheme, as, no doubt, they were discussed at the time the Bill was passed for

the purpose of enabling this railway to be built. But, as remarks have been made depreciatory of the work, and in a manner which would lead one who had not examined the subject closely to suppose that there was really nothing to be said for the work, I think two or three facts and figures respecting it may be stated advantageously to the House. It is true that this railway is more or less of an experiment, but I observe that skilled engineers, skilled ship-builders, men who have been accustomed to the handling of ships, both loaded and light, in dry docks, and in constructions of that description, where ships have to be taken bodily out of the water by means of a short railway, perhaps only a few hundred feet or yards long, or by mechanical appliances, and in many instances by the water itself, it has not been found, according to their experience, that the lifting of them out of the water by mechanical appliances, if it is properly done, strains or injures the vessel in any appreciable degree—that, so far as one can judge from the reported opinions of engineers, is not a danger to be feared or contemplated as an objection to this enterprise. Hon. gentlemen will also remember that until this experiment is demonstrated to be a success no charge is incurred by the Dominion treasury. It is only when the railway has been completed and successfully operated that the liability to the Dominion for this \$170,000 a year commences. Until then we are liable for nothing. The Government has not spent a dollar upon the work as yet. As the hon. gentleman from Ottawa correctly says, the money has been raised on the credit of this undertaking, and it has been raised amongst men who have studied more or less the probabilities of the success of the undertaking. It is not likely that men would put up the four millions of dollars that are required for this work without having considered whether it is likely to succeed or not; and those who advanced their money had before their eyes the condition in our grant, that none of this \$170,000 a year, upon the strength of which they have advanced the money and taken the bonds of this company, would be paid unless the undertaking is a success. They therefore, no doubt, satisfied themselves that it would be a success or they would not have advanced the money. It does seem to me that the probabilities of

its being a success in every sense, not only in so far as the carrying of ships across the isthmus is concerned (because, as far as that goes, it is a mere effort of engineering which I have no doubt whatever can be made a success, and which I fancy no one doubts can be made a success)—but the traffic to be benefited by it is very large indeed. It has been spoken of as contemptible—that it consisted of a few fishing vessels that wanted to get a shorter route to their destination in the United States; but it is not so. The trade between the Bay of Fundy and the Gulf of St. Lawrence is large. I see by reports which are published, and which I presume are correct, that in one year about 195,000 tons passed through the Straits of Canso, which, if this railway proves to be a success, and if it is run on commercial principles so as to make it worth while for a vessel to save two or three hundred miles of open ocean transit by the passage of seventeen miles of railway—if it is so worked as to make that worth while, there is evidently plenty of traffic there for a railway to make it pay. These were the only points I desired to bring before the House, in order that it might not appear as if very little could be said for the existence or usefulness of this railway or for the prudence of the Government, or rather the Parliament which authorized this advance, for it is Parliament of course which did it. I did not desire that it should appear that nothing could be said on the merits of the undertaking or the prudence of the assistance which the Parliament of Canada decided to give it.

The clause was adopted.

On the second clause,—

HON. MR. LOUGHEED—Does this clause contemplate the relief of this company from the imposition of a penalty after the expiration of the time given in the first clause? I see the construction of this clause will bear that interpretation, that absolute immunity is given them from any penalty hereafter, even though they may not complete the work by the date of the extended time. I see by the old Act the principle of a penalty is recognized, and I wish to know if the Government contemplate absolutely relieving this company from a penalty in the event of the work not being completed by 1893?

HON. MR. ABBOTT—I understand that the penalty from which this clause is to relieve the company is the penalty of so much a month for not completing the railway during these two years.

HON. MR. LOUGHEED—That is the only section of the Act, so far as I understand, which imposes a penalty.

HON. MR. ABBOTT—Yes.

HON. MR. LOUGHEED—Therefore, the company is entirely relieved from the penalty in case the work is not completed by 1893.

HON. MR. VIDAL—Does not my hon. friend think it penalty enough if they get no money at all?

HON. MR. LOUGHEED—I am not objecting to it. I say the Government, in granting the charter, recognized the propriety of imposing a penalty. Now they adopt a different principle.

HON. MR. ABBOTT—My hon. friend will see that the circumstances now are entirely different. When the original Act was passed no work had been done. Now it is more in the interest of these people, probably, than anyone else, that this road should be completed. I do not understand that the Government does intend to impose a penalty for the non-completion of the railway by 1893, and it does not seem to me to be necessary under the circumstances.

The clause was adopted.

HON. MR. PELLETIER, from the committee, reported the Bill without amendment, and it was then read the third time and passed.

#### BILL INTRODUCED.

Bill (78) "An Act to confirm an Agreement between the Shuswap and Okanagan Railway Company and the Canadian Pacific Railway Company, and to grant further powers to the Shuswap and Okanagan Railway Company." (Mr. McInnes, B.C.)

The Senate adjourned at 5:05 p.m.



## THE SENATE.

Ottawa, Monday, July 6th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (24) "An Act to incorporate the McKay Milling Company." (Mr. Clemow.)

Bill (27) "An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue Debenture Stock." (Mr. McKindsey.)

Bill (26) "An Act to incorporate the Pembroke Lumber Company." (Mr. Clemow.)

Bill (23) "An Act respecting the E. B. Eddy Manufacturing Company, and to change its name to The E. B. Eddy Company." (Mr. Clemow.)

Bill (28) "An Act to amend the Act to incorporate the Empire Printing and Publishing Company (Limited)." (Mr. Sanford.)

Bill (4) "An Act respecting the Canadian Power Company." (Mr. MacInnes, Burlington.)

## THE VICE-ADMIRALTY COURT.

## MOTION WITHDRAWN.

The notice of motion being called,—

That an humble Address be presented to His Excellency the Governor General; praying that he will be pleased to cause to be laid before this House, a statement showing the number of cases decided in each of the years 1888, 1889 and 1890, in the Vice-Admiralty Courts at Halifax, St. John, Quebec and Charlottetown, respectively.

HON. MR. POWER said: As the greater portion of the information asked for by this resolution has, since the notice was put on the Paper, been furnished by the Department of Justice, I do not think it desirable or necessary to proceed with the motion, and I therefore ask leave to withdraw it.

The motion was withdrawn.

## VANCOUVER DOCK AND SHIP-BUILDING CO'S BILL.

## THIRD READING.

HON. MR. MACDONALD (B.C.) moved the third reading of Bill (51) "An Act to

incorporate the Vancouver Dock and Ship-Building Company."

HON. MR. MCINNIS (B.C.)—It may appear somewhat strange to some hon. gentlemen that I should ask that this Bill be amended in such a way as to prevent pressure being brought on the Government by the actual promoters of the measure to such an extent that in a moment of weakness that they might yield to a demand for a quarter or half a million of dollars to be granted to a purely local and private enterprise. It may appear strange that I should take a position by which the expenditure of a quarter or half a million of dollars of Federal money should be prevented in my province. However, before I resume my seat I will, I think, amply justify myself in the eyes of the House and of the country. That portion of the Bill that relates to ship-building meets with my cordial support. British Columbia is admirably adapted for ship-building—in fact, I know of no country that offers so many advantages for that enterprise as the Pacific province. All the materials necessary for the construction of iron and wooden ships are to be found in the greatest abundance and of the very best quality. Undoubtedly, in the not very distant future British Columbia will become one of the greatest ship-building countries in the world, and prove no mean rival to the world-renowned Clyde. I am, and always have been, opposed to the principle of subsidizing private enterprises, such as that contemplated in the present Bill, no matter whether it applied to my own province or any of the other provinces of the Dominion. Enterprises which cannot be unmistakably shown to be for the general advantage of the province or for the Dominion I claim ought not to receive any assistance from the Federal Government. A large Federal grant is plainly indicated in the third and tenth sections of this Bill, and in my judgment such a grant would be wholly unjustifiable. It is generally conceded that we have one of the largest and best dry docks in the world, capable of accommodating the largest ships, and accessible at all seasons of the year. Since it was constructed, however, I understand that it has not been in use more than a quarter, or at most one-third of the time, showing that there is no public necessity for a second

dry dock in our province at present, or for a considerable time to come. In saying this, I do not wish hon. gentlemen to think that our province is not prosperous. British Columbia is prosperous, and I believe will continue to prosper, and that, too, in a much greater degree than any other portion of the Dominion. Her climate and varied resources are certain to produce that effect. My reason for arriving at a conclusion that a second dry dock in British Columbia is not required at the present time is largely due to the important information to be found in a supplement of the annual report of the Marine Department for 1890. At page 73 of that report the following pertinent information will be found: total number of vessels in the Dominion, 6,991, of which British Columbia contributes 196—or one thirty-fifth; total number of steamers, 1,364; of that number British Columbia contributes 120, or one-eleventh, a very respectable number indeed. She contributes one thirty-fifth on the number of vessels and one-eleventh of the number of steamers in the Dominion. The total tonnage of the Dominion—that is, all sailing vessels as well as steamers—is 1,024,974. Of that tonnage, British Columbia furnishes 16,024 tons, or one sixty-third part of the entire tonnage of Canada. It is only fair for me here to mention, however, that during the present year the tonnage of our steamers has been increased, or will be increased, probably to the extent of ten thousand tons, owing to the addition of the Canadian Pacific Railway three Empresses. I think two of them have already arrived, and I take it for granted they will be registered in our province. Even including these steamers—and I presume the aggregate tonnage of these will not be more than 10,000 tons at most—we will run up our tonnage to only about 26,000 or 27,000 tons, or one-fortieth part of the entire tonnage of the Dominion. Now, up to the present time all but a sixty-third part of the tonnage of Canada has been accommodated by two dry docks, one in Halifax and the other in Quebec. The Kingston dry dock, I understand, is not yet completed and has not been used, or if used at all, only to a very little extent. If I am astray in this particular I hope some hon. gentleman will put me right. If three dry docks in eastern Canada, representing, as I have shown, over 60 tons for every one in

the Pacific province, is enough, I ask what necessity is there for two in British Columbia to accommodate one-sixtieth of the entire tonnage of our country? Again, I will call attention to another very important fact in connection with the three dry docks in Eastern Canada, viz, that they are several hundred miles apart, one being in Nova Scotia, another in Quebec, and another in Ontario. Owing to the great distance between these docks, I have no doubt great difficulties are frequently experienced, and probably losses sustained, in bringing disabled vessels to them. In British Columbia, however, no such difficulties can arise. The location of the proposed dry dock is within 75 miles of the Esquimalt dry dock. All the shipping in British Columbia is owned by the people living in the four principal ports of the province, viz., Victoria, New Westminster, Vancouver and Nanaimo, all within a radius of 75 miles of the graving dock at Esquimalt. Every ship entering and leaving the province passes within a mile or a mile and a-half of the Esquimalt dry dock, and the navigation between the ports I have just named is not interrupted by ice or any other obstacles during all seasons, and is generally so smooth that an Indian canoe can with perfect safety glide over the bosom of these serene waters every day of the year. When this Bill was before the Railway Committee of our House a few days ago an ardent advocate of a second dry dock in British Columbia tried hard to justify his position, on the ground that nearly three years ago one of Her Majesty's warships, while conveying His Excellency the Governor General from Victoria to Vancouver during a dense fog, ran on partially submerged rocks and was very badly damaged; she was taken to the dry dock, and, it is true, occupied the dock for a very considerable time, but during the whole time that she was there I never heard any complaints by shippers or ship-owners—I never heard that our shipping sustained any particular loss in consequence of the dock being occupied so long by this warship. Consequently, that claim has little force to sustain the contention that we should have a second dock in British Columbia. The reason, I understand, why this warship occupied the dock for such a length a time was that some of the material necessary for the repairs made on her had to be

brought from England—that is my information. If I am wrong, I hope my colleague from Victoria will put me right; but my information is derived from such a source that I cannot for a moment question it. As a general thing, we have from two to four British war ships in our waters, and I believe a preference is given them whenever they require to be docked, and I presume, although I do not know it for a fact, that the same preference is given to Her Majesty's war ships in the Halifax and Quebec docks; so that, although Esquimalt is the rendezvous for the British navy in the northern Pacific I do not think that it would increase the demands on the dry dock there any more than the British ships of war would in Halifax or Quebec. The Esquimalt dock has cost this country over three-quarters of a million dollars. It is under the control of the Dominion Government, all the revenues derived from it go into the Dominion treasury, and I contend that the Government should not aid in the construction of another, which would materially decrease the revenue derived from the present one, especially as there is no public necessity for a second dock, as I hope I have made sufficiently plain to hon. gentlemen present. We have many public enterprises in our western province that would be of the greatest possible advantage to the whole of British Columbia, and indirectly to the Dominion, that I claim should be subsidized, and liberally subsidized, by the Government. For instance, a charter was obtained some time ago for the construction of a railroad from some point on the Canadian Pacific Railway near Ashcroft to the great centre of our gold fields in Cariboo. I can conceive of no work that the amount of money contemplated to be given to this new dry dock could be of more use to than this line—the money could not be better applied than aiding the local company in building that railroad into Cariboo, thereby opening up the untold mineral wealth of that portion of our Province. I may also mention a couple of other railway Bills that have just passed this House, viz., the Becher Bay and Port Crescent Railway, and the Victoria, Saanich and New Westminster Railway. These three railway enterprises I believe, in all fairness, ought to be subsidized, and largely subsidized, by the Dominion Government. I claim that there are very few railways in Canada that have

received public aid that are so deserving of it as these three that I have mentioned. I believe I am speaking in the true interests of my province when I ask the House to amend the Bill in the manner that I have indicated in the amendment of which I have given notice. If the Dominion Government can spare any money let it be applied towards enterprises that are of a purely public nature, and which will benefit the whole province, and not a few private individuals. I therefore move that the Bill be not now read the third time, but that it be amended by adding the following words: "other than the Dominion Government," after the word "Government," in the first line of the tenth section.

HON. MR. VIDAL—As chairman of the committee who recommended this Bill to the favorable consideration of this House, I think it my duty to call attention to some of the matters connected with the statements which have just been made by my hon. friend from New Westminster. I may remark that a good deal of what he has said would have been much more appropriate had there been a measure before the Senate proposing that a Government grant should be made to this enterprise; but I do not see any wisdom in crossing the bridge miles before you come to it. It will be quite time, I think, to take up the discussion of the question as to the propriety or impropriety of a public grant to that company when the proposition comes before us to make it, and not till then. In the meantime, I may say that there are two very decided objections, in my mind, to the adoption of the proposed amendment. In the first place, it is quite conceivable that circumstances might arise where it might be the bounden duty of the existing Government to aid that enterprise, supposing it to be going on, or perhaps even completed. It is easily conceivable by us that a serious accident might occur to one of Her Majesty's vessels and to one of the vessels in which the Dominion of Canada, is greatly interested, plying on the Pacific Ocean, and it is quite possible that the Esquimalt dock, although affording such abundant accommodation—ample accommodation, apparently—might be occupied by some other vessel at such a time; and should we tie up the hands of the Government, and say that in the event of its being impossible to make use of the Esqui-

malt dock no other dock should get public money, no matter where it might be. For a period of nine months, we are told, the dock was occupied by a British war vessel; is not that a suggestion that a time may occur when it would be the bounden duty of the Government to aid this enterprise. But in the meantime, it is not necessary to suppose that it should ever be granted. On that account, I think the insertion of the amendment would be very improper. But there is another and still more important reason which would influence me to say it would be unwise to make the amendment. From whom and by whom could such a grant be made to that enterprise? It could only be made by Parliament, and surely it must occur to every member that Parliament having power to make that grant has power to amend the Act.

HON. MR. McINNIS (B.C.)—They would have to come to Parliament to ask for an amendment, though.

HON. MR. VIDAL—But Parliament could make the amendment, and therefore it is most unwise to insert such an amendment in the Bill. It would be perfectly inoperative to accomplish what the hon. gentleman proposes to us as the reason for its insertion. It could not prevent such a grant being made if, in the judgment of the Ministry of the day, such a grant was proper, and it received the support of Parliament. It is quite clear that the insertion of these words would have no possible effect, because they could very easily be taken out. On these grounds, the amendment is unnecessary, and the committee were perfectly justified in making the recommendation that the Bill should be passed as it was presented to them.

HON. MR. OGILVIE—I would not say a word on this Bill were it not for the fact that the hon. gentleman from New Westminster remarked that an ardent supporter of this measure had made certain statements. I am very glad to be informed that I was an ardent supporter of the Bill, but I never knew anything about the measure until it came up in the committee the other day, and I thought the amendment which the hon. gentleman proposes was so unheard of and so new to me that it was perfectly unnecessary. I have been at Esquimalt myself, and have seen the dock. I

was told on the best authority that for nine months, or very nearly that time, the dock had been occupied by one of Her Majesty's vessels. If a dock is necessary at all on that coast, then a similar accident may render a second dock necessary. Such a line of argument as we have heard here to-day is entirely new to me—that if the dock was not wanted during that time it was proof positive that another dock is not likely to be necessary. Then we had a very long and laboured argument to show how wrong it would be for us to subsidise this enterprise. There is not a word in the Bill about a subsidy; none is asked for, and it is entirely unprecedented to object to granting an Act of incorporation to a number of gentlemen who want to undertake such an enterprise. I know from gentlemen who live in British Columbia that a second dock is considered a very desirable thing to have there, and I cannot understand why a member from that Province should offer opposition to this clause. The only ground there could be for it is, that he considers we might have a Government in power who would be unfit to attend to their own business, and he wishes to restrict them; but, as my hon. friend from Sarnia has stated, that restriction could be overcome. A more unnecessary amendment I never heard of, and I hope the Bill will pass as it has been reported from the committee.

HON. MR. MACDONALD (B.C.)—I give the hon. gentleman from New Westminster credit for trying to guard the public treasury, but this Bill does not ask for money at all, and it will be time enough to discuss the question of a money grant when it is asked for. The company seek incorporation now—hereafter they may or may not ask for a grant. I have been instructed by the promoter of the Bill in another place not to accept any amendment and to press for the passage of the Bill as it is.

HON. MR. SCOTT—If my hon. friend from New Westminster says it is an instruction to the promoter of this Bill not to accept of any amendment, it leads one rather to the impression that it is proposed in the future to ask the Government of the country for a subsidy for this dry dock. That is the natural inference that one draws from the circumstance. My hon.

friend opposite, who is chairman of the committee to whom this Bill was referred, tells us that it is a very extraordinary motion to make, and that it is quite time enough to consider this subject when the Government of this country propose to aid it with a subsidy. My experience in this House is, that however much we may originally oppose a proposition that at a future period involves the expenditure of public money, when the Government, the present Government, more particularly, has decided for reasons of its own to grant a subsidy under such a proposition, this House quietly and tacitly accepts it. I venture to assert that if at the time the Chignecto Marine Transport Railway Company asked for a charter, and did not couple with that charter a proposition to obtain a subsidy from the Government of this country, if any gentleman, fearing they would do so, had ventured to introduce a negative proposition this House would have accepted it. I ventured to say to this House, some two years ago, when the Hudson Bay Railway Company's charter expired, and an effort was made to get it renewed, and the House discussed the question as to whether the route was feasible or whether it was wise to incorporate the company and endorse the project then before the English capitalists, a very general conclusion was arrived at that it was not wise, and it was only after some pressure was brought to bear on the House that the charter was renewed. Now, it is proposed to grant a subsidy of \$80,000, from the beginning of that railway for a period of twenty years; and I have no doubt that when that subsidy comes up for discussion in this House a large proportion of the gentlemen of the Senate will vote in favour of it. That is a parallel case to the present one. At the present time no subsidy is asked. The hon. gentleman on my left says that if the Government of the country have money to expend there are many more laudable purposes for which money can be expended than in aiding this dry dock; and I think it is very proper for him to call the attention of the House to the Bill, and at all events introduce such an amendment that the company cannot, without repealing the clause, obtain a subsidy from the Federal Parliament. The experience of all of us is that subsidies are obtained under particular pressure. Just before an

election comes round has been found to be a very favourable period for pushing such claims, and if we were to take the dates at which subsidies have been granted to such projects during the last ten or twelve years you would find a considerable number of them dated just before the elections. Would it not be wise and proper for members of this House to relieve the Government of the embarrassing position in which they would be placed should the subsidy be asked at some future time for the construction of this dry dock? My hon. friend opposite smiles. I have no doubt we may take it as an indication that he does not propose to follow that policy; but he takes up the Government of this country professedly to follow out the policy of those who preceded him, and although I have great confidence in his discretion and judgment not to grant subsidies that will unduly increase the public debt of the country, yet I think it is well to surround him with some checks and some safeguards, so that when a proposition is made to subsidise such a scheme as this, pointing to the statutes he can show that the Senate has indicated that such companies shall not be pensioners on the treasury of this country. My hon. friend's proposition is, perhaps, somewhat unusual, because when a charter is granted the public are impressed with the belief that the company is going to obtain a subsidy. It is only after the charter is granted that the promoters come to Parliament and put pressure on the Government to grant a subsidy. I believe, with my hon. friend on my left, that if subsidies are to be granted by the Government there are other schemes far more desirable than the present one.

HON. MR. KAULBACH—I am surprised at the hon. gentleman from British Columbia taking exception to a project which must be for the material benefit of his province. It is evident that he is fearful of the Government being influenced by pressure from a certain company. He has not named the company, but we all understand what company he means. My hon. friend admits that the time will come when it will be necessary to have another dry dock in British Columbia. I have great faith in the future of that country; I believe that the time will be very short when this dry dock will be necessary. Dry docks are not built in a day, and by the

time this dock is completed I am in hopes that the increased trade of British Columbia will justify the promoters in carrying out this project. We must hope also that we have not such a weak Government that they can be at any time influenced by the pressure of an election. If it is a popular move that a subsidy should be granted to this enterprise it is only proper that it should be given, and the Government will not, even before an election, promise money or grant subsidies unless it is a popular move and in the interests of the public. Therefore, my hon. friend has shown by his own argument that the granting of such a subsidy by the Government at such a time would be because it was a popular move. My hon. friend thinks that British Columbia has large ship-building interests. Probably it is not as great in that respect as Nova Scotia, where we have a ton of shipping for each man, woman and child in the Province.

HON. MR. McINNES (B.C.)—We have more in British Columbia according to population than you have.

HON. MR. KAULBACH—That may be, and if the trade of British Columbia increases in the next few years in the same ratio that it has the last year it will not be long before the tonnage and commerce of British Columbia will be as great as that of any other province. The argument was before the committee, and it was stated by the chairman, that the dock now in British Columbia was for nine months of the year monopolized for the use of one ship.

HON. MR. McINNES (B.C.)—I think I am in a position to say, with considerable authority, that the time occupied by that ship in the dock did not amount to one half of nine months; that during the time she was in, in order to accommodate others, when she was partially repaired she was taken out and other ships were allowed to go in, and after they came out she went back to her berth.

HON. MR. KAULBACH—If that was done it was because of the courtesy of the naval authorities and their desire to accommodate other vessels. We know they have control of that dock, and if for nine months of the year it can be used by the navy to the exclusion of other vessels

what will be our position? The Canadian Pacific Railway is at the bottom of the whole thing. There is a certain malignancy against the company shown, that they might be favoured by this Bill. That seems to be the feeling of some hon. gentlemen.

HON. MR. McINNES (B.C.)—Be kind enough to give the name of the hon. gentleman?

HON. MR. KAULBACH—I do not want to be personal.

HON. MR. McINNES (B.C.)—I do not want to be severe with the hon. gentleman, but I submit that the insinuations he makes are not in order. I think he is making a taxing speech, and I claim that it is the duty of the House to protect itself against these unfounded insinuations, and I ask the ruling of the Speaker.

HON. MR. MILLER—State the words?

HON. MR. McINNES (B.C.)—The words are "malignancy of some hon. gentlemen against the Canadian Pacific Railway." I never mentioned the Canadian Pacific Railway, but I am evidently the gentleman he refers to, and I hope the hon. gentleman will cease his insinuations, and will confine himself to the matter before the House.

HON. MR. KAULBACH—The arguments of the hon. gentleman have been refuted by the hon. gentleman himself. We know that the Canadian Pacific Railway has done much to enhance the credit and fame of the Dominion of Canada.

HON. MR. POWER—I rise to a question of order. The hon. gentleman is not talking to the question before the House at all; we are not discussing the Canadian Pacific Railway.

HON. MR. OGILVIE—I wonder that the hon. gentleman did not get up before, for the hon. gentleman from New Westminster was a great deal more out of order in discussing his motion than any other gentleman in this debate.

HON. MR. KAULBACH—We have no greater opponent of the Canadian Pacific Railway and its progress and—

HON. MR. POWER—I insist that the hon. gentleman is out of order. The question before the House is the amendment of the hon. gentleman from New Westminster, which has nothing to do with the Canadian Pacific Railway; consequently, the hon. gentleman is out of order, and I ask for the decision of the Speaker.

HON. MR. KAULBACH—I will speak to the question of order. I believe I am fairly within the subject of the present discussion. I am talking of the Canadian Pacific Railway with regard to the development of the trade and commerce of British Columbia. The hon. gentleman from New Westminster studiously avoided mentioning the Canadian Pacific Railway, because he knew that he would rather imperil his argument and make it less effective than it would otherwise be. But the hon. gentleman knows that the Canadian Pacific Railway has three steamers on the route to Japan, China and British Columbia. If anything were to happen those steamers, and the dock at Esquimalt were closed to them by one of Her Majesty's ships requiring it, what position would we be in? We look to that trade as being continuous, and we want to keep it so. The whole of Canada would be in a terrible plight if that trade should in any way be obstructed or delayed in consequence of vessels on the Pacific coast not having the advantage of a dry dock. I contend that not only ourselves, but England, Japan, China and Australia, would be affected by the want of a dry dock there, and our trade would be materially injured in competition with the ships of the United States. Although this Bill does not provide that there shall be any subsidy granted by the Government, if it is intended at any time to grant such a subsidy we will meet the subject when it comes before us. If British capitalists are inclined to invest their money in this enterprise I see no reason why they should not be allowed to do so, when it is in the general interests of Canada. This project is not for British Columbia alone, but for the Empire, and it is no wonder that the hon. gentleman from New Westminster apologized for his remarks, when he said that it was strange that he, coming from British Columbia, should oppose this enterprise in the way he did. I admit it was strange and remarkable, and called for the remark I made,

that there must be some other design and object in the opposition of my hon. friend other than to guard the revenues of the country. I feel strongly for British Columbia, and I believe the trade and commerce of that Province will progress rapidly. I am surprised at my hon. friend, coming as he does from that province, doing anything that might cripple what we anticipate in the future to be an important portion of the commerce of Canada. My hon. friend talks a great deal of what he knows of the requirements of that province. Why, he has been almost a stranger to that province, until within the last year, for some years past, and I do not think he can speak with much more authority for British Columbia than I can, who live at the other side of the Dominion. I do not think that anything I said in my remarks to-day can justify my hon. friend in making the objections he has done. I did not refer to him personally, but he felt that he himself was the person to whom my remarks must apply. I believe that dock ought to be built. We sent six vessels out from Nova Scotia last year to the Pacific coast, and ship-carpenters to build other ships, and if the people who have embarked in this enterprise for the building of a dry dock believe it is for the general interests of Canada I am sure any effort of my hon. friend to thwart the efforts of this company will not find support in this House.

HON. MR. MASSON—I would ask the House what is the intention of the company in inserting in their Bill the words "The company may receive from any Government or from any person, or body corporate or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said dock and yards, grants of land, premises, loans, gifts of money, guarantees and other securities for money, and hold and alienate the same," if there is no intention of doing so? It will lead to a misapprehension. People are already beginning to believe that there is a provision made to get money from the Government in this way. It is not by inserting this clause in the Bill that the company can obtain money from any Government. Supposing these words were not in the Bill at all, surely hon. gentlemen will not say that the company could

not be subsidized by the Government? The objection to the clause is that in the minds of those who become shareholders they will have the impression that the Government is to subsidize the company, and I would ask if it is not misleading?

HON. MR. MACDONALD (B.C.)—The municipality of Vancouver are granting \$100,000 to this company, and they get power to take this money under this charter.

HON. MR. MILLER—I think it would be far better for the hon. gentleman who has charge of this Bill to consent to have the clause in question stricken out altogether than to have it amended as suggested by the hon. gentleman from New Westminster. I myself have another objection, besides those stated, to the amendment of my hon. friend on my left. The amendment has been criticized as strange and unheard of. I am inclined to go a little further, and to consider it in the light of an unconstitutional amendment. What is the nature of that amendment? It is to control the Dominion Government from granting a sum of money to this company if it thinks proper to do so. Under our constitution the initiation of money votes is given to the other branch of the Legislature in a regular form, on the recommendation of His Excellency, and we cannot interfere with that initiation. We cannot prevent the Dominion Government from initiating a money vote in the House of Commons for a subsidy to this company if they think proper, and they would treat our amendment as mere verbiage. It would not control them. We have no right to interfere with them in a matter of that kind. If I might so express myself, it is negatively controlling the initiation of a grant for this purpose, which I do not think is within the functions of this House. I do not know if, upon further reflection, I would adhere to this opinion; but it occurs to my mind on the spur of the moment, and without having the opportunity of looking into it. As to the merits of the Bill itself, I cannot see why British Columbia requires another graving dock. If, however, a company can be got to build such a dock I cannot see why we should make any objection to it. In Nova Scotia, a province known as the largest ship-building country in the world in

proportion to its population, we have never had a graving dock until a year or two ago. In Quebec it is only a year or two ago since they had a graving dock, and in Ontario it is only within a year they have had a graving dock. I do not think, therefore, that there is any probability of another graving dock being required in British Columbia for some time to come. The fact that during one year since the Esquimalt dock was built it was occupied the greater portion of the season by one vessel is not an indication that the dock will be often so used; therefore, I do not see any necessity for any further graving docks for so small a shipping trade as British Columbia at the present time. If, however, capital can be found to come from England or otherwise for such an enterprise I cannot see any objection to it. One guarantee that the Government will not be too ready to grant a subsidy to this company is the fact that they are in duty bound to the public to consider the matter carefully before subsidizing a second graving dock in British Columbia, and if I were interested in the new dock I would feel that the company would have a pretty hard road to travel before they would get the Government to come before Parliament and ask Parliament to grant such a subsidy, after we have spent three-quarters of a million of dollars in giving to British Columbia a magnificent dock in the very infancy of that province, when the old provinces of the Dominion, with twenty or thirty times as much shipping, have had no such facilities until within the last year or so. While these are my opinions, because I consider the amendment strange and unheard of, and because I consider it somewhat unconstitutional, I shall oppose it.

HON. MR. McCALLUM—As I understand the matter, the hon. gentleman from New Westminster is not opposed to building the dock at all, he merely lays down a doctrine that no Government of this Dominion for all time shall assist that enterprise. Fancy for a moment this Chamber binding all Governments of Canada for all time to come. We have responsible government in this country, and if the Government do wrong the people will punish them. We have known them to be punished formerly. There is no need to go over old affairs; we remember the Fort Frances Lock, the Neebing Hotel, and



such enterprises as that, and how the Government were punished for them; but when it is said that one dock is enough for British Columbia, the people who are going to build it are the best judges of its necessity. The shipping interests of the Pacific coast are increasing very rapidly. If hon. gentlemen think for a moment, those who know anything about marine affairs must be aware that when a vessel makes a trip or two to China and Japan she ought to be docked and have her bottom scraped. I think there is sufficient shipping employed on our Pacific coast now to utilize two docks; and I venture to say that at the ratio the shipping on that coast is increasing, in less than five years another dry dock will be required. As long as the company is not asking us to do anything but to pass this Bill I do not see why the Senate should interfere. We would be a laughing stock before the world if we were to assert, as we would be doing by adopting this amendment, that we shall bind the Government of the country for all time to come not to subsidize this company. The hon. gentleman himself admits that the dry dock is a necessity when he says that the Bill should pass. He is anxious in that respect, but he wants to bind the Government not to give any assistance towards the dock. If it is a valuable enterprise, as I believe it is, no doubt when the time comes the Government will assist it if necessary.

HON. MR. DEVER—I wish to say that though my name has been used as seconding the amendment, I have no sympathy with it. I am in favour of building railroads, graving docks and other public works throughout this country, wherever they are supposed to be wanted. If any company of gentlemen wish to invest their capital, for public enterprises of this kind I do not see why we should put an obstruction in their way, or in the way of the Government, or of any future Government of this country, or even of ourselves in the Senate. A day may come when we will be called upon to give a subsidy to this enterprise, and would it be wise to tie our hands in such a manner that we could not exercise our judgment as to the propriety of doing so? For that reason, I have no sympathy at all with the amendment.

HON. MR. BELLEROSE—When I came

into the House to-day I must admit that I hardly knew how I should vote on this amendment, but the arguments advanced on both sides have convinced me that the tenth clause should not be in the Bill at all, and at the conclusion of my remarks I propose to move that it be expunged. It has been said that because a ship of war occupied the dock at Esquimalt for nine months it was absolutely necessary to have a second dock on the Pacific coast, and that that would be an inducement to the Government to help the work later on. If that is so, I ask for Halifax and Quebec a second dry dock. But the argument has no force; it may happen very often that a dry dock is occupied by a ship and that another one may want to use it. In that case, each ship has to take its turn. The expenditure required for the construction of a dry dock is so great that it cannot be expected that every part of the coast will be furnished with two dry docks to meet exceptional cases; so there is no force in that argument at all, and that being so, the question arises why should this tenth clause be there at all, giving the company power to receive aid from the Government? As the hon. gentleman from New Westminster said, such a clause is unnecessary, because if it is stricken out the Government may grant and the company receive public money: so what is the use of it? The only purpose that I can see in putting it there is to induce the public at large to take stock in the company, with the hope that the Government will approve of it by-and-bye and help to pay for its construction. When the Government have gone to such expense in building a dry dock at Esquimalt I do not think it would be wise to give public aid to a competing work. An hon. gentleman on this side of the Chamber said that we are under responsible Government, and why tie our hands? I do not see that we are doing so if the amendment is carried. Two years hence the Government could grant money, and if the House of Commons votes an appropriation in aid of the work the Senate will sanction the appropriation; so it is no argument, and it has been the practice with me that when a case is not supported by anything better than specious argument it has no validity with me. I cannot see the advantage of the tenth clause, and I therefore, in amendment to the amendment, move that the tenth clause be struck out altogether.

HON. MR. BOULTON—This is a work of national importance, and it will not do to dismiss the subject hastily. The hon. leader of the Opposition has advanced the idea that it would have been wise to have withheld the renewal of the charter of the Hudson Bay Railway Company, lest public aid should be given to a work which he considers impracticable, and he has opposed an extension of time for the construction of the Chignecto Marine Railway on the same principle. The principle that he lays down is not a wise one. The hon. gentleman from Delanau dière has moved an amendment to obliterate the tenth clause altogether. The object of that clause, it appears to me, was this: the promoters of the dry dock have come to the Dominion Parliament for a charter, and they wish also to have power to receive aid from the Provincial Government or, if necessary, from the city of Vancouver, and they wish to promote their enterprise by utilizing all the forces that are interested in the promotion of a work of this kind. I think it would be a mistake to adopt either of these amendments: the effect would be to prevent the company having access to the Federal or Provincial Government or the city of Vancouver for assistance if they desired it. I think we can depend on the intelligence of the people of Canada to place in power such Governments as will best promote the interests of the country, and it would be a mistake for us to tie the hands of any Government in the future, when we find people of enterprise on the Pacific coast prepared to undertake a public work which I regard as one of national importance. We have just started a line of steamships to connect with China and Japan, and I am told that the dock which has been built at Esquimalt is not long enough for the Canadian Pacific Railway steamers of that line. I do not know if the statement is correct.

HON. MR. POWER—No.

HON. MR. BOULTON—We know that Esquimalt and Nanaimo are headquarters for the British navy, and British war ships occupy the dry dock for a portion of the time. We know that in addition to the line of steamships connecting Vancouver with Japan, a line communicating with Australia will also, I hope, soon be established; and we know that the ocean trade from

Vancouver is only in its infancy. For these reasons, if we can induce capitalists to invest their money in this country in such a way as to promote the trade and commerce of the Dominion it would be a mistake for us to put any obstruction in their way, for fear that in doing so the Government might favour the Canadian Pacific Railway Company or the promoters of this enterprise.

HON. MR. MILLER—Would my hon. friend from Delanau dière permit me to suggest that the vote should be taken on the first amendment, and then his motion could be moved.

HON. MR. BELLEROSE—I am willing.

HON. MR. PROWSE—I am rather inclined to support the amendment to the amendment.

HON. MR. MILLER—It is withdrawn for the present.

HON. MR. PROWSE—I am not disposed to support the amendment of the hon. gentleman from New Westminster, because I think it would be injurious to the enterprise, without effecting any good purpose whatever. It appears from the second clause that it is contemplated to float this stock in Great Britain. The head office, it is anticipated, will be at London, and no doubt the insertion of this tenth clause is for the purpose of assisting to boom that stock on the English market, and the effect of adopting the amendment of the hon. gentleman from New Westminster would be an intimation to the people of Great Britain that no support need be expected for this work from the Dominion of Canada. I think that would be injurious to the company; while, on the other hand, the tenth clause as it stands in the Bill, might possibly be injurious to Canada. It is of the first importance to this country that our credit should be good in England, and that pet schemes shall not be floated to get money from capitalists to be spent here for no good purpose, because it would have the effect of injuring our credit in the future. It appears to me there is no necessity for the tenth clause in the Bill. There is nothing to prevent the company receiving any gift or subsidy that this Parliament, or the Legislature of British Columbia, or any municipality may grant; therefore,

I am disposed to support the proposition of the hon. gentleman from Delanau dière.

HON. MR. POWER—One would imagine, from some of the remarks made by hon. gentlemen who have spoken against the amendment of the hon. member from New Westminster, that it was to the effect that no further dry dock should be built in British Columbia. I do not understand the hon. gentleman to lay down any such doctrine as that. He simply takes the ground that the Government of Canada having invested three-quarters of a million dollars in a dry dock at Esquimalt, it would be an exceedingly unwise and unbusiness-like thing of the Government of Canada to propose to make a grant now, or at an early day, to an undertaking which is intended to cut the throat of the Government work. That is the fact of the matter. I think the hon. gentleman's proposition is a perfectly business-like and reasonable one. It is all very well for hon. gentlemen to say: "Oh, well, but you can trust the Government." I have nearly as much confidence as any other staunch Liberal in the present Government; but feeling as friendly as I can to them, I cannot help thinking that they need just as much as other people to remember that part of the Lord's Prayer which asks that we be not led into temptation, and I think it just as well to remove the temptation, even from virtuous gentlemen like the members of the present Government. It has been alleged that it will be time enough to deal with this matter when the company ask for money, but really the company are looking for money now. They ask for power to get the money, and that indicates that they expect to get it; and if they do not get the money from us, they will take this charter to the old country and create the impression on the minds of investors there that they are to get the money from Canada. It has been the rule always, where the power to get money has been given, the money, under political pressure, has been got. If there is not in the minds of the Government the sense of future favours there may be gratitude for past favours. The hon. gentleman from Aima division gave us to understand that the second dock was being loudly called for by the business of British Columbia. Now, that was a very wild statement, I venture to say. There is a dry dock in Halifax, which was constructed

contemporaneously with the dry dock at Esquimalt. That is the only dry dock in the Lower Provinces, and there is no loud call for another dry dock in the Maritime Provinces.

HON. MR. DEVER—Yes; there is at St. John.

HON. MR. POWER—I know that at St. John they want to have an expenditure of half a million dollars; but the shipping interest does not call loudly for another dry dock.

HON. MR. DEVER—Yes; at St. John.

HON. MR. POWER—How a vessel that got into distress on the ocean could ever make her way into St. John I cannot see. One can understand how a vessel could make her way to Halifax, but it would be difficult to explain how she would get to St. John.

HON. MR. HOWLAN—Halifax harbour might be frozen over.

HON. MR. POWER—That happens once in about every fifteen years. As a matter of fact, about ten times as much tonnage enters and clears at Halifax as at all the ports of British Columbia, and the single dry dock at Halifax is not kept busy all the time. Hon. gentlemen realize, therefore, how much substance there is in the allegation that another dry dock is called for in British Columbia. When a dry dock is loudly called for on the Pacific coast, then, under this measure, with the amendment proposed by the hon. gentleman from New Westminster, the dry dock will be built with a subsidy from Vancouver and probably a subsidy from the Provincial Government; but there is no reason at all why, at this hour of the day, we should undertake the risk of spending a large sum of money there, not only unnecessarily, but with the result of rendering useless the large outlay which we have already made on the existing dock. Some hon. gentlemen have said that the Government are not likely to do anything as unwise as that. What did they do in the case of the Short Line? We constructed the Intercolonial Railway at a cost of forty-four or forty-five millions of dollars, and they subsidized another line at an expense of \$3,500,000 to make

the Government railway almost useless, and the result is, that now there is annually a loss in running the Government railway of half a million dollars. In Nova Scotia, what is called, ironically, I presume, the Short Line from Oxford to New Glasgow was constructed at large expense to take away business from the Intercolonial Railway, and this sort of thing is going on all the time. The hon. gentleman from Shell River tells us—and I understand it is going to be done, too—that the Government propose to spend a large sum of money on a project in the North-West which, if successful, will only have the effect of injuring the business of the Canadian Pacific Railway and injuring the eastern part of the Dominion.

HON. MR. BOULTON—And helping the farmers of the North-West.

HON. MR. POWER—Inasmuch as the amendment of the hon. member from New Westminster does not propose to deprive this country of anything that it has a right to, but simply says that we should protect the Government from the temptation to which they might be exposed, I propose to vote for it. The hon. gentleman from Lunenburg said that he had more confidence in British Columbia than the hon. gentleman from New Westminster. Now, I do not think the hon. gentleman from Lunenburg shows his confidence in the proper way, because if he had the right kind of confidence in the great future of British Columbia he would feel that if a dry dock was absolutely necessary to the business of that province local enterprise would be able to construct it. Dry docks in other parts of the world are not built by Government, but by private or local enterprise. The Dominion of Canada having seen that a dry dock was constructed at Esquimalt, supplying the needs of the Pacific coast, as far as these needs exist now; having aided in the construction of a dry dock at Halifax; having spent an immense sum of money in the construction of a dry dock at Quebec, and being involved in the expenditure of a considerable sum for the construction of a dry dock at Kingston for the lake navigation, has done its duty. If any other dry docks are required they ought to be built by private or local enterprise, and I think the principle laid down in the amendment of the hon. gen-

tleman from New Westminster is wise and perfectly proper.

HON. MR. GIRARD—The discussion has taken such a range that I may be allowed to express an opinion on the subject before us. I do not approve of the amendment of the hon. gentleman from New Westminster; I look at it as being, if not a want of confidence in the Government, at least as very injurious to them, and if such a provision were included in the Bill it would have no effect whatever, because it rests with the Government to use the public money to aid great enterprises, which are developing the resources of the country. The company to be incorporated by this Bill is prepared to spend a large sum of money, and naturally will expect aid from the local authorities and the Dominion Government. Parliament, in passing such a Bill, to a certain extent takes a share of responsibility for the work to be done there, and may expect to be called upon by the company for assistance. To adopt the amendment would, in my opinion, be contrary to the constitution; certainly, it would involve a want of confidence in the Government, and would be injurious, not only to the members of this Government, but to their successors also. The Government is responsible for the proper administration of public affairs, and they are accountable to Parliament for the manner in which they expend the public revenue. Under the circumstances, if I am to give advice to the hon. gentleman from New Westminster, I would say, if he has any regard for his friends, he should withdraw the amendment and let the Bill pass; but if he will not do so, for my part, much as I should like to remain on good terms with him, I shall do my duty and vote against the amendment.

HON. MR. HOWLAN—I have not satisfied myself that the last amendment is in order. No notice of it has been given, and it is a well-understood rule of Parliament that notice must be given of any amendment to a Bill at the third reading. I ask the ruling of the Speaker on the last amendment on another point: it takes away the provision in the Bill for receiving aid from the municipality of Vancouver.

HON. MR. BELLEROSE—I have never known an instance in which it has been

held that notice must be given of an amendment to an amendment.

HON. MR. MILLER—Did I not understand my hon. friend to say that he would allow the amendment to the amendment to stand for the present? It might save a good deal of time to let the division be taken on the amendment of which notice has been given.

HON. MR. MASSON—The amendment to the amendment can only be allowed to stand by unanimous consent, and I consider it only right that it should be voted on first in its regular order.

HON. MR. HOWLAN—I should like to have the decision of the Speaker on the question I have raised. This last motion, so far from being an amendment to the amendment, is a substantive motion, because it takes away one of the powers of the Bill.

HON. MR. ABBOTT—It seems to me the sub-amendment is out of order, for this reason: I understand, in the first place, that there must be a notice given of a substantive motion to a Bill at this stage. That being the case, my hon. friend opposite gave notice of an amendment by which he proposed to insert a few words which would change the purport of the clause. Now, my hon. friend from Delanaudière moves, by a sub-amendment, to strike out the whole of the clause. The first amendment will only affect the power of the company to take money from the Government; the sub-amendment will affect the power of the company to take money from anybody in respect to whom the power would be granted if this clause were passed. While it is quite true that a sub-amendment will be in order without notice, it must be relevant to the amendment; but this in reality is a substantive motion, which has no bearing whatever on the amendment. I submit that the sub-amendment is out of order, because it is not relevant to the motion in amendment to which it purports to be a sub-amendment, and because it is in fact a substantive motion.

HON. MR. BELLEROSE—It is quite common to move an amendment to an amendment without notice, and the reason is, that one may have no idea of amending

a Bill until he sees an amendment proposed, and that forces him to propose a further modification. Now, the amendment of the hon. gentleman opposite is to strike out some words and add others. I say, no; it would be an injury to our Government, and I say further, the clause is not necessary and should be stricken out. I could not give notice of my amendment until I knew that my hon. friend opposite would move his. I know enough of the practice of Parliament to know that there is no rule which applies to sub-amendments. There are rules for amendments but not for amendment to amendments.

HON. MR. MILLER—I do not care to add anything to what has been said by the hon. Prime Minister with regard to the question of order. He has put the case so succinctly that I do not think it requires any additional argument. I agree with him on both grounds. I look upon this last amendment as a substantive motion, and that is the reason why I suggested to my hon. friend that it should be put separately, which could only be done with the consent of the House, of course. The rule makes no distinction with regard to amendments, whether they are amendments or sub-amendments, and therefore the hon. gentleman's motion comes under the rule relative to amendments. Now, his motion is not relevant to the amendment. The amendment of the hon. gentleman from New Westminster is merely to add a few words to the clause; the sub-amendment proposes to strike out the whole clause. I can see no relevancy at all in that as an amendment to the motion of the hon. gentleman from New Westminster. Besides, it is a substantive amendment, notice of which could easily have been given at the same time.

HON. MR. BELLEROSE—No.

HON. MR. MILLER—The motion of my hon. friend is to strike out the tenth clause. When my hon. friend from New Westminster gave notice that he was going to amend the clause by adding certain words to it, the hon. gentleman from Delanaudière should have given notice that he would move to strike it out. I think the argument of the hon. leader of the Government is unanswerable on both points.

HON. MR. McINNES (B.C.)—The hon. gentleman from Richmond has scarcely stated the case fairly. He says that when I gave notice of my motion, if it did not meet the approval of my hon. friend opposite he could have given notice of his sub-amendment. But I only gave notice on Friday last, and the rule of the House requires that there should be one clear sitting day between the presentation of the report of the committee and the second reading of the Bill. Under the strict rules of the House the third reading of this Bill should not be until to-morrow, but I waived that objection at the request of the Premier. Now, my hon. friend from Delanau dière could not have had time to give notice. Even if he had given notice immediately after I gave mine there still would have been an objection, and a very valid objection, that the notice was not sufficient, a sitting day not having intervened.

HON. MR. BELLEROSE—You will find no authority which mentions a rule applying to sub-amendments. Common sense says that you must wait until you see what the amendment is before you can move a sub-amendment. Now, I only read my hon. friend's notice of motion this morning. How could I have given notice of my amendment? Common sense shows that there cannot be a rule for giving notice of an amendment to an amendment, because the necessity of it cannot be foreseen. I leave the matter in the hands of the Speaker.

HON. MR. DEBOUCHERVILLE—There is another question that ought to be decided. The hon. gentleman from Richmond has raised the question of the constitutionality of this amendment. This is certainly a question of order, and it ought to be decided at once; therefore, I think I am right in asking a ruling on the point raised by the hon. gentleman, if the amendment by the hon. member from New Westminster is constitutional?

HON. MR. MASSON—Does not the hon. gentleman think, the motion having been put by the Speaker and having been acknowledged by the House, that the first motion has passed as being in order? It must have been so, because the hon. gentleman from Delanau dière could not have moved a sub-amendment if the other had

been before the House; consequently, the tacit consent of the House has disproved the point of order raised by the hon. gentleman, and leaves only one point of order to be considered, and that is the one that was raised subsequently.

HON. MR. DEBOUCHERVILLE—That would be taking advantage of the House. This is a very important question, and are we going to pass a measure which is considered by one of the ablest constitutional lawyers in this House as unconstitutional? We ought to decide that question first. If the majority of the House believe that this amendment is not constitutional, certainly we ought not adopt it; and I think that is what my hon. friend says—that the amendment is not constitutional.

HON. MR. OGILVIE—There is another thing that we ought to do at once, and that is, the hon. Speaker—than whom a better we cannot have in the Chair—says that he has no power, that he is in the hands of the House. There is not a member of this House, I believe, who does not know very well that the hon. gentleman from New Westminster, in proposing this motion, was out of order at least three-quarters of the time he was talking. He was talking about subsidies. There is no word in this Bill asking for a subsidy from the Dominion, and he was continuously talking about that. If that is the case, whether it be the written or the unwritten law, there should be some way by which a gentleman who is totally out of order and talks out of order for some time should be brought to order.

HON. MR. MILLER—Perhaps it may be well to have an understanding on this question at once. I had my doubt, but not a very strong opinion, on the constitutionality of the question raised, for I had not time to consider it; and I do not think it would be fair to call upon the Speaker to rule, on such short notice, on as important a point as that. I do not think there is any need for getting such a decision; it can be decided by a vote, if the hon. gentleman will permit.

HON. MR. MASSON—I do not think it is really in the public interest; and we must decide whether the clause shall remain part of the Bill.

HON. MR. MILLER—We might take the decision of the Chair on the relevancy of the amendment to the amendment.

HON. MR. POWER—With respect to the last question of order that was raised, I shall say one word—that is, respecting the constitutionality of the amendment.

HON. MR. SCOTT—That question is not up now.

HON. MR. POWER—As to our right to deal with a private Bill in this way, we do not propose to impose any tax on the subject, but we propose to remove the possibility of any tax being put on the subject. I do not think that will be found to be beyond our right, and if I am wrong, and if it is so held, I do not think the Senate is the place in which such a question should be raised. If the House of Commons think we have exceeded our rights, then the question should be raised there; but I do not think the Senate should undertake to deny its jurisdiction itself.

HON. MR. HOWLAN—We have asked for the ruling of the Speaker whether it is constitutional to move that amendment or not.

THE SPEAKER—The question submitted to the Chair is whether the sub-amendment moved by the Hon. Mr. Bellerose is in order. Under rule 14 of this Chamber "one intermediate day's notice, in writing, must be given of all motions deemed special." According to parliamentary practice only verbal amendments may be made to a private Bill at its third reading (8 May, pp. 816-831), unless, of course, a special notice has been given of the amendment. Now, the notice which has been given is merely to add to the tenth section of the Bill, after the word "Government," in the first line of the said clause, the words "other than the Dominion Government;" so that this notice covers only the grants which would be made to the company by the Government of Canada; and no motion relating to the grants made by other Governments can be made. As to the question raised by Hon. Mr. Bellerose, that any sub-amendment can be moved when notice is given of an amendment, I cannot adopt that view. The sub-amendment is really an amendment, and cannot

be put without notice, except when it relates to some of the points covered by the notice. I find that the sub-amendment is to deprive the company of their right to receive grants, not only from this Government, but from other Governments, municipalities, corporations and persons, so that it is going a great deal further than the enactment involved in the amendment; and I believe the sub-amendment therefore is not relevant to the question raised by the amendment. It is really a new amendment, and cannot come in as an amendment to the amendment, and I therefore rule that it is not in order.

The House divided on the amendment which was lost on the following division:—

CONTENTS :

Hon. Messrs.

Armand,	Paquet,
Bellerose,	Pelletier,
DeBlois,	Power,
Grant,	Reesor,
Lewin,	Scott,
McClelan,	Stevens,
McInnes (Victoria),	Wark.—14.

NON-CONTENTS :

Hon. Messrs.

Abbott,	McKay,
Allan,	McKindsey,
Almon,	McMillan,
Bolduc,	Macdonald (Victoria),
Botsford,	MacInnes (Burlington),
Boucherville, de,	Masson,
Boulton,	Merner,
Carling,	Miller,
Casgrain,	Montgomery,
Chaffers,	Montplaisir,
Clemow,	Murphy,
Cochrane,	Odell,
Dever,	Ogilvie,
Flint,	Perley,
Girard,	Prowse,
Glasier,	Read (Quinté),
Gowan,	Reid (Cariboo),
Howlan,	Sanford,
Kaulbach,	Smith,
McCallum,	Tassé,
Macdonald (C.B.),	Vidal.—42.

The main motion was then carried on a division, and the Bill was read the third time and passed.

## FEMININE OFFENDERS IN NOVA SCOTIA BILL.

### SECOND READING POSTPONED.

The Order of the Day being called for the second reading of Bill (R) "An Act respecting certain Feminine offenders in the Province of Nova Scotia."

HON. MR. MILLER—The Bill has not yet been distributed in French.

HON. MR. POWER—If the hon. gentleman from Richmond claims to be a French member, I can see some point in his objection.

HON. MR. MILLER—I have an equal right to call for a French copy of the Bill as a French member, under the 133rd article of the Constitution.

HON. MR. POWER—If the hon. gentleman is serious in his opposition to the second reading, I move that the Order of the Day be discharged, and that the Bill be read the second time to-morrow. It was a very small point for the hon. gentleman to raise.

HON. MR. MILLER—What does the hon. gentleman say?

HON. MR. POWER—I said it was a very small point—an exceedingly small one.

HON. MR. MILLER—I do not think the hon. gentleman's language is parliamentary. I have a right to insist on a rule, and I do so.

HON. MR. POWER—And I have the right to say that it is a small point, and it is one.

The motion was agreed to, and the Order of the Day was discharged.

SECOND READING.

Bill (46) "An Act respecting the South-Western Railway Company." (Mr. MacInnes, Burlington.)

Bill (65) "An Act respecting the Montreal and Ottawa Railway Company." (Mr. Tassé.)

Bill (72) "An Act to incorporate the Peterboro', Sudbury and Sault Ste. Marie Railway Company." (Mr. Flint.)

Bill (66) "An Act to confirm a lease made between the Guelph Junction Railway and the Canadian Pacific Railway Company, and for other purposes." (Mr. MacInnes, Burlington.)

CANADIAN PACIFIC RAILWAY ACT, 1889, AMENDMENT BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (74) "An Act further to amend the Canadian Pacific Railway Act, 1889." He said: This is to authorize the issue of what is known as consolidated debenture stock for the purpose of taking up the bonds and debentures of certain railways that are being built by the company on the original plan of issuing debentures. It is found now that debenture stock is much sought for in England in preference to terminable bonds; therefore the company, following up the provisions of the Act of 1889, ask power to issue debentures for the railways mentioned in the Bill. The obligations of these companies are to be taken up, and debenture stock issued and made a charge upon the whole line, and the railways in question are to become part of the Pacific Railway system.

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

CANADIAN PACIFIC RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (75): "An Act respecting the Canadian Pacific Railway Company." He said: This Bill consists of two clauses. The first authorizes the company to acquire by purchase any railway which has the authority of the Parliament of Canada to sell the same to the Canadian Pacific Railway. The second clause authorizes the company from time to time to sell and convey, free from incumbrance, such of its surplus lands as it thinks fit, the proceeds to be applied to the acquisition of rolling stock or other equipments for the company's railway, or to such permanent improvements of its line as the company deems expedient, etc.

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

PICTOU BANK WINDING-UP BILL.

SECOND READING.

HON. MR. KAULBACH moved the second reading of Bill (76) "An Act to



amend an Act to authorize and provide for the winding-up of the Pictou Bank." He said: This Bill is to continue the charter of this bank for the purpose of winding up the bank, and for that purpose only, as no other transaction is to be done by the company, except such as is necessary for the purpose of winding up its affairs.

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

#### BILLS INTRODUCED.

Bill (60) "An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to the Lake Erie and Detroit River Railway Company." (Mr. Allan.)

Bill (86) "An Act to incorporate the Brighton, Warkworth and Norwood Railway Company." (Mr. Howlan.)

The Senate adjourned at 5.35 p.m.

#### THE SENATE.

Ottawa, Tuesday, July 7th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THE PRINTING OF PARLIAMENT.

HON. MR. MILLER—Before the Orders of the Day are called, I wish to direct attention to the unsatisfactory character of the printing of papers for this branch of Parliament. It has been a matter of complaint from the earliest days of the present session that the *Debates* have not been in until three or four days after their taking place in this Chamber, and a similar complaint has frequently been made with regard to our Minutes. They have generally been unreasonably late. Now, to-day, I had occasion to ask, in the forenoon, for the Minutes, but could not get them: even at two o'clock they were not to be had. Shortly after two a copy was sent to my room. It seems that a short time before that hour the French edition was distributed, but the English copy, for some reason, is always behind the other, and the

French copy itself is late. The reason of this I cannot understand, and I wish some officer of the House, either the Speaker, or some member of the Government, would take it in hand, for really it is becoming a very serious inconvenience. The printing is being done in a very unsatisfactory manner this session.

HON. MR. KAULBACH—At 2.30 p.m. to-day I inquired for the Orders of the Day, but they were not distributed and were not on our desks. It is a matter of great importance to members to know what business is to be before the House, otherwise the Order Paper is of no use at all to us. We should have an opportunity to think over the subjects to come before us and prepare ourselves to take part in any discussion that may arise upon them.

#### MONTREAL HARBOUR COMMISSIONERS BILL.

##### THIRD READING.

HON. MR. ABBOTT moved the adoption of the report of the Committee of the Whole House on Bill (95) "An Act further to amend the Act 36 Vic., chap. 61, respecting the Trinity House and Harbour Commissioners of Montreal."

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

#### CONTINGENT ACCOUNTS OF THE SENATE.

##### MOTION.

HON. MR. READ (Quinté) moved the adoption of the third report of the Select Committee on Contingent Accounts of the Senate.

HON. MR. ABBOTT—I should feel gratified if the House would allow some further consideration to this report in connection with the several other questions that arise in consequence of the lamentable death of our former assistant clerk, Mr. Adamson. There are two reports before us on that subject, one referring to the widow, and this one, which provides for two changes proposed to be made in consequence of his death. It is pretty obvious that if there are changes to be made, as I suppose there must be, it is better that they should be the result of

a consideration of the whole subject, not only with reference to one or two members of the staff, but also with reference to other members of the staff, from whom already I have had applications in an informal and indirect way, for increase of salaries. I must say, also, that it appears to me, at first sight, that the increases which are given to the two gentlemen mentioned in this report are very large. One of them increased from \$2,200 to \$2,800. That gentleman I think has done the duty of two clerks this session, and he certainly is entitled to an increase of salary and to any improvement in his rank, to which the death of Mr. Adamson would entitle him. In that I entirely concur, but I do think that the increase is too great, and I am not quite sure that the gentleman himself would urge that the full amount of this increase should be allowed. As respects the other gentleman, Mr. Stephen, there is a similar increase there; his salary is moved up from \$1,600 to \$2,200, an advance of \$600, about 40 per cent. on his income. Well, I think that is too much. Undoubtedly, when there is a vacancy created in the staff in this or in any other manner it is to the interest of the House as well as the staff that they should have their proper promotions, as far as it is possible to give them, considering their fitness; but I think that this rate is too speedy, too rapid. It is too great a leap from \$1,600 to \$2,200, or \$2,200 to \$2,800, and I am in hopes that the committee will, at all events, allow the subject to be again discussed. I had not the pleasure of being at that meeting of the committee; I was not aware that these important matters were to be discussed there, or I should have endeavoured to be present. Perhaps it might not have been very easy; still I would have endeavoured to be there, and I would be glad if the House would concur in referring back this report. I propose to ask the same indulgence to-morrow, that these reports, dealing with matters connected with the death of Mr. Adamson, be referred back, in order that there may be an opportunity to take up and discuss the whole question in committee, in such a way that every one can have his say, and that we can really try to hit upon something that will be at once just to the employés and fair and economical towards the country. I move, in amendment to my hon. friend's motion, that this report be referred

back to the Committee on Contingencies for further consideration of the whole question.

HON. MR. HOWLAN—Whilst we might be ready to let the report go back—I speak for myself, at all events, as one member of the committee—so as to take up the question with regard to the remuneration of the two gentlemen referred to, I think it is hardly fair to the committee that the whole question should go back to be re-opened. If I understand it, these gentlemen have a right to the positions given them by the committee. If the salaries are too high the report might be sent back for the purpose of arranging the salaries, but it would not be just to the committee that the whole question should be re-opened.

HON. MR. McINNES (B.C.)—I am very glad to hear the expression of opinion from our worthy Premier with respect to the salaries of the two gentlemen who have been promoted by the unfortunate death of Mr. Adamson. When the question was before the committee I took precisely the same position that he now assumes in this House. Several hon. gentlemen claimed that the salary went with the position: I took an entirely different view. I held that it was altogether too sudden a rise from \$2,200 to \$2,800 in the case of Mr. Boucher, and in the case of Mr. Stephen from \$1,600 to \$2,200, and I moved in the committee myself (and my motion was only defeated by a very narrow majority) that Mr. Boucher's salary should be increased from \$2,200 to \$2,500 and Mr. Stephen from \$1,600 to \$2,000. Had the hon. leader of the House and of the Government not moved in this direction, I intended to have moved that that portion at least of the report be referred back to the Committee on Contingent Accounts, to be changed to meet my views.

HON. MR. KAULBACH—I felt that perhaps we might have gone through this session without making any changes at all, thereby saving some money for the Senate. Some two years ago we felt disposed to think that the expenses of the Senate were very large, and we got a fit of economy, which, it seems, has not lasted very long. I agree with the hon. the Premier that to raise gentlemen by promotion to the full maximum salary at once is not wise or

right. I believe that the salaries are all too large. Further than that, I cannot see why we need have three officials at our Table. I have asked the question of several gentlemen who, I presumed, knew better than myself, why the House of Commons should have only two officers at their table while we have three. I am under the impression that we have more than we require—at least, I know of no reason why we should have so many, and I hope when the report goes back that the committee will consider whether there is any reason why we should have one more clerk at our Table than the House of Commons have at theirs.

The amendment was agreed to.

## SECOND READINGS.

Bill (73) "An Act respecting the South Ontario Pacific Railway Company." (Mr. MacInnes, Burlington.)

Bill (39) "An Act respecting the Maritime Pulp Company, (Limited), and to change the name thereof to 'The Maritime Sulphite Fibre Company, (Limited)'. (Mr. MacInnes, Burlington.)

Bill (78) "An Act to confirm an Agreement between the Shuswap and Okanagon Railway Company and the Canadian Pacific Railway Company." (Mr. McInnes, B.C.)

Bill (69) "An Act respecting the Victoria, Saanich and New Westminster Railway Company." (Mr. Macdonald, B.C.)

## FEMININE OFFENDERS IN NOVA SCOTIA BILL.

### SECOND READING.

HON. MR. POWER—moved the second reading of Bill (R) "An Act respecting certain feminine offenders in the Province of Nova Scotia." He said: This is a Bill to the principle of which there can be no objection. At Halifax there are now two reformatories for males, the Protestant Industrial school, to which Protestant boys are sentenced by the police court at Halifax, and the St. Patrick's Roman Catholic Industrial school, to which Roman Catholic boys are sentenced. During the present year the Local Legislature of Nova Scotia have incorporated the Sisters of the Good Shepherd, who propose to conduct an institution for girls similar to

to the industrial schools for boys. The principal object of this Bill is to allow girls who are convicted before the police magistrate of Halifax to be sentenced to this reformatory, instead of being sent to prison to consort with old prisoners. I do not think that it needs any argument to show that that is a desirable thing. It is expected, I may say, that in about another year a Protestant institution will apply for a similar Act to allow Protestant girls to be sentenced to confinement there, instead of being sent to the city prison, as they are at present. I may mention that the clauses of the Bill are all transcripts of sections in existing Acts. They are taken either from the Act respecting the St. Patrick's Home, or from the Act respecting the Mercer Reformatory. Of course, there are certain verbal changes that may be desirable, but they can be made in committee. I do not think any hon. gentleman can object to the principle of the Bill.

HON. MR. MILLER—I do not intend to oppose the second reading of the Bill, but I consider it necessary to offer an observation or two on its character before it goes to the committee. There are some amendments which will have to be made in committee. I stated the other day, before I had an opportunity of reading this Bill, that it contained some unusual clauses, clauses which I thought were not to be found in the general laws of the Dominion. My hon. friend from Halifax flatly contradicted me, and told me that the clauses were merely transcripts from statutes already in existence in the provinces of the Dominion. My hon. friend has reiterated that assertion just now, and I can only assure the House that I differ from him totally with regard to that statement. The Bill before the House is intended to implement and utilize the criminal law of the country for sectarian uses and purposes, possibly, although I do not think so, for proselytizing purposes. I do not say that it is, but it may possibly be used for such purposes, and in that respect it differs from every Act on our statute book in relation to institutions of this character, excepting one or two Acts relating to the Province of Nova Scotia, to which I shall have occasion to refer before I take my seat. I do not think this legislation is altogether in unison with the spirit which pervades this Dominion just now.

The implementing of the criminal law for this purpose is not in harmony with the spirit prevailing amongst the people of the Dominion at the present day, and I think that legislation of this character has done a great deal already to provoke irritation and create difficulties in various parts of the Dominion. Now, with regard to the Mercer Act, which has been alluded to by my hon. friend from Halifax, the law in relation to which I have under my hand, in that Act there is no attempt at a sectarian claim or interference, or a desire for interference on the part of that institution; and to show the House how much in error the hon. introducer of this Bill is when he states that the object of his measure is to place the institution of the Good Shepherds in Halifax on the same footing as the Mercer Reformatory, I will read what the law says with regard to the latter institution. The first clause of this Bill is professedly the same as that in the Mercer Act, but I will show to the House really how different it is. The 31st clause of the Act says:—

“Every court in the Province of Ontario before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of two months, or for a longer time, may sentence such females to imprisonment in the Andrew Mercer (Ontario) Reformatory for females, instead of the common gaol of the county or judicial district where the offence was committed or was tried.”

There is nothing here about Roman Catholic, Protestant, Church of England, Methodist or Presbyterian; and in that respect the first clause of the Bill before us completely differs from this clause of the Mercer Act. What does it say:

“1. From and after the publication in the *Royal Gazette* of Nova Scotia of a proclamation issued by the Lieutenant-Governor of Nova Scotia, declaring that such Reformatory and Industrial Refuge have been made ready for the confinement of prisoners, every judge, stipendiary magistrate or magistrate in such province before whom any woman or girl, being a Roman Catholic above the age of sixteen, is convicted of an offence against the laws of Canada, punishable by imprisonment in a city prison or common gaol for the term of two months or for any longer time, may sentence such woman or girl to imprisonment in the Good Shepherd Reformatory, instead of the city prison or common gaol.”

Now, I ask any hon. member if it is fair, if it is dealing frankly with the House, to say that that clause which I have just read is similar to the clause in the general statutes of the Dominion which has reference to the Mercer institution? There is

nothing at all of a religious or sectarian complexion in the general law. The whole tenor of the Bill before us is evidently of a religious and sectarian complexion, and, as I said just now, it is utilizing the criminal law of the Country for sectarian purposes, and possibly for proselytizing purposes. I am not disposed to give that power to any private corporation or institution whatever, whether Catholic or Protestant. I think we had better keep those distinctions out of Bills of this character if we desire peace and harmony to prevail in the mixed communities of the Dominion. I approve of reformatory for a certain class of unhardened criminals and am glad to see them established by the efforts of private individuals, but I do not care to give them the legal sanction or power contemplated in this Bill. Now, the second clause of this Bill is presumed to be a copy of the 32nd clause of chapter 183 of the statutes; but it contains the same modifications with regard to Roman Catholic girls as are contained in the first clause. The whole spirit of this proposed legislation is, I repeat, of a sectarian character, and its object is to give this institution of the Good Shepherds, in Halifax, the control of these females through the operation and through the employment of the statute law. I may say, with regard to the law as it exists in Nova Scotia, it is different from the laws in any other portion of the Dominion. Such laws do not exist in any other portion of the Dominion as the Bill in my hands, or as the laws which have been passed through this Parliament in connection with the Province of Nova Scotia on this subject, and I am going to point out to the House the danger there is in passing such legislation. The law in regard to the Protestant Institution in Halifax was passed without much notice. It is a very harmless institution, without very much of a religious character, and I think certainly not anything of a proselytizing character that was established in Halifax for Protestant boys. The friends came here, and got an Act of incorporation. That Act was made the groundwork for getting a sweeping sectarian Act for the Roman Catholic institutions of Halifax, and this has made a precedent for getting this Bill. What will be the result? We may have these Acts applying to Nova Scotia cited as precedents for similar legislation applying to Ontario,

Manitoba, and all other provinces. There is danger, therefore, of allowing precedents of this kind to get on the statute-book. I do not intend to go more fully into this matter, but I desire to point out to those who will more properly take hold of my objection in this House and see that this legislation does not go too far, the danger of it. I have sounded a note of warning, and it is for gentlemen who feel more strongly on this matter than I do to take it up and exercise a proper vigilance as to the character this legislation will assume when it leaves this Chamber.

HON. MR. KAULBACH—I have read the Bill through, and while I thoroughly agree with the hon. gentleman from Halifax that it is of a sectarian character, I do not agree with the hon. gentleman from Richmond that it is of a proselytizing character.

HON. MR. MILLER. I did not say it was; I said it might be.

HON. MR. KAULBACH—I am sure that anybody who has any regard for the children of Roman Catholics could see no objection to their being brought up in a reformatory under the management of teachers of their own religion. In Nova Scotia the Roman Catholic children are taught in their own schools, and other denominations have their own schools, and I do not see, that if the Roman Catholics regard it as right and proper to have their children taught their own religion in such institutions as this Bill has reference to that they should not have the privilege of doing so. There are several pages of this Bill, however, which my hon. friend will have to explain before I can approve of it in its details. I cannot see why it is to apply to women and children over sixteen years of age, and that no others under that age can be sent to that reformatory.

HON. MR. POWER—It is not. If the hon. gentleman will look at clause 9 of the Bill he will see that it provides for younger girls.

HON. MR. KAULBACH—I think, if I read this Bill right, it only confines it to persons convicted who are over sixteen years of age. They may be taken from gaols if they are younger than that. My

experience has been that there is a feeling against sending girls to gaol—it is repugnant to any man to send a girl to gaol. I know of persons who should have been brought to justice, but there was a feeling that if information were laid against them they would have to be sent to penitentiary or to a common gaol, and that prevented a prosecution. If there had been any provision to reform such offenders justice would have been done to the community and to the parties themselves, but for want of an institution like this the parties were allowed to go on in their iniquitous practices. I know that a judge on circuit two years ago said that if a gaol was a place where a prisoner could be instructed how to earn his living honestly, he would have sentenced an offender to gaol, but in default of such an institution he had to send him to a penitentiary. The very fact that the gaol was not a proper place for disciplining a child, or improving his morals, or training him to some industry, rendered it necessary to send him to a penitentiary. That I think is a strong reason why an institution of this kind should be established. I do not think that the inspection provided for by this Bill is quite sufficient. There are also other things which my hon. friend who has charge of the Bill, will have to explain before the Bill meets with my approval, though I approve of the general principle of the measure. It is approved of in Nova Scotia; it is confined to that province, and I cannot see that it has any tendency, or that it can be utilized to proselytize persons confined in the institution.

HON. MR. MACDONALD (B. C.)—I think any asylum or refuge of a private character is dangerous where the question of economy comes in, and this remark applies to institutions connected with all churches and all denominations. When the question of economy arises, as we have read over and over again, the children are exposed to the danger of being badly fed, badly clad and treated like slaves. From all parts of the world we have that evidence with regard to private institutions. It is not so in the case of public reformatories. There is not the same regard for economy, and the children have a chance of being better treated and subjected to less severe work, because their labour is not utilized to produce a revenue

for the institution. In this Bill, without speaking of proselytizing, there is a clause which, to my mind, condemns the whole measure. It shows how narrow and sectarian the Bill is. Clause 13 provides that if any respectable and trustworthy person, being a Roman Catholic, is willing to undertake the charge of any girl committed to the institution, the girl may be bound for a term of years. It provides that an inmate of the institution can only be sent to live with a Roman Catholic. I hope the House will not go back to the spirit of the middle ages and allow a clause of that kind to become the law of the land. The Bill is most illiberal, and whatever denomination brings in a measure of this kind, I shall oppose any such legislation.

HON. MR. ALLAN—As my name has been used in connection with the Bill as seconder, I should like to say a few words in reference to it. When I was asked to second the Bill in the first instance I looked upon it almost as a matter of form, but afterwards I had an opportunity of perusing the Bill and asking questions in reference to it. This question of the imprisonment of young people, boys or girls, is one which has attracted a great deal of attention and consideration in Ontario recently. Commissions have sat for some time in Ontario, charged with the duty of taking evidence with regard to the whole question of the management of prisons and the punishment of juvenile offenders, and there is one point on which all seem to be agreed—that there could not be a more injurious course to take with respect to these young people than sentencing them, sometimes for comparatively trifling offences, to the common gaol. Invariably they come out of those places worse than they went in. They lost their self-respect and fell lower in the social scale. Instead of tending to reform them, it was lowering their whole moral character. The conviction is strengthened that in all such cases it is most desirable to send those juvenile offenders to some reformatory or industrial school. In Ontario, as hon. gentlemen are aware, there are several of those institutions, some of which have been already alluded to, such as the Andrew Mercer Reformatory, the Industrial School at Mimico, and others of a like character. I understood (perhaps I was wrong) when I was reading the Bill that at present there

are no institutions in Nova Scotia like the Andrew Mercer Reformatory to which magistrates are authorized by law to send offenders who might otherwise be condemned to different terms of imprisonment in the common gaol.

HON. MR. POWER—There are no such institutions in Nova Scotia.

HON. MR. ALLAN—Therefore, so long as no such institution existed it appeared to me that it would be infinitely better to empower a magistrate to send a young offender, a girl, particularly, to an institution like this named in the Bill, than to send her to the common gaol—infinitely better in every possible way. My hon. friend from Richmond spoke of the danger of proselytizing; he should know very much more about institutions of that kind than I do, but it was the last thing that suggested itself to me, because I presumed that no one would be sent there that did not already belong to the Roman Catholic faith, and I think the Bill expressly states that. With regard to the details of the measure, I do not desire to be committed in any way; but taking it broadly as it stands before us, it appears to me that if there are certain Roman Catholic institutions in Nova Scotia where people belonging to that faith can be sent, it is a thousand times better that they should be confined there than in a common gaol; and as for the evils to which my hon. friend from British Columbia has alluded, I cannot conceive it possible that children could be ill-treated in the manner he describes in an institution like this, which is open to inspection. As I said before, I seconded the Bill as a matter of courtesy, and I am not bound to the details, but on the general principle, so long as there are no public institutions to which these young people can be committed, I think it is preferable to send them to an institution like this than to the common gaol, and therefore the principle of the Bill is one that I heartily endorse.

HON. MR. PROWSE—I think the introduction of this question is calculated to engender a great deal of trouble to this Dominion in the future. The Bill appears harmless, perhaps, at first sight, or may be considered beneficial at the present

time, seeing that in Halifax there is no suitable place where offenders of this description can be taken care of and reformed; but it appears to me the correct view to take is this—that where an offender violates the rules and tenets of the church, the church has a perfect right to impose penalties for such offences; but where people break the laws of the country, the makers of these laws should provide reformatories in which to confine them, and keep them entirely clear of churches. In older times, in the dark ages, when an offence was committed against the country the church handed the culprit over to the civil authorities for punishment; but in this Bill, instead of history repeating itself, the civil authorities hand over the culprit to the church for punishment or reformation. I think it will produce evils in the future if such legislation is enacted, and will prove injurious to the peace and prosperity of this country. I shall feel it my duty to vote against the Bill.

**HON. MR. GIRARD**—I cannot agree with the hon. gentleman from Prince Edward Island that it would be injurious to the State to adopt the principle of this Bill. Let us see what will be the obligations of the institution which is to take charge of these poor girls who have offended against the law and who must be punished and reformed. There is certainly no place where there is so good a chance to reform them as in an institution of this kind. The 11th clause of the Bill states what the sisters undertake to do. It is as follows:—

“The sisters of the Good Shepherd shall be bound to teach and instruct each girl so sentenced and detained in the Industrial Refuge as aforesaid in reading and writing, and in arithmetic to the end of simple proportion, and also to teach each such girl such one of the trades or occupations which are, from time to time, taught in such refuge, as such sisters deem most adapted to her capabilities.”

It is not a question of religion at all; it is a very important duty that they undertake to discharge. Institutions similar to this exist in other parts of the Dominion and are doing a great deal of good. I see nothing extraordinary in the provisions of the Bill. I should be sorry if I thought we were retrograding instead of advancing. We have to provide for these poor girls, and there is no way by which we can reform them better than by sending them to such an asylum as the one provided for

in this Bill. We know the consequences of sending such offenders to gaol: they become abandoned and a charge on society. If they go to an institution like this reformatory they may be restored to their parents, and instead of dishonouring may become a credit to their families. I shall support the Bill before the House with pleasure, and I hope it will become law.

**HON. MR. McMILLAN**—Has this institution received aid from the Province or from the city of Halifax?

**HON. MR. POWER**—Not yet.

**HON. MR. GOWAN**—I am much impressed by what fell from my hon. friend from Richmond, and I sympathize largely and fully in his broad and patriotic views. At the same time, I hope the House will give a second reading to this Bill, for it is quite evident that the object of the mover is of a benevolent and philanthropic character. I feel bound to give him the benefit of an experience that I had some years ago in Ireland. Owing to the kindness of the prison inspectors I was enabled to visit some of the leading prisons in that country, and amongst others one commonly called “the prison without walls,” near Kilmainham, entirely managed and conducted by ladies of some religious order, and I was all through it, and had an opportunity of seeing every part of the building and all the work in which the convicts were engaged. The objection has been made, I know, that women are not the best custodians for criminals, and that things are not as well managed as they would be under the superintendence of men; but speaking of that institution and the admirable way in which everything was managed, I cannot use too strong language. I must, from my observation there, believe that women are quite as capable of managing institutions of that kind as men for the purposes indicated in the Bill, and I hope that the Bill will be read the second time. There are a good many clauses in it that seem to interfere very much with the general law of the land—the first, fourth, sixth and twelfth appear to me to interfere perhaps unnecessarily with the general law. It is true that in the 16th clause there is a provision subjecting this institution to Government inspection, but it is not desirable,

I think, to alter the general law to suit any particular institution. I will vote for the second reading of the Bill. My hon. friend is always very astute, I know in looking over every measure introduced, and is very careful in his criticisms, particularly in the way of Bills that come from this side of the House, and is very careful that everything should be right in our Bills—to a letter and to a dot. I venture to suggest for his consideration that he has given a very unfortunate name to his Bill. He has called it “An Act respecting feminine offenders.” Feminine, I always understood, was having a nature befitting a female, that it was a characteristic, and I would suggest to him very respectfully to reconsider the word “feminine.” Perhaps his perceptions of delicacy are very vivid, and he would even scruple to call the leg of the table a leg, as we are told is the case in some parts of the United States, yet I would suggest that “female” offenders would be a more appropriate term.

HON. MR. SCOTT—We all recognize that the spirit of the age now prompts magistrates and judges to seek to reform criminals rather than punish them, except in the cases of very hardened criminals, whose liberty ought to be taken away from them; and nowadays prisoners are very often allowed to go on what is called ticket-of-leave. Judgment is suspended, hoping that the offender may reform. This Bill seems to be entirely in that direction. The order of Good Shepherds is established for the very purpose of reforming females; that is their special mission over the world. An institution of that kind exists in this city, and it has accomplished a great deal of good—so much good that it is largely supported, not alone by the Catholics of the place, but by Protestants also, more largely, perhaps, than by Catholics. It receives aid from the Provincial Government, and it is practically used for the very purpose for which this Bill purposes to authorize the judges of Nova Scotia to send girls to the Good Shepherds. There is no law here authorizing it, but women who have fallen from virtue (and I assume that it is to reach that class, more particularly than any other, not women who commit forgery, larceny, robbery, or any high crime, but those offences that are more particularly pointed against morality)—the common thing in this city is, in such cases, for the stipendiary

magistrate to ask: “Will you go to the Good Shepherds or shall I send you to gaol? You have an opportunity to reform. If you go there you are made to work, and you may recover your good character after twelve months or longer that may be imposed;” and without the recognition of law at all, the very principle of this Bill is being carried out in effect, in the city of Ottawa in that particular way. If the prisoner accused really desires to be reformed—if she has any moral tendency at all—the choice may be in favour of being sent under the control of the Good Shepherds, and I assume, that this Bill would work very much on the same lines. Of course, it altogether rests with the judge, stipendiary magistrate or other official who tries the party, and we must in those cases give them a very wide latitude as to what they think is best in each case, because the judge who is trying the criminal is in the best possible position to say what kind of punishment is best adapted under the circumstances. Ought the party accused to be deprived absolutely of his or her liberty? Is he or she so incorrigible, that confinement in the penitentiary or common gaol is the only punishment applicable; If the offender is a Roman Catholic girl she cannot be placed in a better institution than under the care of the Good Shepherds, who are noted for the success with which they conduct these reformatories. Their whole object in life is to reform females who have gone astray, and I suppose in this establishment in Ottawa to-day there are two or three hundred females going through the various stages of reform; and when a girl has reformed, and the institution is satisfied that she desires to live a virtuous and proper life for the future, she may be apprenticed out to some responsible person who will look after her for twelve months or longer, and it is an institution very much favoured in that way by those who have experience in this mode of reform, inasmuch as its tendency is wholly in the direction of the reformation rather than the punishment of the criminal. We find that in Nova Scotia provision is made for a reformatory for boys, and it has been thought wiser down there that boys of the two faiths should be kept assunder and sent to reformatories looked after by the two different religions. The Act of 1886 provides:

“Whenever any boy who is a Protestant and a



minor, apparently under the age of 16 yeays, is convicted before the police court in the city of Halifax for any offence for which, by law, he is liable to imprisonment, the police court or stipendiary magistrate may sentence such boy to be detained in the Halifax Industrial School for any term not exceeding 5 years, and not less than two years," &c.

Then there is the Halifax Reformatory school for boys of the Roman Catholic faith. The provision of the Act is as follows:—

"As soon as the proclamation has been issued by the Lieutenant Governor of Nova Scotia declaring that a reformatory, orphanage, industrial school or home for boys of the Roman Catholic faith has been established in the county of Halifax and made ready for the confinement of prisoners, any boy, who is a Roman Catholic and apparently under the age of sixteen years, who is convicted before the police court of the city of Halifax, or before a stipendiary magistrate for such city, for any offence for which by law he is liable to imprisonment without hard labour, may be sentenced by such police court or stipendiary magistrate to be detained in such home, whether situated in such city or elsewhere in such county, for any term not exceeding five years, as to such police court or stipendiary magistrate appears proper."

This is an Act of the Parliament of Canada, part of its criminal law, and it appears that Parliament in its wisdom thought proper to encourage or invite legislation for the establishment of such reformatories. It was thought that such institutions would be useful and ought to be encouraged, and if they were organized magistrates would have authority to send criminals to them. If we are going to reform criminals it is not by sending them away to institutions where they cannot be taught religion that it will be done. They must have some religious instruction if they are to be reformed; and if you send them to an institution where you have all classes and all religions, what is the effect? When you have the clergy of the different denominations quarrelling amongst themselves you have a subject for scandal amongst the criminals themselves as to what is true religion. The simple and proper way is to send those criminals to where they will be taught the religion of the church to which they belong, to place them under the influence of teachers of the faith in which they were born, and where their morals can be best attended to. Reform can only be secured under religious training, and that training can only be given in institutions under the charge of a religious body. Experience has proved that where the people of any religious denomination undertake the reformation of the younger members of their

flock they succeed in doing it; but to send them to the common gaol, has the worst possible effect on their morals in after years, and we hear the judges from all parts of the Dominion exclaiming against the Government for not providing proper institutions where juvenile criminals can be taken care of. Sending them to gaol to associate with old offenders means the contaminating of their moral life. They are huddled together with creatures of the lowest class, and the consequence is that the prisoner comes out of the gaol a very much worse member of society than when he was sent there, and the tendency all over this country—all over this continent, and in every civilized land—is to establish reformatories (not gaols) to make people better, to improve their morals, to purify them, to take them out of the slough in which they have been living and make of them better members of the community, rather than to punish them. Judges are so much impressed with that view of the matter that they have asked the Legislature of the country to give them power to say what ought to be done with such offenders. A person commits a crime which renders him liable to be sent to penitentiary for five years. The judge says no; this is a first offence; I will allow the accused to go. I will call him up, lecture him, and appeal to his sense of honour not to repeat his offence, and say to him that society is willing to trust him once more, but to be careful and not repeat his offence. I am not prepared to abide by all the clauses of this bill, because I have not looked at it, but I think that the principle is one which is sound and good, that it appeals to the judgment of this House, and it will be contrary to the spirit of the age not to act in conformity with the propositions contained in this measure.

HON. MR. POWER.—I may say that probably the criticism of the hon. gentleman from Barrie on the title of the Bill is well founded, and it can be inquired into in committee.

The motion was agreed to and the bill was read the second time.

### THIRD READINGS.

The following bills were reported from the Committee on Railways, Telegraphs and Harbours, and read the third time, and passed:—

Bill (25) "An Act to revive and amend the Act to incorporate the Medicine Hat Railway and Coal Company." (Mr. Loughheed.)

Bill (47) "An Act to amend an Act to incorporate the Collingwood and Bay of Quinté Railway Company." (Mr. Allan.)

Bill (57) "An Act to incorporate the Buffalo Lake and Battleford Railway Coal and Iron Company." (Mr. Read, Quinté.)

Bill (64) "An Act respecting the Berlin and Canadian Pacific Junction Railway Company." (Mr. Merner.)

Bill (68) "An Act to revive and amend the Act to incorporate the Red Deer Valley Railway and Coal Company." (Mr. Loughheed.)

### ATIKOKAN IRON RANGE RAILWAY CO.'S BILL.

#### SECOND READING.

HON. MR. VIDAL, from the Committee on Railway's Telegraphs and Harbours reported Bill (55) "An Act to incorporate the Atikokan Iron Range Railway Company" with an amendment. He said: The amendment consists simply in the striking out the words "at Fort William," the place where the line crosses the river Kaministiquia. It was thought better to strike out those words, not desiring to locate the exact place where the line would cross.

HON. MR. MACINNES (Burlington) moved that the report be adopted.

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

### THE WHIRLPOOL BRIDGE CO.'S BILL.

#### DEFEATED IN COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (58) "An Act to incorporate the Whirlpool Bridge Company" The committee recommended as follows:—"That the preamble of the said Bill has not been proved to their satisfaction, and your committee have arrived at such decision on the ground that the passing of the said Bill would be against the public interest."

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

HON. MR. McCALLUM—I would like to move that the fees be refunded, all except the amount for the cost of printing.

HON. MR. VIDAL—The money was paid in the other House.

HON. MR. McCALLUM—How are they to know in the other House?

HON. MR. MILLER—If the Bill originated in the other House we have nothing to do with the fees.

HON. MR. ABBOTT—Should we not send a message to the other House to show that we find that the preamble of this Bill has not been proven?

HON. MR. SCOTT—The promoters of the Bill will find it out soon enough,

HON. MR. MILLER—If the Bill originated in this House, and the money was paid to the Clerk of our House, then the motion would be in order to refund the fees; but when a Bill originates in the House of Commons we have no control over the money.

HON. MR. McCALLUM—We could certainly recommend that the money be refunded, except what was paid for the printing.

HON. MR. VIDAL—It is quite unusual to do it.

The motion was agreed to, and the report was adopted.

### BILLS INTRODUCED.

Bill (94) "An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company." (Mr. Sullivan.)

Bill (93) "An Act to incorporate the Ontario and New York Bridge Company." (Mr. MacInnes, Burlington.)

Bill (69) "An Act to confirm an Indenture made between the New Brunswick Railway Company and the Canadian Pacific Railway Company." (Mr. MacInnes, Burlington.)

Bill (90) "An Act to revive and amend an Act to incorporate the Cobourg, Northumberland and Pacific Railway Company." (Mr. McCallum.)

Bill (89) "An Act to incorporate the Kingston and Pontiac Railway Company." (Mr. McCallum.)

The Senate adjourned at 4:50 p.m.

## THE SENATE.

Ottawa, Wednesday, July 8th, 1891.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (46) "An Act respecting the South Western Railway Company." (Mr. MacInnes, Burlington.)

Bill (74) "An Act further to amend the Canadian Pacific Railway Act, 1889." (Mr. MacInnes, Burlington.)

Bill (65) "An Act respecting the Montreal and Ottawa Railway Company."—(Mr. Clemow.)

Bill (66) "An Act to confirm a lease made between the Guelph Junction Railway Company and the Canadian Pacific Railway Company, and for other purposes." (Mr. MacInnes, Burlington.)

Bill (72) "An Act to incorporate the Peterboro', Sudbury and Sault Ste. Marie Railway Company." (Mr. Flint.)

Bill (75) "An Act respecting the Canadian Pacific Railway Company." (Mr. Scott.)

## THE BODY-SNATCHING BILL.

## REPORTED FROM COMMITTEE.

HON. MR. McMILLAN, from the Select committee appointed to consider Bill (P) "An Act for the punishment of the offence generally termed Body-snatching," reported the same with amendments, and moved that the report be taken into consideration on Monday next. He said: I may state that the special committee to whom this Bill was referred had two meetings, and upon both occasions they went into the subject most thoroughly, and I think that the result of the report, as presented to the House, will show how thoroughly they did their work. To these gentlemen and to the Law Clerk is due the credit of presenting it in such an improved and, I hope, acceptable form to the House.

The motion was agreed to.

## SCHOOL GRANTS IN THE NORTH WEST TERRITORIES.

## INQUIRY.

HON. MR. GIRARD rose to inquire,—

Whether it is the intention of the Government, if, in view of any changes that may be made respecting

the school grants of the North-West Territories, to provide specially for the encouragement and support of the schools existing outside of the organized districts of the North-West Territories?

He said: I wish to correct an error in a speech which I had occasion to make recently in reference to the North-West. I was under the impression at the time that the Government was giving absolutely nothing in aid of the schools in the unorganized territories. I understand, since then, that a certain appropriation has been made to assist the schools in that country. The first gentleman to introduce such a measure was the present Minister of the Interior, the Hon. Mr. Dewdney. While he was Lieutenant Governor of the North-West Territories he was the first to make an appropriation for the schools, not only in the territories under his administration, but also in that unorganized country known as the Mackenzie River district. That appropriation was submitted to and approved by the Government here, and this aid has been given ever since to all the schools in existence in the North-West. Now that a new organization of the North-West Territories is likely to be made, a portion of this grant may be dropped. In the North-West Territories the appropriation has been divided in accordance with the surveys made. It could not be made to the unorganized territories, they not having been surveyed; but assistance was given to these latter institutions from time to time, and they were absolutely under the laws of the North-West Territories. I have been told that it will be impossible to make a division in the same way. I think an appropriation of some hundreds of dollars was made, without any distinction of creed or nationality, to the schools in the district to which I have referred. Being afraid that important part of the Dominion would be forgotten in the new arrangement, I took the liberty to put this question on the paper, with a view of ascertaining the intention of the Government in respect to this question. The schools are open, not only to Indians, but also to half-breeds, and to the few white people there. They are specially for the Indians and half-breeds, and unless the Government give assistance to train these people they will remain in a state of barbarism. Mr. Dewdney made a good beginning in pressing upon the Government to make an allowance for the

maintenance of those schools, and I hope, and have no doubt, that the present Government will follow up this first step in the right direction. With the well known liberality of the leader of the House and of the Government, I should be surprised if he did not continue that liberal policy, and I hope in future arrangements which may be made that unorganized territory will not be forgotten, and that it will continue to receive the small assistance that has been extended to it up to the present time.

HON. MR. ABBOTT—As my hon. friend correctly stated, there has been a grant made for some years past for these schools, and it is not the intention of the Government to make any change in that grant. They propose to continue it.

#### AN EXPORT DUTY ON SAW LOGS.

##### INQUIRY.

HON. MR. FLINT rose to inquire,—

Whether it is the intention of the Government to again impose an export duty on saw logs and timber taken from Canada to the United States to be manufactured into lumber?

He said: In rising to address you at the present time, I think the matter to which I am about to call attention is of great importance to the country, and I trust this House will hear me patiently. Some twenty years or more ago I took up the question of the exportation of saw logs and timber to the United States, duty free, in order to have it thoroughly ventilated, and to have an export duty put on for the protection of our mills. Along the Bay of Quinté, at Trenton, Belleville and Shannonville, logs were brought down by the Americans, and sold, by people who got them out, to the Americans, to the injury of our mills, and they were rafted and taken over to Oswego, a distance of 110 miles; and I showed conclusively on that occasion that the slabs, edgings and butt ends of the logs, together with the sawdust, paid all the expenses of transportation from Canada to Oswego. Some said it was very curious indeed—how could sawdust pay anything? It was used for fuel, for bedding for horses, and for packing various kinds of goods. At all events, an export duty was put on by the Government. Last year I believe it was taken off, for

what reason I do not know. I trust we shall find out in the end how it came to be taken off and the Americans were again allowed to take away our timber free of duty. I make this statement now, and I will show you from a western paper what the timber which was taken from this country last year in one section alone would amount to when manufactured into lumber. It was only last year that the duty was taken off. Since then there was taken by N. Holland, of the Sagi-naw Lumber Company, 30,000,000 feet; by J. W. Heney & Sons, Saginaw, 20,000,000 feet; by Silbey & Barringer, Saginaw, 20,000,000 feet; by Algers & Smith, Lake Huron, to Detroit and Lake Erie points, 80,000,000 feet lumber. Taking that together, we have 150,000,000 feet. Now, let us make a calculation, and see how many logs that took, and as an old lumberman I have a good idea on the subject. We always calculate that 5 standard logs will make 1,000 feet of lumber. At that rate, 750,000 saw logs were exported to make that quantity of lumber. At 4 standard logs to the tree, that would make 187,500 trees. In the part of the country where I lumbered it was very difficult to get 4 standard logs out of a tree. We calculated that instead of getting a 20-inch log at the small end, which would be called a standard, we would get 18 inches all through; so that while it would make 187,500 trees, if the logs were all first rate, at 4 to the tree, I calculate that it would take about 200,000 trees in order to make this quantity of lumber. When we add to that the waste of other timber in cutting down that large number of trees, and what would naturally be left in the woods, it would be a large amount, and this timber has gone to the United States to be manufactured into lumber there since the duty has been taken off. It is said that the Americans have taken off \$1 of the duty that was on sawn lumber. That is no benefit to us: we do not pay the duty. Some gentlemen think we have to pay the duty; don't I have to pay the duty on the cloth that is in my coat when I buy it in Canada? And if I had to pay it in the United States I would have to pay the duty in that country. There is no such thing as our paying the duty on what we send to the States. They pay it there, and I have yet to learn from some other source that lumber has brought any more to the Canadians, as a general thing, for

their taking off that duty. At all events, there is \$150,000 of duty which has been lost to the Government, allowing \$1 per 1,000 feet. Having mentioned that much in connection with the quantity of timber, trees, and so on, I would say now, in reference to our own mills—what encouragement have our men of means to build large mills to manufacture the timber in that part of the country into lumber? None at all. I certainly, as an old lumberman, would not think of putting one dollar into a mill to manufacture lumber while the Americans have such a large advantage, for which they give us nothing in return. What have they to give in return for our timber? They have nothing. Timber is very different from everything else we have to sell. When it is once cut down it is gone, particularly pine—gone forever. If you undertake to plant a pine grove you may live to see a small tree. I have seen pines that were planted 40 years ago that would not make more than a log 15 inches in diameter, and only two logs to the tree. That would not pay this country. Hogs, sheep, and other agricultural produce can be produced from year to year, but the timber, when it is once cut, is gone forever. Therefore, it is a loss to this country. I can assure hon. gentlemen that some lumber which could have been got for \$6 or \$7 fifteen years ago cannot now be bought in Belleville, or even the back country, thirty or forty miles from Belleville, for \$12 or \$14 now, on account of the scarcity of timber. At the time that the Americans took away our timber they took enough to have supplied our mills for another four years with saw logs. If they are going to take away our timber what will our mills have to do? The Americans will not cut their own timber, if they can get ours for nothing. The consequence is, we will soon run short. The vast amount of timber here that I have mentioned, representing at least 200,000 trees cut every year, makes a big hole in the wilderness, and in a very short time there will be no timber of any consequence for anybody to cut. It is injurious to our mills, which make generally, notwithstanding all the difficulties under which they labour, about a dollar and a-half on every thousand they cut, independent of the loss of the logs and the duties payable to the Government on their logs. So you see what the country loses. Our mills

cannot compete with theirs, because we have to pay from a dollar to a dollar and a-half a thousand for shipping our lumber to the United States, while they are getting really, in the way I have mentioned, the timber for nothing, when they are taking it in logs. Not only our millers, but our labouring men suffer. Do we wish to keep our people in this country, or do we wish to drive them to the United States, in order to get employment; because under their law now, if people go there to work they must take the oath of allegiance and become American citizens, and consequently they are lost to us for good. Our object should be to keep our labouring men amongst us, and in order to do that we should endeavor to keep the very thing which will retain our labouring population in the country. Not only our labouring men, but all our people suffer by it, because what the labouring men do not get cannot circulate amongst the merchants and public generally. The loss to the country is complete, and therefore I think it is nothing but reasonable that an export duty should be put on equal to the emergency. I know that a commission is to sit at Washington to deal with the question of reciprocity. I do not believe in reciprocity myself. I have seen enough of it, and I believe we would do better, as a general thing, to mind our own business and let them mind theirs. That is the view I entertain now, and the view I have entertained for a long time. When the old reciprocity treaty was abrogated I realized on my lumber \$2 per thousand more than I had made during the whole time that the treaty was in existence. It shows, at least, that the treaty was no particular benefit to us. If they want anything from us, let us be willing to give it to them at a fair price, and if we want anything from the Americans, we can get it in the same way. I believe, as firmly as I believe that I stand here, that had I in 1852, when I started my large steam mill in Belleville, taken a trip to Liverpool and London and established agencies there to sell my lumber, I would have made a large sum of money, instead of losing over \$100,000. If reciprocity is ever brought about—and I do not believe it will be—they will get the advantage, and I trust that those who are going there will be as wide awake as our neighbours. You watch a Yankee when he is making a bargain: if it is a good one

for him he is whittling towards himself, and when he is making a bad one he is whittling from him. I saw that years ago when I was watching them trying to make a bargain. I desire that our lumber should be saved for our mills, and not only for our mills, but also for the benefit of our labourers, and not have them driven out of the country and become citizens of the United States. If we cannot give them labour they will go where they can find it, and if they go to the United States they must become American citizens or they cannot get work. I was reading an account of a man who went there without taking his tools with him. They would not let him come back to get them. No—he must stay there and become naturalized and buy his tools there, of course. I brought up this question to-day to get some information from the Government in respect to it. I have no desire to hamper them in any way in respect to a reciprocity treaty, but if they will just be of my opinion, and of the opinion of those who have studied this question very carefully, they will be very cautious how they proceed. They will watch the direction in which the Americans are whittling, at all events. I have no idea that a reciprocity treaty will be made, for unless our neighbours will get decidedly the best of us they will have nothing to do with us. They have an idea that they will coerce us into their union, but God forbid that we should ever have anything to do with them in that way.

HON. MR. KAULBACH—I do not think that this is the proper time to for any lengthy debate on this question, but we must be all thankful to my hon. friend for having brought this subject before the House. He never rises in his place but what he has something of importance to bring before us, and his reasons and his conclusions seem always correct, and he generally has the House with him. I must say that when I heard of this export duty having been taken off saw logs I was very much surprised. Our present leader was not, of course, responsible for that act. He was not then leading the Government, but I thought then, as I do now, that it was a most unwise policy. The United States are getting short in their supply of timber, their forests are becoming depleted, and their timber reserves are confined to cer-

tain small sections, and if they can delude our people into depleting our forests to supply the raw material for American mills and workmen they will make every effort to do so. Of course, it is a very wise policy on the part of the United States, but it is a policy that would be suicidal for our people to adopt. It is a policy that does not meet with any encouragement in Nova Scotia. In my province, our people first looked upon the removal of \$1 a thousand from the duty on pine lumber as a boon; but they found that that was not sufficient to obtain for them the United States markets—in fact, when the duty was taken off, in certain localities we had the logs sawn into lumber in the United States and brought back and sold in competition with ours, and both political parties in Nova Scotia are now opposed to the repeal of the export duties on logs. If the leader of the Government cannot tell us why the export duty was taken off saw logs I hope he will be in a position to inform us that it is to be re-imposed, as its removal certainly has not worked in the interests of Canada. I cannot say anything more than my hon. friend has said on the subject, his remarks have been so cogent and so much to the point.

HON. MR. ABBOTT—My hon. friend who put this question alluded to the negotiations which are about to take place between this country and the United States on the trade question, and I am sure that he will find it a sufficient reason for my answering that these negotiations are expected, and that it is not the intention of the Government at this moment to make any change in matters of this description pending these negotiations.

HON. MR. SCOTT—Nor at any other time.

## SENATE AND HOUSE OF COMMONS BILL.

### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (43) "An Act further to amend Chap. 11 of the Revised Statutes, intituled: 'An Act respecting the Senate and House of Commons.'"

(In the Committee.)

On the 1st clause.—

HON. MR. POWER—This clause differs from the existing section of chap. 11 of the Revised Statutes only in the addition of the words, “but no such allowance shall be made for travelling outside of Canada.” This addition was made, I believe, for the purpose of preventing the recurrence of a case which took place last session. It was pointed out by the hon. leader of the Government, when the Bill was at its second reading, that, without a slight amendment, the Bill might prevent members from the lower provinces from making use of the Short Line in coming to Parliament; and in order to avoid that difficulty I beg to move to amend the clause by adding the following words, suggested by the hon. leader of the Government: “Except from one point in Canada to another by any direct route.”

HON. MR. VIDAL—Before the amendment is adopted I would ask the attention to an amendment which suggests itself to me as being preferable to that which has already been made and the one proposed to be added to it—whether it would not be better to strike out that amendment that has been added, and simply to insert after the word “residence,” in the ninth line, the words “in Canada.”

HON. MR. POWER—I think that is really the best suggestion.

HON. MR. MILLER—I do not think the clause requires any amendment at all.

HON. MR. DEBOUCHERVILLE—Suppose we provide that unless a member resides in Canada he is to have no mileage at all?

HON. MR. VIDAL—I think it would be well to provide that if a man is to be a representative in the Canadian Legislature that he should reside in Canada. With respect to computing the mileage by the most direct route, it might, at times, be inconvenient. A member might find it convenient to come to Ottawa by a round-about route, and would not get his mileage at all.

HON. MR. POWER—He would get his mileage computed on the most direct route.

HON. MR. MILLER—I think the clause is very well as it is. It not only meets one objection, but it meets all of the objections. It necessitates a member's residence being in Canada, and I think in that way it meets the objection which has been stated, that a member should not be allowed to live outside of the Dominion, and it meets also the question of computing mileage.

HON. MR. ABBOTT—The hon. gentleman has forgotten that to insert the words suggested by either of the hon. gentlemen who spoke last would be to create a new disqualification for a member of Parliament. It is an important question. It is quite possible that a member, in the strict legal sense of the phrase, might not have his residence in Canada, or might not have a domicile in Canada. He might have a temporary residence outside of Canada, as in the case referred to, and it seems to me that it would be a little hard to disqualify a man for membership by reason of a temporary or accidental circumstance of that kind. The object of this amendment is: supposing that a man may be a temporary resident outside of Canada, he shall not collect mileage for the distance that he travels outside of Canada in coming to Parliament, which is an object that everybody would agree to; but I am not prepared to say what the effect of the disqualification of a member who does not reside in Canada would be. For the moment, I think we had better content ourselves with this clause, which remedies an evil which has actually occurred and may possibly occur again, and leave the question of qualification as it is for the present.

HON. MR. MILLER.—There is this to be said: the law would not, as it stands now, affect the senators, because a senator is obliged to reside in his own province, but it might affect members of the House of Commons, and if they thought proper to send us a Bill of this kind I do not know why we should hesitate to pass it.

HON. MR. DEVER—Would it not affect senators coming to Parliament from the Lower Provinces, and passing through the State of Maine?

HON. MR. ABBOTT—The object of the amendment is to prevent it affecting mem-

bers coming from the lower provinces through the State of Maine.

HON. MR. MILLER—Does the hon. leader of the House think the amendment of the hon. gentleman from Halifax necessary?

HON. MR. POWER—It is really an amendment suggested by the Minister of Justice.

HON. MR. ABBOTT—It was suggested by the Minister of Justice that members of Parliament coming through a foreign country, as some of our members from the lower provinces have to do in passing through Maine, might be prejudicially affected by it, and it was thought better to put in this amendment to avoid any doubt.

The amendment was agreed to.

HON. MR. McCLELAN, from the committee, reported the Bill as amended.

The report was adopted, and the amendment was concurred in.

### THE PRINTING OF PARLIAMENT.

#### THIRD REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the Third Report of the Joint Committee of both Houses on the Printing of Parliament. He said: This report recommends that Mr. Whillock be employed permanently in the distribution office, as he was not provided for as recommended last year. The committee also recommend that fifty copies of the papers relating to the extension and development of trade between the United States and the Dominion of Canada be placed at the disposal of the Library; also fifty copies of the Behring Sea papers. They also recommend that 12,000 copies of the report of the commissioner representing Canada at Jamaica be printed. They recommend also the printing of the report of the Select Committee of the Senate appointed to inquire into the resources of the Great Mackenzie River Basin, 5,000 copies for distribution.

The motion was agreed to, and the report was adopted.

## CONTINGENT ACCOUNTS OF THE SENATE.

### SECOND REPORT.

HON. MR. READ moved the adoption of the Second Report of the Select Committee on the contingent accounts of the Senate. He said: The recommendation of this report is based on the action taken on the death of the late Mr. Fennings Taylor on the 5th May, 1882, as follows:—

“Your committee have heard with much regret of the death of Fennings Taylor, Esquire, Deputy Clerk of your honourable House, and desire to place on record their high appreciation of his long and faithful service, in consideration of which your committee recommend that a sum equal to one year's salary of the office held by him be paid to his widow.”

In 1885 there was a standing order of the House, which it would be perhaps as well for me to read. It is in these words:

“Your committee recommend that the Clerk of the Senate be authorized to pay, from the day of the decease of any officer, clerk or servant of the Senate, on the permanent list, a gratuity of two months' pay of such officer, clerk or servant, to his widow or orphaned children.”

That standing order was amended last year by adding, in certain cases, that the payment should be made to other relatives of a deceased officer of this House if he had not children or a widow, but had a sister or aunt, or some one depending on him, and this two months' gratuity has been paid by the Clerk, so that whatever action the House may chose to take in this matter may be taken into consideration.

HON. MR. ABBOTT—I do not desire to argue this question to-day, because it has been suggested by some friend of the recipient of this vote that if the matter were put over for a few days some amicable solution might be reached; but I would point out to my hon. friend that this vote to-day is two months' salary more than was voted to Mrs. Fennings Taylor. What was voted to Mrs. Taylor was twelve months' salary, but this vote to Mrs. Adamson would be fourteen months' salary. I understand that the standing order of 1885 was passed for the express purpose of putting an end to solicitation and discrimination that followed any misfortune to any member of the staff, and it was sought to establish a uniform rate, which, I believe, has been universally adhered to, and is now the standing rule in all the departments and in



the other House. I am not aware of any instance in which it has been varied from, either in the departments or in the other House. There may be some, but I do not know of any. I would ask, in conformity with the suggestion made to me, to let this report stand over until Monday for consideration.

HON. MR. MILLER—I may say, as a member of the committee, that the committee was not aware at the time that this report was made that Mrs. Adamson had received the salary for these two months. I presume, if we had been aware of that the report would have been modified accordingly.

HON. MR. POWER—If there is to be a discussion in connection with this matter, does not the leader of the House think that it might more properly take place in the committee than in the House?

HON. MR. ABBOTT—Yes; I proposed that yesterday, but it was suggested that probably we might come to a conclusion which would render any discussion unnecessary, and that it would be passed at once; but if a discussion is necessary I would press the suggestion that I made yesterday, that it should be sent to the committee to be discussed there.

HON. MR. MILLER—Sending a report back to a committee implies a disagreement with the action of the committee, and I think it would be just as well to let the report stand over, as suggested by the leader of the Government, until Monday.

HON. MR. VIDAL—It appears very desirable to send it back to the committee for this reason—because, if any change is made in the report here it will be a more direct censure than sending it back to the committee.

HON. MR. MILLER—There is some force in that. I would ask that the report be allowed to stand over until Monday.

HON. MR. POWER—There is one point which should be borne in mind in considering this question, that the deceased officer had been for over forty years in the service of the House before that standing order was passed.

The report was allowed to stand over until Monday.

### LAKE ERIE AND DETROIT RIVER RAILWAY CO.'S BILL.

REFERRED TO THE COMMITTEE ON STANDING ORDERS.

The Order of the Day being called,—Second reading of Bill (60) “An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to ‘The Lake Erie and Detroit River Railway Company.’”

HON. MR. ALLAN said: When I moved that the Bill be read the second time today, I was not aware that no petition had been presented to the House. I therefore move that the Order of the Day be discharged, and that the Bill be referred to the Committee on Standing Orders and Private Bills.

HON. MR. MILLER—The chairman of the Standing Orders Committee is in his place, and I wish to bring to his notice, and to the notice of the House, what is going to be the result ultimately of a course which has been adopted on two or three occasions this session, and has just now been suggested by the hon. member from Toronto. If this course can be adopted of sending a Bill, after its first reading, to the Committee on Standing Orders, to be reported on by that committee without a petition, we will soon have no petitions presented at all, and the practice will become general. There will cease to be any necessity for a petition. In two or three cases which have occurred this session the Standing Orders Committee reported recommending a suspension of the rule. I do not say that it is improper to refer a Bill, for which there has been no petition, to the Committee on Standing Orders, but there ought to be exceptional circumstances to justify such action, and these circumstances ought to be given to the House. There ought to be something to justify the action of the House in pursuing an exceptional course. Hon. members ought to understand that if the House is asked to pursue an exceptional course with respect to a particular Bill we ought to have the reasons for it.

HON. MR. KAULBACH—Is not the fact

of sending it back to the committee a good reason for suspending the rule?

HON. MR. ALLAN—I have neither reason nor excuse for sending the Bill to the Committee on Standing Orders. I have simply followed what has been the practice in this House on similar occasions, and which practice the House has followed; but I am perfectly free to say that, although I do not wish my particular Bill to be made an example of, I do think it would be a very excellent thing indeed if it were made known that if hon. gentlemen who are interested in having legislation through this House do not take the trouble to go through the proper forms and present petitions, as they are bound in all respects in this House to do, I should be very much inclined to urge that in those cases the Bill should not be allowed to pass at all, unless there were some special reasons given why it was not possible to present a petition. To illustrate the casual way in which that sort of thing is done: in this very case, after the Bill was handed to me, and after I had moved that the second reading take place to-day, the gentleman in the House of Commons who requested me to take charge of it wrote me a note enclosing the petition, and said he believed the petition had not been presented in this House. Therefore, I say that people should be given to understand that if they do not present their petitions their Bills will not be allowed to pass.

The motion was agreed to.

### BRIGHTON, WARKWORTH AND NORWOOD RAILWAY CO.'S BILL.

REFERRED TO THE COMMITTEE ON STANDING ORDERS.

The Order of the Day being called,—Second reading Bill (86) "An act to incorporate the Brighton, Warkworth and Norwood Railway Company."

HON. MR. MCCALLUM said: This Bill stands in precisely the same position as the one which has just been referred to the Standing Orders Committee. But this I can say, the petition for this Bill was mislaid in some way. It has been for some time in

the hands of Mr. Soutter upstairs, and therefore I move that the Order of the Day

be discharged, and the said Bill be referred to the Committee on Standing Orders and Private Bills.

HON. MR. MILLER—The House will perceive the opportuneness of the remarks I made just now. The practice is becoming common. Two cases of the same character have occurred on the one day. I think it should be well understood that the House will not, unless there are good reasons shown for doing so, permit these Bills to be referred to the committee. The House should not permit its rules to be disregarded in this way.

HON. MR. GIRARD—The Committee on Standing Orders and Private Bills is in the hands of the House: the remarks which have just been made will naturally receive serious consideration. For my part, having the honour to be chairman of that committee, I regret sometimes that too great liberality has been extended in some cases; but at the same time, we had to follow precedent more or less. We have tried to get information and explanations as far as possible; perhaps we have been too indulgent, but now that we have an expression of opinion from the House it will be easier for the committee to take a decided stand. Either this practice must end, or the rule will have to be modified. For my part, I will give the most serious consideration to the remarks which have been made here to-day, and if in any case the rules have been departed from our report will be accompanied by such explanations as will justify its adoption by the House.

HON. MR. KAULBACH—The hon. member from Richmond says that unless some cogent reasons are given for suspending the rule of the House these Bills should not be referred back to the committee; but how is the House to know those reasons, unless we send the Bill to the committee to be reported upon?

HON. MR. MILLER—I do not object to the House doing so, but what I desire is that reasons should be given to the House for such action.

HON. MR. ALLAN—My hon. friend's question is very easily answered: it will be for the Committee on Standing Orders to say whether there is good ground for letting the Bill pass.

HON. MR. POWER—There is this thing to be borne in mind with respect to the present case: if the petition did not come here it was not through any fault of the promoter of the Bill; and I think, considering that there have been some thousands of petitions on the prohibition question in the office of the Senate to which this was sent, it is not to be wondered at that one petition has gone astray. The wonder is, rather, that more have not gone astray.

HON. MR. VIDAL—I am afraid that the practice which we are proposing to follow is one that is likely to result in confusion. The rule of the House is perfectly clear and distinct: when a Bill comes to us from the House of Commons which is not based on a petition no further step beyond the first reading can be taken on it until it has gone to the Private Bills Committee, to be reported on as to the petition. It appears to me that there is a liability that this mistake may be made—that if it is referred to the committee without instructions they may treat it in the ordinary way, as if it had been introduced on a petition. Therefore, if it is considered necessary to refer a Bill by motion to the Private Bills Committee the ground for doing so should be stated—that the petition has not been presented. There is a liability to deal with it as an ordinary Bill if that is not stated.

HON. MR. ALLAN—The Bill is referred to them as the Standing Orders Committee, and not as the Private Bills Committee. In the case of the Bill which I moved be referred back to the committee, when the Bill came in the first instance, had I been aware of the fact that no petition was presented it would have gone, as a matter of course, to the Private Bills Committee.

HON. MR. MILLER—When the Bill came before the House it should have regularly gone to the Standing Orders Committee; but an irregular step was taken, and to get over that irregular step it is now necessary to move that the Order of the Day be discharged, and that the Bill be sent to the committee. This motion is rendered necessary by the irregular step already taken. What I contend for is this: that when such a course is intended sufficient reason should be given to the House

for referring the Bill to the Standing Orders Committee and for the non-presentation of the petition and for non-compliance with the rules of the House.

The motion was agreed to.

## A SUPPLY BILL.

### FIRST READING.

A Message was received from the House of Commons with Bill (137) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th of June, 1891, and the 30th of June, 1892, and for other purposes relating to the Public Service."

The Bill was read the first time.

HON. MR. ABBOTT—I suppose hon. gentlemen are familiar with the fact that this is a partial Supply Bill, which has been passed by agreement in the other House. I move that it be read the second time to-morrow.

The motion was agreed to.

## ALBERTA RAILWAY AND COAL CO.'S BILL.

### FIRST READING.

A Message was received from the House of Commons with Bill (16) "An Act to amend the Acts relating to the Alberta Railway and Coal Company."

The Bill was read the first time.

HON. MR. OGILVIE moved that the Bill be read the second time to-morrow.

HON. MR. POWER—The Bill cannot be read to-morrow; it cannot be read the second time before Friday.

HON. MR. OGILVIE—The rule requires only one intermediate day.

HON. MR. BOTSFORD—The practice is that each reading of the Bill shall take place on a separate day.

HON. MR. MILLER—The rule says that the Bill shall be read on three separate days.

The motion was agreed to.

Bill (80) "An Act respecting the Toronto, Hamilton and Buffalo Railway Company." (Mr. Sanford).

The Senate adjourned at 4:45 p.m.

THE SENATE.

Ottawa, Thursday, 9th July, 1891.

THE SPEAKER took the Chair at 3 o'clock, p.m.

Prayers and routine proceedings.

THIRD READINGS.

Bill (67) "An Act respecting the Victoria, Saanich and New Westminster Railway Company." (Mr. Macdonald, B.C.)

Bill (78) "An Act to confirm an Agreement between the Shuswap and Okanagon Railway Company and the Canadian Pacific Railway Company, and to confer further powers on the Shuswap and Okanagon Railway Company." (Mr. McInnes, B.C.)

Bill (73) "An Act respecting the South Ontario Pacific Railway Company." (Mr. Vidal, in the absence of Mr. MacInnes, Burlington.)

Bill (43) "An Act further to amend cap. 11 of the Revised Statutes, intituled: 'An Act respecting the Senate and House of Commons.'" (Mr. Power.)

FEMININE OFFENDERS IN NOVA SCOTIA BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (R) "An Act respecting certain Feminine offenders in the Province of Nova Scotia."

(In the Committee.)

On the 1st clause,—

HON. MR. GOWAN—I must say that I regret the introduction of special legislation with regard to reformatories, homes and refuges. I think it would be much better to leave it to the care of the State, and that all should be put under one general regulation; at the same time, I recognize the existence of such institutions in

the several provinces and of legislation relating to them in the Dominion statutes, and I fear the matter has gone too far to hark back. Under these circumstances, I am prepared to give a fair consideration to the Bill introduced by my hon. friend from Halifax, for I quite recognize that the promoters of the Bill are animated by the most benevolent purposes. There are a great many points in this measure to which I shall advert as the Bill proceeds. The measure is framed in a sort of mosaic; it is taken, for the most part, with very many alterations from statutes which are already in existence. The spirit in which this Bill was framed by my hon. friend from Halifax I think is quite apparent when one reads the very opening words. He had adopted new and strange terms throughout the Bill in various places. It may be as a matter of taste or it may be with some other object. In the very opening he speaks of "feminine" offenders in the Province of Nova Scotia. I cannot really understand why my hon. friend uses that term.

HON. MR. POWER—I admitted yesterday that my hon. friend's criticism on the title of the Bill was quite correct, and I was prepared to alter it, so I hope my hon. friend will not dwell upon a point on which we are agreed.

HON. MR. GOWAN—I will not dwell on that, but it gives the key note to the alterations throughout. I would be surprised if my hon. friend adhered to that term, because if we adopted it we should be making ourselves a laughing stock wherever the English language is spoken. In the United States it is said that a certain preacher once observed that heaven was filled with a large majority of ladies while the gentlemen were in a minority. My hon. friend's term is of that character, while a translation of it is altogether impossible. The French edition does not give it; if translated at all it should be translated as an Act respecting delicate offenders, or elegant offenders, or an Act respecting the tender sex offenders—something of that kind should have been introduced if it was properly translated, and if my hon. friend would translate it into latin he would find the same difficulty. I merely mention that because it gives the key note to many of the alterations that

my hon. friend has undertaken to make in the laws on the face of the Statute-book with respect to the provisions that are contained in this Bill. Now the preamble of the Bill says:

“Whereas the sisters of the Good Shepherds at Halifax, a corporation constituted by an Act of the Legislature of the Province of Nova Scotia, passed during the present year, having established in the city of Halifax, in the said province, a reformatory for women and girls, under the name of the Good Shepherd Reformatory, and an industrial refuge for girls under the name of the Good Shepherd Industrial Refuge.”

I assume that this is the fact, but we have no evidence of it, and I quite admit that if the Act cannot be brought into effect until after the publication in the *Royal Gazette* of Nova Scotia of the proclamation issued by the Lieutenant Governor of that province, the Lieutenant Governor would probably see that as a matter of fact the institution alleged does exist. It may exist, but we have no proof that it does, and the preamble to the first section, which we are now considering, would cover that ground. Assuming that to be the fact and assuming that the first clause would sufficiently establish that fact, I would have no objection myself to this clause. Can my hon. friend give me any light as to whether that fact is established or not?

HON. MR. POWER—The institution has been established for some months. I have visited it myself, and I am perfectly aware that it is in existence; but as the hon. gentleman who has just taken his seat has very properly stated, inasmuch as this Act does not go into operation until the Lieutenant-Governor of Nova Scotia has been satisfied that the institution has been opened and is in proper working condition, and has issued a proclamation to that effect, no difficulty could arise, even if the institution was not already in existence. With respect to the first clause, the hon. gentleman says he does not see any objection to it, but it may be just as well to call attention to the fact that the wording of the first clause, as to the proclamation, is taken from an Act passed by this Parliament in 1884, with respect to the Halifax Reformatory School for boys of the Roman Catholic faith, and the substance of the clause is the same as that first section. Section 65 of chap. 183 of the Revised Statutes is also almost identical with section 31 respecting the Andrew Mer-

cer Reformatory for females. I stated at the second reading of this Bill, that all of the clauses in it were to be found in existing Dominion Statutes, and the language I used was that they were either to be found in the Act respecting the Andrew Mercer Reformatory, or in Acts respecting the Halifax Industrial Schools. The hon. gentleman will observe that there was something said as to a possible-abuse of this Act; but it will be seen that no girl can be sentenced to this institution who is not a Roman Catholic, so that there does not seem to be any opening for proselytism.

The clause was agreed to.

On the second clause,—

HON. MR. GOWAN—This second clause appears to be taken, so far as I can see, and I have the advantage of getting a note from my hon. friend on the subject, from the 32nd clause of the Act, chapter 183, and I would ask my hon. friend why he departs from the language used and approved of by the most eminent jurists—language hitherto used throughout all our criminal statutes? We certainly cannot distinguish between convicts, whether they are Jew or Gentile, whether Roman Catholic or Protestants. My hon. friend may, perhaps, desire to deal delicately with Roman Catholic convicts, but I do not see why he should change the terms that are used in statutes already in existence. He employs here the language: “Any woman or girl” instead of “Any female,” which is used throughout the other statutes. It is not merely a matter of taste, but it is an objectionable thing to have a variety of terms apply to the same thing used in statutes. It always gives rise to objection, and I do not see why my hon. friend has departed from custom in adopting a term which is not known on the face of the Statute-book, and which such jurists as Stephen and MacCauley and others have sanctioned. Then there is another and still more material objection to this in my mind. The latter part of the clause reads: “And such woman or girl shall thereupon be imprisoned in such reformatory for the residue of the said term, and shall be subject to all rules and regulations of the reformatory.” That, no doubt, is copied from sec. 32, but the clause from which it is taken refers to rules made by authority and sanctioned

by authority. We do not know what the rules of this institution may be with regard to the time of work, with regard to dietary or with regard to discipline. We know nothing of that; and it is more important for this reason that sec. 6 provides that the prisoners and those confined in the reformatory shall be subject to all the rules and regulations and discipline thereof "until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law;" and by another Act, I think sec. 17, the provisions of the second section of chap. 37 of the Statutes of Canada for 1890 are applied. Now, sec. 6 subjects the convicts to all rules, and sec. 17, by adopting this Act of 1890 of the Parliament of Canada, makes it a misdemeanour to infringe the rules. The Act of Parliament that is adapted and applied to this Act that is the Act of 1890, chap. 937, provides:

"Every one who, being sentenced to or imprisoned or detained in or being ordered to be detained in an industrial refuge, home, or industrial school by reason of incorrigible or vicious conduct, or, with reference to the general discipline of the institution, is beyond the control of the officer in charge of such institution is guilty of a misdemeanour and may be dealt with," &c.

Now, I hesitate to accept a provision of that kind, which makes the infringement of rules of which we have no information whatever a misdemeanour. I think it would be a very dangerous thing to adopt that. The rules and regulations referred to in the Act from which this clause in the Bill was taken, section 32 of cap. 183, were known and approved of by the proper officer, and I think it would be a very unsafe thing for us to adopt the clause as it stands, without knowing something of the rules and regulations, and subjecting these rules and regulations to some proper authority, as the present inspectors or the Government. I think it would be a very unsafe thing to say that we are to adopt rules of which we know nothing and make the infringement of these rules a misdemeanour.

HON. MR. MACDONALD (B.C.)—I hold in my hand a report issued by the Government of Ontario, of a commission appointed by them to inquire into the reformatories, and it comes in very *à-propos* at this time. They specially recommend that children should not be committed to reformatories only as a last resource.

The remarks made by the Commission appointed by the Government of Ontario, are very important. We know that children sent to reformatory institutions may be enslaved, worked hard on poor fare, badly clad and harshly treated. I do not propose to ask the committee to rise, as there are other clauses of the Bill which I wish to speak to.

HON. MR. GOWAN—To separate these two questions, might I ask my hon. friend if he would consent to strike out the words "woman and girl," and substitute "female," in the second clause, making it in accordance with the Act from which it is copied.

HON. MR. POWER—The hon. gentleman once made some remark with regard to my tendency to minuteness of criticism. I do not think I ever heard a better specimen of what the hon. gentleman calls "minuteness of criticism" than he has given to this clause. If my hon. friend turns to the statutes he will find a number of them where the term "woman and girl" occurs.

HON. MR. GOWAN—Why did you profess to copy this clause from the other? If the hon. gentleman professed to adopt the language of the clause of the other Act, why not follow it.

HON. MR. POWER—I am not under cross-examination. The hon. gentleman has no right to cross-examine me as to where I got the language from. I have stated, however, that I got the language substantially from section 32 of cap. 183 of the Revised Statutes, as any hon. gentleman can see on turning to it. Now, the hon. gentleman has discovered that whereas that section in the Mercer Act used the word "female," I should not use the term "woman or girl" in this Bill. It is only a matter of taste, but the expressions "woman" and "girl" are both used in the criminal law, and for my part I think the term "woman or girl" is a much better expression than female, which may describe a dog or other animal. The hon. gentleman also said something about the regulations: he said that we were approving of regulations which we did not know of. If it is thought desirable by the committee that those regulations should be submitted to the Gov-

error in Council before going into operation I do not think there should be any serious objection to it; but as a matter of fact, we have passed two or three Acts with respect to other institutions, which did not have any such requirement as that. The section of the Act of last year to which the hon. gentleman refers applies, amongst other institutions, to the Catholic Reformatory for boys in the city of Halifax, and there is no provision in the Act respecting that institution that the regulations shall be submitted to anyone for approval. The danger of abuse under this legislation is, I think, rather imaginary than otherwise. If hon. gentlemen will look a little further on in the Bill they will find that the institution is to be at all times open to inspection by any persons appointed by the Governor in Council to inspect the same. As a matter of fact, the institution is open for inspection at all times to any lady or gentleman who may choose to go there—all are welcome to go through it. It is situated in a public place in the city of Halifax, and it is open to inspection by anybody at all times. I do not know that there is any necessity for saying anything more about this, but hon. gentlemen may not perhaps have noticed that there are two institutions comprised in this measure. The hon. gentleman from Lunenburg said something about the second clause—that it limited the persons who should be sent to this institution to women, and girls above 16 years of age. I would direct his attention to the fact that the first clause deals with a reformatory, an institution for women over 16 years of age; the clauses from 9 to 13 deal with the industrial refuge, which is an institution for girls under 16.

HON. MR. GOWAN—The hon. gentleman scarcely appreciates my position. My question to him was not in the way of cross-examination, but was asked in a friendly spirit, for I do not desire to oppose this measure by any means, but I desire to have it properly corrected. The point I wish to make is this: that while the words which are in this Bill may be found in other statutes, they are not found in the statutes *pari materia*.

HON. MR. POWER—If the hon. gentleman will look at section 65 and section 61

with respect to the Halifax Protestant school he will find that the male offenders are called "boys."

HON. MR. GOWAN—I am speaking of the general rule in chap. 183, and it certainly does not harmonize with that, and my hon. friend knows as a professional man the difficulties that are generated by using different terms applying to the same subjects, and if it is only a matter of taste I do not see why he should object to the substituting for the words he has altered from this clause the word "female."

HON. MR. POWER—I think that the Act that I have quoted to the hon. gentleman dealing with another institution in Nova Scotia uses the word "boy." The hon. gentleman quotes from the Ontario Act, which uses the word female.

HON. MR. GOWAN—It is not an Ontario Act; it is a statute of the Dominion.

HON. MR. POWER—The hon. gentleman apparently cannot understand my English, which I am afraid is not as plain as it should be. I have quoted to the hon. gentleman the language used in the Dominion statutes passed within the last few years. The term "boy" is used as applying to institutions in Nova Scotia; the term "male" is used as applying to institutions in Ontario. It is a matter of choice, and if I happen to prefer the terminology used in the legislation for the lower provinces, the hon. gentleman should not object.

HON. MR. VIDAL—I think this very nice question between females and girls should be decided rather in favour of the contention of my hon. friend from Halifax. He is certainly correct that we should use the term "boy" or "girl," instead of the adjective "female." These rules and regulations should be subject to some proper supervision. I think there should be some amendment to that.

HON. MR. ABBOTT—Perhaps the better way would be to strike out the words altogether, because the Government takes the authority to inspect, and if anything wrong is being done the inspector would have authority to right it; whereas, I do see an objection to having the rules and

regulations made binding upon the inmates of this reformatory, without our knowing what they are. To make them subject to the ruling of the Governor in Council seems to me to be more elaborate than is necessary. They are simply domestic rules, I suppose, to keep order, and so on, and harmless rules of that kind no one would attempt to interfere with. If anything improper occurred the Government inspector would have power to act, and it would be better, I think, to leave out altogether the words "subject to all the rules and regulations of the reformatory," at the end of the second clause.

HON. MR. POWER—That is the language used in the Ontario Act, and it does not do any harm.

HON. MR. ABBOTT—I do not insist on them being struck out, but they should either be struck out or the rules should be subject to the approval of the Governor in Council.

HON. MR. POWER—Certainly, that can be inserted further on. I may mention that before this Bill was read the second time it was inspected by the Deputy Minister of Justice. I do not know whether the Minister himself looked at it or not, but the Deputy Minister inspected and approved of it; so I feel safe in going on with it.

HON. MR. GOWAN—I feel so strongly that these words should be changed that I move that the words "woman or girl," in the first line of the second clause, be struck out, and the word "female," inserted in lieu thereof.

HON. MR. KAULBACH—If my hon. friend could show that "female" was more expressive than "woman or girl" I would approve of the change, but "female" need not necessarily apply to a human being at all.

HON. MR. GOWAN—My hon. friend may desire to have Roman Catholic convicts called in that way, but I do not think that there should be any distinction between convicts, whether they are Turks, Jews, Protestants or Catholics.

HON. MR. POWER—The Act respecting

the Protestant Industrial School of Halifax uses the term "boy," so my hon. friend does not score the point which he thinks he does.

The amendment was declared lost.

HON. MR. GOWAN—It is in the second clause of the Bill that contains the provision with regard to the rules and regulations of the reformatory, and certainly I would be obliged to vote against the Bill altogether, except either the suggestion of the hon. First Minister was taken, or it was left to some competent authority to approve of the rules and regulations.

HON. MR. POWER—I have already stated that there is no objection, so far as I am concerned, at all events, to having a clause inserted in the latter part of the Bill to provide that the rules and regulations shall be subject to the approval of the Governor in Council.

The clause was adopted.

On the 9th clause,—

HON. MR. GOWAN—This appears to be taken from section 65, and a very material alteration is made. The reformatory for Catholic boys I think only covers the case of boys committed by the police magistrate at Halifax. This clause makes it general. It includes convicts from all parts of Nova Scotia, and it is the more important because under clause 10 the municipality may be called upon to contribute \$60 for each convict. It seems unfair to make the city contribute to the support of convicts taken from all parts of the province.

HON. MR. MACDONALD (B.C.)—Section 9 provides for the commitment of girls to the reformatory only on condition that the consent of the superintendent is obtained, and that consent is based upon the payment of \$60 per head for each inmate. The hon. gentleman in charge of the Bill told us that this was entirely a Roman Catholic measure.

HON. MR. POWER—Yes.

HON. MR. MACDONALD (B.C.)—When you come to clause 13 you find that when an inmate of this institution is to be



apprenticed to trade or domestic service it is only with a Roman Catholic that she can be placed, while the municipality is taxed for the support of the girl!

HON. MR. POWER—I think the House must be struck with the courteous and sympathetic way in which the hon. gentleman from Victoria has spoken of this provision. The hon. member from Barrie is quite right in saying that the language of the clause is different from that of the original section 65, but if he will turn to chapter 37 of the Acts of last year he will find that the Government here introduced an amendment to the Acts with respect to the two industrial schools in Halifax, authorizing the committal of boys from all parts of the Province to these institutions—that is, the feeling grew in the Province of Nova Scotia that it was desirable that the benefits of these institutions, the Protestant Industrial School and the Catholic Industrial School, should not be limited to the city of Halifax, in which they both happen to be situated. The Local Legislature passed an Act authorizing the different municipalities, if they chose, to make provision for the payment of a certain sum for the support of prisoners from the different municipalities in these two institutions, and this Parliament, following in the wake of the action of the Local Legislature, last year authorized the magistrates administering the criminal law in the Province of Nova Scotia to sentence any boy who was a Protestant to the Protestant Industrial School; and the municipality may make provision for the payment of that amount for the maintenance of the offender in the institution. The language of this ninth clause of the Bill is intended to meet the altered condition of things, and is exactly the same as the law relating to the Protestant and the Catholic Industrial Schools for boys in Halifax. The city of Halifax is authorized by legislation—adopted in the first instance by the City Council, representing the citizens, and enacted by the Local Legislature—to pay a sum of \$60 each for a certain number of youthful offenders in the existing reformatory schools. Under their own legislation the City Council of Halifax practically now pay \$60 apiece for 20 boys in the Protestant Industrial School and for 20 boys in the Catholic Industrial School. This Bill does

not make any provision with respect to that at all. If the Local Legislature and the City of Halifax choose to enter into an arrangement with the proprietors of this institution for the support of children there, that does not concern us materially, as long as the school is open to inspection by our officers.

HON. MR. VIDAL—Does not this all show the impropriety and difficulty of having those sectarian institutions? They should belong to the country generally. Dealing with the Bill, I do not think that the argument of my hon. friend is quite convincing; it is not the city of Halifax alone that is dealt with. If it were, it would be simplified greatly; but, as it is here, it is any municipality in Nova Scotia, and it does not seem fair that any municipality in the province should have imposed on it the charge of \$60 a year for every Catholic offender sent to this institution.

HON. MR. ABBOTT—The legislation with regard to the St. Patrick's Home is nearly *verbatim* the same as the clause my hon. friend has put in this Bill. A boy cannot be sentenced to that reformatory unless provision has been made by the municipality in which such conviction was had for the support of the boy at the rate of \$60 per annum. That is the provision in sec. 10, only it is a little wider, because girls may be committed to this institution without payment, if the Superior consents to it.

HON. MR. POWER—Several girls have been taken into the Home for whom nothing has been paid.

HON. MR. CLEMOW—It appears to me that \$60 per inmate is a high price to pay. You can keep prisoners in a gaol for about 7 cents a day. In these institutions the inmates work, and the institution makes as much from their labour as will keep them.

HON. MR. BOULTON—I think we have come to the clauses in the Bill which are to a certain extent a stumbling-block in my mind. Clause 9 provides that a girl may be placed for five years in this reformatory, and that for the care of that girl during a period of five years the institution shall receive \$60 per annum from the municipality wherein the offence was committed.

HON. MR. POWER—The hon. gentleman should look further on, and he will see that that is subject to legislation by the municipality.

HON. MR. SCOTT—They need not do it if they do not like it.

HON. MR. BOULTON—I think we should treat those criminals as wards of the country, and when legislation is sought in this House we should look at the question from that standpoint, and not from the standpoint of legislation that places them under private control. I maintain that these children are the wards of the country, and that in passing a Bill of this kind we are to a certain extent abrogating our power and our duties in regard to them. I think that sectional legislation of this kind, which embraces a great public question, should not be brought before the Dominion Parliament, but that we should deal with criminals as a whole, and not with those only which belong to separate denominations. The Bill should be carefully considered and brought in by the Government itself when public opinion demanded it. The position in which the passage of this Bill will place us is this: it will establish a precedent which I do not think it is wise to establish. If the Roman Catholics are permitted to subsidize a private institution of that kind in Nova Scotia, the Methodist or Church of England people would be at liberty to subsidize in the same way an institution of their own in some other part of the country. I give credit to the hon. member from Halifax for the purest motives in bringing this question before the House. I give credit to the charitable instincts and objects of the institution which is the subject of the present Bill, but the difficulties that we have to contend with are not those of the moment—it is what legislation of this kind leads to—what position will it place this country in half a century hence, when the growth of those institutions will have become so great that they will almost control the country in respect to the disposal of criminals, and instead of having public institutions of which the country may be proud, a number of private institutions, inefficiently managed, may be the result. It is most important that a question of this kind should be carefully considered and dealt with by the Government in the

interest of the people at large. More than that, I think that a charitable institution should not seek to get public money to promote its charitable objects. I am acquainted with a very large charity indeed in England, the Barnardo Homes. Dr. Barnardo has a branch institution in my part of the country, called the Barnardo Industrial Farm. That institution collects a large amount of money and uses it for reclaiming waifs and strays.

HON. MR. SCOTT.—For proselytising purposes.

HON. MR. BOULTON.—Not for proselytizing purposes; I have never heard the institution accused of that. That is not the spirit that moves it. Dr. Barnardo's Home collects money and picks up waifs and strays from the streets of London and distributes them in homes where they are properly cared for and reclaimed from vicious lives, but in doing so he does not seek aid from the country—it is charity from first to last. It is by charitable feelings that he himself and the people who project these institutions and those who subscribe and support them are moved. I think that a charitable institution ceases to deserve the name when it receives not only remuneration for the keep of those sent to the institution, but also gets the benefit of their labour for five years. For these reasons, I think it is well for us, before we permit an extension of the principle of the legislation sought for here, that we should consider all these matters carefully.

HON. MR. SCOTT—What is the hon. gentleman going to do with these unfortunate women in Nova Scotia that can be improved by reform? Is it not better to establish a reformatory such as this and confine them there than to let them go to gaol? If we were prepared to establish a reformatory which could be kept up, such a place as these people could be sent to for moral improvement, I grant there is some force in the hon. gentleman's argument; but the practical meaning of his observation is that there shall be no reformation of these girls. The women whose morals might be regenerated are to be left, forsooth, to lower in the social scale, because the hon. gentleman has a myth that he cannot master.

HON. MR. BOULTON—I think the people in this Dominion are sufficiently intelligent to deal with questions of this kind, which are essentially broad public questions, without leaving it to the religious sects. They are quite competent to look after the waifs and strays of the country, and it is their duty to do so. It has not been shown that there is any public demand for legislation of this kind. The judges have themselves, in many cases, voluntarily consigned some of those convicted girls to the care of such institutions as this. I just draw the line there. Where a number of us choose to band ourselves together, and for the love of our fellow-creatures contribute towards the improvement of unfortunate people, it is a matter which should be dealt with by ourselves, without calling on the public for assistance. That is a true charity, but it ceases to be a charity when there is emolument attached to the work and the public are taxed for its support, as is sought to be done by this Bill.

HON. MR. SCOTT—It is purely optional with the municipalities.

HON. MR. KAULBACH—My hon. friend's remarks would have been more appropriate at the second reading of the Bill, when the principle was fully discussed and approved of. Now, this is a question purely affecting Halifax, and also the Province of Nova Scotia to some extent. If the people of Halifax think proper to devote their funds to this purpose, and the Legislature of the province approve of it, I do not see why my hon. friend should find fault with the principle of the Bill at this stage. The principle is not a new one: it has been adopted in legislation here and also in Nova Scotia. To attack the principle of the Bill at this stage seems unfair.

HON. MR. GOWAN—I quite accept my hon. friend's explanation, so far as I am personally concerned, as satisfactory, with respect to the ninth clause, but I would ask him why he has brought in these words at the end of the clause: "not less than two years?" That limits the discretion of the magistrate. In the clause from which he copied it there are no such words. Now, there is a very material distinction between the term "not more than five" and "not less than two." That means that the

magistrate must sentence to at least two years. I should like to have some explanation.

HON. MR. POWER—I am only too delighted to give the hon. gentleman the information. If he will turn to chap. 37 of the Acts of 1890, page 245 of the volume, he will find this with respect to the Halifax Protestant Industrial School, section 61: that the stipendiary magistrate, justice or judge, may sentence "such boy to be detained in the Halifax Industrial School for any term not exceeding five and not less than two years." If the hon. gentleman is not satisfied with that—

HON. MR. GOWAN—I am satisfied.

HON. MR. POWER—Perhaps some other hon. gentlemen are not satisfied, and may think there is an unfair discrimination made. I therefore ask them to look at section 36 of the Act of last year, and they will find that an exactly similar provision is made with respect to the St. Patrick's Home.

HON. MR. SCOTT—I think the minimum term of imprisonment should always be left with the judge. It is a principle which is day by day gaining force.

HON. MR. POWER—This applies to girls under 16 only.

HON. MR. SCOTT—The legislation of last year on a question of that kind is not a precedent that we are bound to follow. I would be opposed to any limit of the discretion of the magistrate, who is the best judge of the punishment that ought to be imposed. The tendency of all laws now is to widen the discretion of the judge and give him most ample power. You may limit him as to the extreme penalty to be imposed, but I do not think you ought to take from him the right of minimizing the punishment as he may see fit.

HON. MR. PROWSE—It appears to me that the provisions in this Bill are not calculated to reach the class of offenders that the promoters of the Bill desire to benefit—that is, the class of offenders most susceptible of improvement. For instance, children or young persons, and grown people as well, commit a trifling offence

and are brought before a magistrate and sentenced to a short imprisonment of a few days. What is to be done with such offenders? They are sent to gaol. There is no way of sending such persons to a reformatory; this Bill only provides for such offenders as, in the judgment of a court, deserve to be imprisoned for two months. I do not wish to discuss the principle of the Bill. I expressed my views on the second reading. I think it is legislating in a wrong direction—dangerous legislation. It is placing the Government in the hands of a church, and I do not care whether that church is Roman Catholic or Protestant, I consider it unwise. The best way is to keep separate as far as possible the functions of State and Church.

HON. MR. ABBOTT—I think there is some little misconception about the nature of these clauses. I do not understand that this clause restricts the judge or compels him to impose, as a minimum punishment, imprisonment for two years. This institution having been formed, if the judge chooses to send a person there the conviction of that person must be for at least two years. There is no use in sending a child there to remain for a shorter term, but if the judge does not think the offence one requiring two years' imprisonment he does not send the offender there. There is no use in sending a child to an industrial school for less than two years.

HON. MR. SCOTT—We all understand that.

HON. MR. ABBOTT—So I do not think the discretion of the judge is limited. Now, as to the money payment: it must be observed that that provision is purely voluntary; the municipality may or may not think the institution a useful one for the reformation of criminals. If they think it is useful, and they wish criminals to be sent there, they make provision of \$60 apiece for as many criminals as they choose to send there, and the judge may sentence the number provided for to that institution, but there is no obligation on the municipality to do it unless they like. This provision is made with reference to several other institutions, both for Protestants and Catholics, in Nova Scotia. I do not see that there can be any objection to allowing

people, if they voluntarily do so, to have persons who seem likely to become criminals for life sent to an institution of this kind, if they choose to pay for it. It would be better, perhaps, if we could all agree to believe alike and send criminals together to a reformatory; but it must be remembered that it is not every body of people who will, in the first place, establish an institution of this kind, and who will devote their lives to the management and improvement of the people who are committed to it, and if there are any people, of any church, who choose to do that, they undoubtedly offer a public benefit. If they offer that public benefit on terms which a municipality in their neighbourhood thinks reasonable, and the municipality makes provision for sending a certain number of offenders there, I do not see what objection there can be to allowing that municipality to do so. It is on these grounds that the Government have already passed similar statutes referring to other industrial schools and reformatories, some of them Catholic and some of them Protestant. There does not seem to be any distinction in the statutes that have been passed as to the religion or the church to which the people belong who establish these reformatories; they seem to welcome the offer of any respectable body to take charge of children of their own church and reform them, and they are willing that the municipalities to which the offender belongs should have the right, if it chooses, to make provision for the maintenance of such children in those institutions. It seems to me that this is rather a beneficent purpose, and I think it is for the public advantage that it should be encouraged.

HON. MR. GOWAN—I make no objection whatever, so far as I am concerned, to the tenth section; I think it is a desirable one. I wish simply to say, in connection with the previous one, that I steadily adhere to my view. Suppose the case of a young criminal, deserving of some slight punishment, I think it would be a cruel thing to send that child to gaol for six months. According to this clause as it now stands, if she is sent to the reformatory at all it must be for two years at least, and that punishment might be greater than the child deserved. I therefore move that these words, "and not less than two years," be struck out.

HON. MR. KAULBACH—If the object is to reform the person accused it cannot be done in a short time; besides that, there are tickets-of-leave issued for good conduct, by which the criminal may be put out under supervision, and if she behave herself she will not come back again to the institution.

HON. MR. POWER—The hon. gentleman is quite right; there is a provision later on in the Bill under which, after a child has been in the institution six months and has conducted herself properly, she may be let out under a ticket-of-leave with the consent of the magistrate who sentenced her. I do not presume to add anything to the admirable speech of the First Minister, but I desire to say a few words in reply to the hon. gentleman from Shell River. He said that true charity was the charity that gave without any return. I presume that is a sentiment in which we all concur; but the hon. gentleman will see that the ladies who control this institution are poor. Whatever means they have they get by voluntary contributions from the people in the city of Halifax. The hon. gentleman must see that the means at their disposal must therefore be very limited, and the number of prisoners that they can take gratuitously must be very small; so that, if the benefits of the institution are to be extended it must be by some such machinery as that indicated in the Bill, and of which the hon. Premier has spoken—that the municipality who wish to have their juvenile criminals sent to an institution of this sort may contribute so much, and in that way the usefulness of the institution is extended. There are several girls now at the institution for which this legislation is intended, for whose support the Sisters receive nothing at all.

The clause was agreed to.

On the 11th clause,—

HON. MR. VIDAL—I think it is a mistake to retain in this eleventh clause, as it is in the preamble of the Bill, the words “the Sisters of the Good Shepherd.”

HON. MR. GOWAN—Why not say the governing body of the refuge?

HON. MR. VIDAL—That would do.

HON. MR. POWER—I have no objection to accept the hon. gentleman's suggestion, and will move that the tenth line of page 3 be amended, by striking out the words “Sisters of the Good Shepherd,” and inserting in lieu thereof the words “the superintendent or superior of the industrial refuge,” shall be bound to teach and instruct, etc.

HON. MR. ABBOTT—You do not intend that the superintendent or superior shall herself teach these children?

HON. MR. MASSON—The clause is a great deal better as it is.

HON. MR. VIDAL—The name of the corporation is, one “The Good Shepherd Reformatory,” and the other “The Good Shepherd Refuge.”

HON. MR. MASSON—The community that keeps the two institutions is the Sisters of the Good Shepherd. Would it not be better to say that “the said institution is bound to teach, instruct,” &c.

HON. MR. POWER—I think the clause is better as it is, without amendment.

The clause was agreed to.

On the 12th clause,—

HON. MR. KAULBACH—As regards the fourth sub-section, if an inmate of the institution, who was out on a ticket-of-leave, was brought back for forfeiting her ticket-of-leave, should it not be left to the discretion of the magistrate to say whether she should be returned to the reformatory or sent to the common gaol?

HON. MR. POWER—There is a provision in the sixteenth clause, that if any offender become incorrigible she may, on a certificate of the superintendent or superior, be removed to a penitentiary, as provided in the Penitentiary Act.

The clause was agreed to.

On the 13th clause,—

HON. MR. MACDONALD—I would like to ask the hon. gentleman from Halifax if there is a similar clause in the Act respecting the Protestant refuge, to provide for the apprenticeship of an inmate to

trade or domestic service with a Protestant? This clause provides that nobody but a Roman Catholic shall be allowed to obtain a child out of this reformatory. I think the House would consider it reasonable, where all parties contribute to the keeping of this institution, that a respectable person of any denomination should be able to get a child out of the refuge. I therefore move that the words "being a Roman Catholic" be struck out of the clause.

HON. MR. KAULBACH—I think that it would not be fair to a child who is recognized as a Roman Catholic, and sent to this institution because she is a Roman Catholic, that it should be in the power of the institution to apprentice her out to a person who is not a Catholic. I think the spirit of the whole Bill would be frustrated to allow a Roman Catholic child to be apprenticed out where her principles and her morals will be subject to the influence of persons of another religion.

HON. MR. GOWAN—My hon. friend from Victoria will see that none but Roman Catholic girls and women can be sent to this institution.

HON. MR. MACDONALD—Where all parties contribute to their support, they should be bound out to the service of any respectable or trustworthy person who is willing to take charge of them.

HON. MR. MASSON—An hon. gentleman spoke of proselytism in connection with this institution. I think this would be proselytism of the worst character. I would have an objection to sending a child to a State school, where no religion is taught; but I would certainly have the greatest objection to have a Protestant child of, say 12 years of age, apprenticed to a Roman Catholic. On the other hand, I would have the strongest objection to apprenticing a Roman Catholic child to a Protestant family. It would defeat the object of this Bill, and it would be far better to abandon it altogether and establish a refuge where there shall be no religion taught. In this case the child placed in this institution is a Roman Catholic child, and must be a Roman Catholic child to be sent there; and to place such a child in a Protestant family would be the worst kind of proselytism.

HON. MR. VIDAL—I think it would be a very unwise thing to restrict the apprenticing of such girls to Roman Catholics. I know that a daughter of my own has been keeping house for a number of years, and has had a number of servant girls, and she has never had any but Roman Catholic girls, and there has been no attempt to proselytize them.

HON. MR. MASSON—A Roman Catholic girl going into a Protestant house, or a Protestant girl going to a Roman Catholic house, can leave it on fifteen days' notice; but these girls are to be apprenticed, and it is a different thing.

HON. MR. VIDAL—Only with the approval of the persons in whose charge they are.

The amendment was declared lost on a division.

The clause was then agreed to.

On the 16th clause,—

HON. MR. KAULBACH—It seems to me that this clause is an unjust clause, for it provides that if any offender detained in the reformatory or refuge becomes incorrigible she may be removed to a penitentiary. I think many of the offences for which these girls are sent to the reformatory or refuge are not of such a nature as would subject them to imprisonment in the penitentiary; but simply because the reformatory itself has not the desired effect, that the child should be sent to a penitentiary, where the original offence would only have caused her to be sent to the common gaol, is rather an injustice.

HON. MR. GOWAN—My hon. friend will see that clause 79 of cap. 183 is identical with this. I really see no objection to it.

HON. MR. CLEMOU—This removal to the penitentiary is to be done on a certificate of the superintendent or superior. I think there should be something more than that. Such power should not be left merely in the hands of the superior; it should be subject to supervision in some other way. I think it is giving too much power to the superintendent or superior, no matter of what institution.

HON. MR. VIDAL—I did not know that the fifteenth clause had been passed, and I was going to point out that the provision that is made here for inspection, which is to be by an officer appointed by the Governor in Council at Ottawa, would be better done by an officer appointed by the Lieutenant Governor in Council of Nova Scotia.

HON. MR. POWER—The Bill before the committee is in a large degree a transcript of the local Act under which this institution was incorporated, and that local Act contained a provision that the institution shall be inspected by an officer appointed by the Lieut. Governor in Council. Strictly speaking, we have no right to prescribe to the Local Legislature and Government what they shall do, and they have already provided for this inspection.

The clause was agreed to.

Returning to the 16th clause,—

HON. MR. SCOTT—I think it would be better to amend this clause, and provide that the transfer to the penitentiary shall be on a certificate, as provided by section 49 of the Penitentiary Act.

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

#### SECOND READINGS.

Bill (94) “An Act respecting the Kingston, Smith’s Falls and Ottawa Railway Company.” (Mr. Sullivan.)

Bill (93) “An Act to incorporate the Ontario and New York Bridge Company.” (Mr. MacInnes, Burlington.)

Bill (69) “An Act to confirm an Indenture made between the New Brunswick Railway Company and the Canadian Pacific Railway Company.” (Mr. MacInnes, Burlington.)

Bill (90) “An Act to revive and amend the Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.” (Mr. McCallum.)

Bill (89) “An Act to incorporate the Kingston and Pontiac Railway Company.” (Mr. McCallum.)

Bill (16) “An Act to amend the Act relating to the Alberta Railway and Coal Company.” (Mr. Ogilvie.)

Bill (80) “An Act respecting the Toronto, Hamilton and Buffalo Railway Company.” (Mr. Sanford.)

#### A SUPPLY BILL.

##### SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (127) “An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1891, and the 30th June, 1892, and for other purposes relating to the Public Service.” He said: As I stated yesterday, this Bill, which is not in fact the Supply Bill for the year, but a Bill for an integral portion of the necessary supply, was passed in the other House by agreement on both sides, in order to make provision for the needs of the Government. It appropriates about \$4,500,000, the sum being apportioned over the several branches of the public service, as the Supply Bill will be when it comes before us in its entirety. This Bill appropriates about one-tenth of the amount that is to be voted.

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

HON. MR. ABBOTT moved the suspension of the 41st Rule, so far as it relates to this Bill. He said: As the Deputy Governor will come down to-morrow for the purpose of sanctioning these Bills, it is, of course, of essential importance to get this Bill passed to-day.

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

#### PICTOU BANK WINDING-UP BILL.

##### THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (76) “An Act to amend the Act to authorize and provide for the winding-up of the Pictou Bank,” with amendments. He said: I may explain that the Bank of Pictou obtained an Act authorizing it to be wound up in 1887, and it was apparently thought that the business would be wound up before the expiration of the bank charters on the 1st of July, 1891. The

Bill is introduced merely to continue the charter to wind up the bank, and these amendments have been inserted to cover the interval between the 1st of July, 1891, which is now past, and the final passing of the Bill, and therefore, as they are solely for that purpose, I should think there is no reason why the Bill should not be now read the third time.

HON. MR. KAULBACH moved that the amendments be concurred in.

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

### BILLS INTRODUCED.

Bill (70) "An Act to incorporate the Buffalo and Fort Erie Bridge Company." (Mr. McCallum.)

Bill (29) "An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes." (Mr. Scott.)

Bill (107) "An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company." (Mr. Macdonald, B.C.)

Bill (87) "An Act to revive and amend the Act to incorporate the Quebec Bridge Company." (Mr. Bellerose.)

Bill (88) "An Act to incorporate the St. Catharines and Merriton Bridge Company." (Mr. McCallum.)

Bill (91) "An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River Water-power." (Mr. Loughheed.)

The Senate adjourned at 5:30 p.m.

### THE SENATE.

*Ottawa, Friday, July 10th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

The House adjourned during pleasure.

The House was resumed.

### BILLS ASSENTED TO.

The Honourable Sir William Johnstone Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated on the Throne,—

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is the Deputy Governor's desire that they attend him immediately in this House;"

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally as follows:—

An Act respecting fishing vessels of the United States of America.

An Act respecting the Canada and Michigan Tunnel Company.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

An Act respecting the Lake Temiscamingue Colonization Railway Company.

An Act further to amend the Act respecting Trade Marks and Industrial Designs.

An Act respecting the Settlement of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec and between the said Provinces.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands.

An Act with respect to certain matters affecting the Administration of Justice.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act respecting the Niagara Grand Island Bridge Company.

An Act to amend the Act respecting the New Brunswick Railway Company.

An Act to enable the Victoria and North American Railway Company to run a Ferry between Becher Bay in British Columbia and a point on the Straits of Fuca within the United States of America.

An Act to amend the Acts respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

An Act to amend the Act to incorporate the Empire Printing and Publishing Company (Limited).

An Act to amend the Act incorporating the Canadian Power Company.

An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue Debenture Stock.

An Act to incorporate the McKay Milling Company.

An Act to incorporate the Pembroke Lumber Company.

An Act respecting the E. B. Eddy Manufacturing Company, and to change the name to "The E. B. Eddy Company."

An Act to revive and amend the Act to incorporate the Medicine Hat Railway and Coal Company.

An Act to amend the Act to incorporate the Collingwood and Bay of Quinté Railway Company.

An Act to incorporate the Buffalo Lake and Battleford Railway, Coal and Iron Company.

An Act respecting the Berlin and Canadian Pacific Junction Railway Company.

An Act to revive and amend the Act to incorporate the Red Deer Valley Railway and Coal Company.

An Act respecting the South-Western Railway Company.

An Act further to amend "The Canadian Pacific Railway Act, 1889."

An Act respecting the Montreal and Ottawa Railway Company.

An Act to confirm a lease made between the Guelph Junction Railway Company and the Canadian Pacific Railway Company, and for other purposes.



An Act to incorporate the Peterborough, Sudbury and Sault Ste. Marie Railway Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Victoria, Saanich and New Westminster Railway Company.

An Act to confirm an Agreement between the Shuswap and Okanagan Railway Company and the Canadian Pacific Railway Company, and to grant further powers to the Shuswap and Okanagan Railway Company.

An Act respecting the South Ontario Pacific Railway Company.

An Act respecting the Central Counties Railway Company.

An Act further to amend the Act thirty-sixth Victoria, chapter sixty-one, respecting the Trinity House and Harbour Commissioners of Montreal.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following:—

"In Her Majesty's name, His Honour the Deputy of His Excellency the Governor General doth assent to these Bills."

Then the Honourable the Speaker of the House of Commons addressed His Honour the Deputy Governor as follows:—

"MAY IT PLEASE YOUR HONOUR :

"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 Honour the following Bill:—

'An Act for granting to Her Majesty certain sums of Money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1891, and the 30th June, 1892, and for other purposes relating to the Public Service.'

To this Bill the Clerk of this House, by His Honour's command, did thereupon say:

"In Her Majesty's name, His Honour, the Deputy of His Excellency the Governor General, thanks Her Royal Subjects, accepts their benevolence, and assents to this Bill."

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

### BILLS INTRODUCED.

Bill (61) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. Sanford.)

Bill (102) "An Act respecting the Ontario and Qu'Appelle Land Company (Limited)." (Mr. Perley.)

Bill (79) "An Act respecting the Canadian Land and Investment Company (Limited)." (Mr. MacInnes, Burlington.)

Bill (13) "An Act to provide for the

exercise of Admiralty jurisdiction within Canada, in accordance with the Colonial Courts of Admiralty Act, 1890." (Mr. Abbott.)

Bill (50) "An Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada." (Mr. McCallum.)

Bill (77) "An Act respecting the Ontario and Rainy River Railway Company." (Mr. Girard.)

Bill (96) "An Act amalgamating the Ottawa and Parry Sound Railway Company, and the Ottawa, Arnprior and Renfrew Railway Company, under the name of the Ottawa, Arnprior and Parry Sound Railway Company." (Mr. Clemow.)

Bill (92) "An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company." (Mr. Clemow.)

### FEMININE OFFENDERS IN NOVA SCOTIA BILL.

#### THIRD READING.

The Order of the Day being called,—  
Third reading Bill (R) "An Act respecting certain Feminine offenders in the Province of Nova Scotia."

HON. MR. POWER said: It was understood that the title of this Bill was to be amended; that was overlooked in the committee yesterday. It was also understood that a clause was to be inserted in the Bill providing that the rules and regulations of the institution should be submitted to the Governor in Council. I therefore move that the said Bill be not now read the third time, but that it be again committed to a Committee of the Whole House, with instructions to amend the same.

HON. MR. KAULBACH—I made a suggestion to my hon. friend yesterday with regard to the sixteenth clause, which provides that where an inmate becomes refractory in this refuge she can be brought before a magistrate and sentenced to penitentiary. I thought that was not proper, because the original offence was not such as to justify a sentence to the penitentiary because a person was refractory. I thought that the punishment should not be greater than the original offence merited. My hon. friend has referred me to the Penitentiary Act, but

that does not cover a case of this kind; that refers to a place where felons go. To me, this clause appears to be not quite satisfactory.

HON. MR. ABBOTT—I observe that my hon. friend's motion instructs the Committee of the Whole to amend the Bill in a certain way. I do not altogether like the form of my hon. friend's clause with reference to the rules and regulations. It seems to me to leave the matter entirely open to the society to submit the rules or not.

HON. MR. POWER—It says "shall be submitted."

HON. MR. ABBOTT—It leaves to the society the option to administer and put in force those rules before they are approved by the Governor in Council. The clause I suggested yesterday was that no rule or regulation shall have any force or effect until approved by the Governor in Council. The clause that my hon. friend suggests is to the effect that the rules shall be submitted to the Governor in Council and may be approved or rejected by him, but it does not follow that they may not be administered in the mean time. At all events, it is not clear, and I think it would be better to make it clear that no rules or regulations shall have force unless they are approved of.

HON. MR. POWER—My hon. friend will see that inasmuch as there are prisoners in the institution, you want to make some provision for the interim between now and the time that the Governor in Council deals with the rules. The amendment says that the rules shall be submitted to the Governor in Council: it may be said "within a certain time after the passing of the Act," but the hon. gentleman will see that it is better to say that they shall be submitted, and that meanwhile the rules which govern the institution now should have force.

HON. MR. ABBOTT—I do not understand under the law that there can be any persons there now. The Bill authorizes prisoners to be committed there.

HON. MR. POWER—I thought I had explained that, notwithstanding the absence of any legislation, the stipendiary magis-

trate had sent some prisoners to the institution.

HON. MR. ABBOTT—That seems a very strange state of things, and one which I do not think would be sanctioned, or should be sanctioned, that a magistrate should take upon himself, without any authority, to send a prisoner to an unauthorized place.

HON. MR. POWER—We have been told it has been done in Ottawa in the same way.

HON. MR. ABBOTT—My hon. friend will perceive that his clause is so framed that it will allow rules to be enforced before they are approved by the Governor in Council. It might be that rules would be enforced for months, which after examination by the Governor in Council would be found so objectionable that they would be rejected. I think it would be a lesser inconvenience to say that the rules should be approved before they were put in force.

HON. MR. POWER—It ought to meet the difficulty to provide that the rules must be submitted to the Governor in Council within a month from the passing of this Act.

HON. MR. ABBOTT—Had not my hon. friend better send the Bill back to the Committee, and let us discuss it there in the regular way.

HON. MR. POWER—A number of hon. gentlemen have gone away who did not wish to have a general discussion on the Bill in their absence

HON. MR. ABBOTT—The amendment my hon. friend proposes does not meet my objection at all. He proposes to make the clause read that within two months from the passing of this Act the rules and regulations hereinbefore mentioned and referred to shall be submitted for approval of the Governor in Council. They would probably be submitted within two months, and might lie before the Governor in Council a year, and yet they would be enforceable for the whole of that term, though they might be found to be very objectionable.

HON. MR. POWER—It appears to me the hon. gentleman is unreasonable. How can the people who are in charge of this institution compel the Governor in Council to act promptly? If the regulations are submitted to the Governor in Council then the heads of the institution have done their duty, and if the Governor in Council do not do their duty it is not the fault of the institution.

HON. MR. ABBOTT—My objection is a radical one. I object to any body of people having the right to make rules and regulations for prisoners that are not first submitted to proper authority for their approval. My hon. friend thinks there should be a time previous to the sanctioning of the rules and regulations within which they might be enforced. I think a month would be quite enough for that, and they would know that if those rules were not sanctioned within a month they would be inoperative or set aside, as the case might be; but as it now stands, there would be no hurry, no obligation—it would not be a matter of haste at all, and the law would sanction these rules being enforced for any length of time without any examination or approval whatever by the proper authorities. I think that would be a bad system. I have no doubt whatever that if the clause were amended in the other form, that the rules now in existence may be enforced for a month, and that after that period no rule shall have any force until approved by the Governor in Council, no inconvenience could possibly result, and we would have a proper state of things existing in the institution—that is to say, that the rules to which the prisoners are to be submitted would be known, and they would be approved by proper authority. I must persist in the objection I make to my hon. friend's amendment, and would ask that he shall put it in a form that will remove my objection, or that he will send the matter down to the committee open, in order that it may there be discussed in the usual way.

HON. MR. MACDONALD (B. C.)—I would like to ask the Premier if it is customary to have such rules and regulations open to the prisoners, where they can be seen and understood?

HON. MR. ABBOTT—I am unable to in-

form my hon. friend what has been done, but I presume that all the rules would be made known to the prisoners in some form.

HON. MR. MACDONALD (B. C.)—There would be no use in having rules unless they were open to the prisoners.

HON. MR. KAULBACH—May I ask my hon. friend if it is the intention to permit the sending a woman or girl who proves to be incorrigible in the reformatory to the penitentiary on the certificate of the superintendent?

HON. MR. ABBOTT—I understand that that is following a precedent already set in the Revised Statutes.

HON. MR. KAULBACH—It is not exactly following it, for if the original offence was of such a character as would not justify the prisoner being sent to the penitentiary why should the superintendent of this institution have the power, if she becomes incorrigible in the reformatory, of sending her to the penitentiary?

HON. MR. ABBOTT—I understand that this offence would not justify an extension of the woman or girl's imprisonment by being transferred to the penitentiary. This is merely permission to substitute the penitentiary for the reformatory in case the woman or girl does not benefit by being in the reformatory. This is already done under a law on the Statute-book. The attention of the Minister of Justice was called to that matter, and it was thought that there was no such difference between a case under this Bill and one under existing Acts as would justify a departure from the rule which Parliament has already sanctioned.

HON. MR. POWER moved that the Bill be referred back to the Committee of the Whole, with instructions to amend the Bill as follows:—

After the expiration of two months from the passing of this Act, no such rule shall have any force or effect until approved by the Governor in Council.

The motion was agreed to.

(In the Committee.)

HON. MR. ABBOTT—My hon. friend's amendment would appear to confine the operation of this clause to rules and regula-

tions made under section 15, and there are no rules and regulations referred to in it.

HON. MR. POWER—No; to any rules or regulations mentioned in the Act.

HON. MR. ABBOTT—Then, why does my hon. friend add this amendment to section 15? Why not make it a separate clause?

HON. MR. POWER—Simply because I thought section 15 was a good place to insert it, as it provides for the inspection, and I thought it would do to provide for the rules there also.

HON. MR. ABBOTT—If the word “such” is struck out it will do very well.

HON. MR. POWER—I cannot see why the word “such” should be struck out, for Parliament would then undertake to say that there shall be no rule in the institution. The institution has a local charter, and there are rules existing there now; and as long as the rules which govern the prisoners under the early sections of the Bill are not in force, unless by the consent of the Governor in Council, I do not see why any question should be raised about other rules.

HON. MR. ABBOTT—It is really only a verbal criticism, but I do not see the object of putting in the word “such” at all. No rules are spoken of in section 15.

HON. MR. POWER—The expression used in the amendment I now propose is “the rules hereinbefore mentioned.”

HON. MR. ABBOTT—I have no objection to it in that form.

The amendment was agreed to.

HON. MR. HOWLAN, from the committee, reported the Bill as amended.

The amendments were concurred in, and the Bill was read the third time and passed.

The Senate adjourned at 4:45 p.m.

## THE SENATE.

Ottawa, Monday, July 13th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (39) “An Act respecting the Maritime Chemical Pulp Company (Limited), and to change the name thereof to the Maritime Sulphite Fibre Company.” (Mr. Allan, in the absence of Mr. MacInnes, Burlington.)

## MONTREAL AND ATLANTIC RAILWAY CO.'S BILL.

### SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (29) “An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.”

HON. MR. POWER—I do not rise for the purpose of opposing the second reading of the Bill, but I wish to call attention to the fact that representations have been made to hon. members in this House by some of the creditors of the South Eastern Railway Company. This Bill proposes to incorporate the bondholders of the South Eastern Railway Company and to vest all the property of the South Eastern Railway Company in the bondholders. As the Bill was introduced in the other House, under its operation certain creditors of the line, who had done work for the company, would be deprived of any remedy. I understand that the evil has been partially removed by the Railway Committee of the other House, and I trust that if anything more remains to be done it will be attended to in the Railway Committee of the Senate.

HON. MR. SCOTT—If my hon. friend will look at the 13th clause he will find that provision is made that suits now pending between the trustees and the creditors will not be affected by this Bill. The measure will receive careful attention in the Railway Committee.

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

### OTTAWA AND PARRY SOUND RAILWAY CO.'S BILL.

#### SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (96) "An Act amalgamating the Ottawa and Parry Sound Railway Company and the Ottawa, Arnprior and Renfrew Railway Co, under the name of "The Ottawa, Arnprior and Parry Sound Railway Co." He said: This is a Bill to amalgamate the Ottawa, Arnprior and Renfrew Railway Company and the Ottawa and Parry Sound Railway Company, and empower them to construct a line to Parry Sound. It will pass through a country rich in minerals and timber, and admirably suited for agricultural purposes. It will be a great benefit to this part of the country, and will shorten the distance between Lake Huron and the sea coast.

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

### ANGLO-CANADIAN ELECTRIC STORAGE AND SUPPLY CO.'S BILL.

#### SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (92) "An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company." He said: This is an Act of incorporation desired by certain gentlemen for the introduction of the storage battery in this country. If it should be a success, as I believe it will be, a great change will be brought about in the electrical processes of the whole world. Experiments have been made in England by experts, and I am quite confident that this new system to be introduced under this legislation will be a success. In a very short time we will have one of the batteries in this city and be able to test it fully. Its success will be of immense importance, and among the advantages to result from it is the fact that it will prevent the necessity of erecting poles and stretching wires in the streets.

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

#### SECOND READINGS.

Bill (70) "An Act to incorporate the Buffalo and Fort Erie Bridge Company." (Mr. McCallum.)

Bill (107) "An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company." (Mr. Macdonald, B.C.)

Bill (60) "An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to 'The Lake Erie and Detroit River Railway Company.'" (Mr. Allan.)

Bill (86) "An Act to incorporate the Brighton, Warkworth and Norwood Railway Company." (Mr. McCallum.)

Bill (88) "An Act to incorporate the St. Catharines and Merritton Bridge Company." (Mr. McCallum.)

Bill (87) "An Act to revive and amend the Act to incorporate the Quebec Bridge Company." (Mr. Bellerose.)

Bill (91) "An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River Water Power." (Mr. Loughheed.)

Bill (61) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. McKindsey.)

Bill (102) "An Act respecting the Ontario and Qu Appelle Land Company." (Mr. Perley.)

The Senate adourned at 3:45 p.m.

### THE SENATE.

*Ottawa, Tuesday, July 14th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported the following Bills, which were read the third time, and passed without debate:—

Bill (16) "An Act to amend the Acts relating to the Alberta Railway and Coal Company." (Mr. McMillan.)

Bill (80) "An Act respecting the Toronto, Hamilton and Buffalo Railway Company." (Mr. McKindsey.)

Bill (89) "An Act to incorporate the Kingston and Pontiac Railway Company." (Mr. McCallum.)

Bill (90) "An Act to revive and amend the Act to incorporate the Cobourg,

Northumberland and Pacific Railway Company." (Mr. McCallum.)

Bill (69) "An Act to confirm an Indenture made between the New Brunswick Railway Company and the Canadian Pacific Railway Company." (Mr. Scott.)

Bill (93) "An Act to incorporate the Ontario and New York Bridge Company." (Mr. MacInnes, Burlington.)

Bill (94) "An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company." (Mr. Sullivan.)

## ADMIRALTY JURISDICTION IN CANADA.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (13) "An Act to provide for the exercise of Admiralty jurisdiction within Canada, in accordance with 'The Colonial Courts of Admiralty Act, 1890.'" He said: This is a Bill for the purpose of establishing an Admiralty Court here upon a different footing from that which has up to the present time prevailed. The business has been done in the country heretofore under the Imperial Act of 1863, but recently an Act has been passed by the Imperial Parliament making provision for the exercise of admiralty jurisdiction in the colonies, by which it is, in effect, provided that the Legislature of any British possession may, by statute, declare any court of unlimited civil jurisdiction to be vested with this admiralty jurisdiction, which heretofore was vested, in most of the provinces, in judges appointed by the Imperial Government, but in the Province of Ontario was transacted by the Maritime Court, a local court established under legislation introduced somewhere about 1875 or 1876. This Bill is to give the Court of Exchequer, as the court of unlimited civil jurisdiction in this Dominion, which is to perform the admiralty business, to admiralty jurisdiction throughout the Dominion, including Ontario. We have already judges in most of the provinces having jurisdiction. In Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia we had, up to the first of this month, judges possessing admiralty jurisdiction. Now, we propose to take power to substitute for those judges the Exchequer Court and its judges, and for that purpose it will be necessary to

appoint judges of the Exchequer Court in the admiralty jurisdiction, and that is practically declaring that the admiralty jurisdiction of the country will be exercised by a court which is our own court, established under our own laws and governed by ourselves, and it will be assimilated in its jurisdiction, in its origin and in its practice in all the provinces. The arrangements which have been made, I think, will be satisfactory to the House when we come to discuss them in Committee of the Whole; but at present, in reality, I state the whole principle of the Bill when I explain, as I have done, that its object is to place the admiralty jurisdiction in the whole of Canada under our own courts.

HON. MR. POWER—I do not think that it would be desirable that a Bill as important in its operation as this measure should be allowed to pass without some further observations than have fallen from the hon. leader of the Government. He stated correctly that this Bill has been in a certain sense rendered necessary by the passing last year of the Colonial Court of Admiralty Act by the Imperial Parliament, but the hon. gentleman did not state exactly what the effect of that legislation would be in case we passed no Act here. I say the Act has been in a certain sense rendered necessary; but it is not absolutely necessary at all, because under the wording of the English Act of last year, if no legislation takes place in Canada the Supreme Courts of the various provinces would have concurrent jurisdiction in Admiralty with the Exchequer Court. The language used in the English Act is that if no such declaration is in force in a possession, that is, if there is no such legislation as this which is now proposed, any court which has therein original unlimited civil jurisdiction shall be a Court of Admiralty; and the Act defines what unlimited civil jurisdiction is. Section 15 of the Act says that the expression "unlimited civil jurisdiction" means civil jurisdiction unlimited as to the value of the subject matter at issue or as to the amount that may be claimed or recovered. So that, if we did not pass this Bill we should have the Supreme Courts of the various provinces entitled to transact the admiralty business, and probably the Exchequer Court as well. I think that it was the duty of the leader of the Government (if he will excuse me for saying so) to have shown to the

House that the system which he proposes would work better than the system which has been in operation in the past, and which is, practically, in most cases, that the work is done by the existing courts. He should have pointed out some reason for being dissatisfied with the way in which the business has been transacted in the past. Now, I do not think that the hon. gentleman can do that. It was not alleged in the House of Commons, when this measure was under discussion, that the existing courts had failed to do their work satisfactorily in any particular, and one would have supposed that if it was the case the other House would have been informed of the fact; so that we have the fact that up to the present time the work has been done satisfactorily by the courts which have been transacting the business, and we have the further fact that those courts could go on and continue to transact the business. Now, I think the hon. gentleman should have said a little more than he did to show that it was either necessary or desirable that the exclusive jurisdiction should be vested in the Exchequer Court. There are certain reasons why the jurisdiction should not be transferred. In the first place, the Exchequer Court is a court with only one judge, and he cannot be ubiquitous. I understand that the judge has already more to do than almost any of the judges of the Supreme Courts of the Lower Provinces: I cannot speak of course for the High Court of Justice of Ontario, or the Court of Queen's Bench in Quebec or the Supreme Courts of Manitoba or British Columbia; but I know, as far as regards the Supreme Courts of the Lower Provinces, that the judges of these courts at the present time are not as busy as the judge of the Exchequer Court is; so that there is no argument of convenience in giving the work to the Exchequer Court judge. And although the Exchequer Court is a court of unlimited civil jurisdiction in one sense, it is not in another. It is intended not to deal with questions arising between citizen and citizen: the court has been created for the exclusive purpose of dealing with questions arising between the Government and other parties. Now, I think there has not been any reason shown why the general scheme of the Exchequer Court Act should be departed from in connection with admiralty business; and when we look at the amount of business

which is transacted in the Admiralty Courts it will become clearer that there is no necessity for a change in the existing mode of doing business and for the machinery which will be involved ultimately in carrying the Bill that is now before the House into operation. I have before me a statement supplied by the Department of Justice, which I propose to quote to a certain extent. I take the returns of causes instituted in the several Vice-Admiralty Courts during the years 1888, 1889 and 1890. In the Vice-Admiralty Court of Quebec there were in 1888 ten causes instituted, in 1889 there were six causes, and in 1890 six causes. That is, altogether in three years there were twenty-two causes, an average of about seven causes a year. In the Vice-Admiralty Court at Halifax there were instituted in 1888 ten causes, in 1889 eight causes, and in 1890 seventeen causes. That is, altogether in three years, thirty-five causes, or nearly twelve a year. There is more business done apparently in the Vice-Admiralty Court at Halifax than at Quebec, or in any other court. There is no return apparently from the Vice-Admiralty Court at St. John for the year 1890; but in 1888 there were four causes instituted in that court, and in 1889 there were five causes. The return from Prince Edward Island is as follows: In the three years, from 1888 to 1890, both included, five causes were instituted, and three causes decided in the court at Charlottetown. That is at the rate of one cause a year. In dealing with this measure, with its very considerable complications and the elaborate machinery which it contemplates at a later day, we must bear in mind the amount of admiralty business which is being transacted. I notice, looking back to the time before 1888, that in the three preceding years the amount of work was at least as large as in the years for which I have given the returns; and there does not seem to be any special reason for supposing that there will be any considerable increase in the work of these Admiralty Courts in the future. When we consider the small amount of business—that is, as regards the number of causes—and when we consider also the fact that there has been no complaint made of the manner in which the courts now administering the admiralty law have done their work, there has not been a sufficiently strong case made out

for the establishment of this new court, because it practically will come to that. That is one reason, or perhaps two reasons why the Bill should not pass in its present form. Another reason is this, that this measure runs contrary to the general tendency of legislation in this country and elsewhere. The tendency in England, in the United States and in Canada, of late years, has been towards a unification of courts and the assimilation of the procedure in different cases. In England, in 1875, the old distinctions between the courts of law and the courts of equity, and between the Exchequer Court, the Court of Queen's Bench and the Court of Common Pleas, were done away with, and while the procedure was not materially altered, the jurisdiction in admiralty cases was handed over to the High Court of Justice. In the United States the system is the same: all the important work to which the federal law applies is transacted either in the United States Supreme Court or in the Circuit Court, or in the District Courts, which are practically branches of the United States Supreme Court, and everybody knows that in Canada we are moving in the same direction. In the Province of Ontario the old distinctions between the Chancery Court and the court of common law have been done away with, and the distinctions between the Queen's Bench and the Common Pleas have been practically done away with, too. Now, while that is the general course, both in this country and elsewhere, we have the Government, at this time of day, introducing a measure here which is running directly contrary to the course of things both here and elsewhere. I have already stated that the courts which now do the business appear to be doing it well enough, and although the work in, the case of New Brunswick, is done by a County Court judge, still we might so legislate that the work should be done there by the County Court judge who does it now, or we might legislate that the Supreme Court of New Brunswick should do it. The Supreme Court of New Brunswick is not overworked any more than the Supreme Court of Nova Scotia. In Ontario the business might be left as it is; and, in fact, this Bill actually intends, so the Minister of Justice stated in the other Chamber, that the work shall continue for the present, at any rate to be done by the judges who are doing

it now, and this machinery, rather elaborate machinery, that is provided for now is with a view of something that may happen in the future. He might well enough wait until the time comes to provide for the future, and not now attempt to provide for cases that may never arise. It appears that there is something in the mind of the Government which indicates that at some future day they may extend the Exchequer Court. My humble opinion has been always that it was a mistake constituting the Exchequer Court a separate court from the Supreme Court. I think it would have been better to have added a judge to the Supreme Court and given him special Exchequer jurisdiction; and then we should have avoided the unnecessary machinery which we have, and the registrars, clerks, &c., which we have provided for the Exchequer Court. As to the question whether this work should be left in the hands of the courts which have been doing the business, or transferred it to the new court, I have to say that the argument is all in favour of leaving the business where it has been done, to the courts which are in the different provinces, where the people are familiar with them and prefer them to any new court. Then, with respect to the appeal which is provided for by this measure, it does not seem to me to be altogether satisfactory. There is an appeal to the Exchequer Court judge. That is the one appeal that the Bill provided for when it was introduced into the other Chamber; but owing to the very vigorous criticism directed at the Bill in the Commons very considerable modifications have been made in it, and it has naturally been considerably modified. The Minister of Justice, when he saw that the criticism was justifiable, as a rule respected it, and he has modified his Bill in accordance with the criticism. At present there is an alternative appeal. A party dissatisfied with the judgment of a single judge sitting in the province can appeal to the Exchequer Court judge sitting here at Ottawa, or can appeal to the Supreme Court at Ottawa. It must strike one at once that an appeal to the Exchequer Court judge would not be satisfactory. Take, for instance, the Province of Nova Scotia, with which I happen to be somewhat more familiar than the other provinces. There the admiralty business is now transacted by the Chief Justice of the Supreme



Court. Before that gentleman went on the bench of the Supreme Court he had a good deal of admiralty practice. He has been trying at the rate, I suppose, of some dozen cases a year for nine or ten years; consequently, he is pretty familiar with the practice and the substantive law of admiralty; and under this Bill it is proposed that a party dissatisfied with his judgment shall have the right to appeal to the Exchequer Court here at Ottawa. Now, I have the highest respect for the judge of the Exchequer Court, and I think he is doing his work very well; but, as I understand, the judge of the Exchequer Court here has never tried an admiralty suit in his life, and one can see at once that an appeal from a judge familiar with admiralty business to a single judge, who has never tried an admiralty case in his life, is not a satisfactory appeal; and in most cases the consequence would be an appeal to the Supreme Court at Ottawa. Hon. gentlemen know that that court moves very slowly, and that prosecuting and appeal at Ottawa is a very expensive business, and in a great many cases it would practically be a denial of justice to oblige the appellant, if he was not a rich man, and if the amount at issue was not very large, to come to Ottawa; and it seems to me that the more natural and better appeal would be to the full bench of the Provincial Supreme Court. If a judge of the Provincial Supreme Court gives a decision which is objectionable to either litigant, and felt not to be good law, the natural course would be to appeal to the full bench of the Provincial Supreme Court, which is close at hand, and which can be reached without difficulty and without great expense. This Bill contains some provisions for making new districts and appointing new judges and providing new registrars and other machinery. Now, the memorandum which I have received from the Department of Justice, the gist of which I have given to the House, shows how little reason there is for any multiplication of admiralty courts. As a matter of fact, the admiralty courts which we have now have almost nothing to do in the way of business, and the idea of establishing additional courts with additional registrars and other machinery is one which Parliament should not recognize, and which I know the country would not favour. I think that

the process of amending this Bill was carried to a very considerable distance in the other Chamber, and that, perhaps, when the hon. leader of the Government comes to consider the objections which have been made to certain parts of the measure in the other Chamber as well as those that are made here he may be induced to so modify the measure that it will leave the admiralty business where I think common sense and economy and practical convenience indicate that it should be left—either with the courts that have it now, or with the Supreme Courts of the different provinces.

HON. MR. KAULBACH—This Bill is a consequence, as it has been said by the Premier, of the Imperial Act passed last year, which gives jurisdiction in all admiralty cases—an extended jurisdiction beyond what we formerly had.

HON. MR. POWER—No.

HON. MR. KAULBACH—Yes; extended jurisdiction by this very Bill, and power to do so under that Act. Now, if we did not exercise that power tendered to us, the functions and all the powers would remain in the provincial courts over matters which we, under the British North America Act, have within our exclusive jurisdiction. Therefore, I say we should be recreant to our duty here to hand over to courts of provincial constitution business which certainly belongs to the Parliament of Canada and can only be controlled under the jurisdiction of the Parliament of Canada. I think there is a great deal of force in some of the remarks of the hon. gentleman from Halifax in regard to the construction of those courts, and whether, while we hold the jurisdiction within ourselves, it might not be exercised to a large degree by the courts that at present have that jurisdiction. I agree with my hon. friend that an appeal from one of the judges of the Supreme Court of the Province to the whole bench of the Supreme Court there would be less expensive and more satisfactory to litigants, because we know in Nova Scotia that not only members of the bar but the courts themselves are familiar with the questions which arise probably more frequently than any other questions that come before the courts in general; therefore, I think myself if this appeal should be given from the decision of a judge of the Supreme

Court to the whole bench, and an appeal from that tribunal, if necessary, to the Supreme Court of Canada, it would be more satisfactory and less expensive than the present proposition; because, as my hon. friend says, an appeal from the judgment of, say the Chief Justice at Halifax, a man trained to this profession, having a large practice in this special business and long experience on the bench, to a judge who has not had similar training and experience, would seem to me to be giving an appeal to a court whose judgment would not probably be as satisfactory to the litigants as the judgment of the court that originally tried it. But that is obviated, as my hon. friend says, by the clause which allows an alternative appeal either to the Exchequer Court or to the Supreme Court at Ottawa. Therefore, so far this Bill is improved; but, as I said before, I think that we in Nova Scotia having this jurisdiction there already and exercising it in the way we do, it is more satisfactory and less expensive to litigants. Then in Nova Scotia, as my hon. friend says, we have in the last three years as many cases as all the rest of the Dominion of Canada put together.

HON. MR. ABBOTT—No.

HON. MR. POWER—I did not say that.

HON. MR. KAULBACH—We had thirty-five cases in Nova Scotia the last three years and the others together were only thirty-five. I think there were only twenty-two in Quebec, nine in New Brunswick and three decided in Prince Edward Island.

HON. MR. ABBOTT—There were nineteen in New Brunswick.

HON. MR. KAULBACH—Then it stands thirty-five in Nova Scotia to forty-five all over the rest of the Dominion of Canada.

HON. MR. POWER—There is no return for 1890 from New Brunswick in this statement.

HON. MR. KAULBACH—I consider the Government has done right in introducing this Bill, and we should not leave this business in the hands of any court constituted under provincial legislation. The whole matter involved is a matter which is dele-

gated to us in the British North America Act, and I think it would be unwise if, by want of action on our part, we should allow it to be transferred to the provincial courts, over which we have no jurisdiction as regards rules and regulations.

HON. MR. ABBOTT—I was very glad to hear my hon. friend from Halifax state his approbation of the tendency towards the unification of our courts and assimilation of procedure; but I was a little surprised at the application he made of his views on that subject. My hon. friend said the business heretofore has been fairly well done. That I do not wish to dispute. It is very possible and very probable it has; I do not at all events desire to dispute that; but he said it has been done by the existing courts of the different provinces. Now, my hon. friend is mistaken in that, I think. I am under the impression, although I did not anticipate his objection and had not time to enquire into the matter closely, that the Maritime Court at Quebec, which has the largest business except that of Nova Scotia, is presided over by Mr. Irvine, who is not a judge of any local court, and that no provincial court has anything to do whatever with the admiralty business of Quebec. In Ontario, it is true, it is a local court, but it is not one of the ordinary local courts that does the maritime business; it is a court created by special statute, which is called the Maritime Court, and it is not one of the ordinary courts of the country, except in this sense, that it has been created by statute, and has existed in the country some ten or twelve years. At all events, at present we have this position: the maritime business of the country is done in Nova Scotia, New Brunswick, British Columbia and Prince Edward Island by different courts—in Nova Scotia, for instance, by the judges who are not of the highest standing in the country—by county court judges; in the other Maritime Provinces, I think, by courts having original jurisdiction of the highest class; in Quebec, by a judge appointed by Imperial authority and under an Imperial law; in Ontario, by a Maritime Court created to do maritime business. I think I may fairly take issue with my hon. friend on this first proposition that this business has hitherto been done by the existing courts—by the ordinary courts, rather; that is the way he puts it.

HON. MR. POWER—I suggested that that is the way it should be done.

HON. MR. ABBOTT—I understood my hon. friend to state that. I will not contradict him, but I am inclined to think that he conveyed to us the idea that we were creating a new court in contradistinction to the old courts that had hitherto done all this business; and I answer that by saying it is not the fact—that the business has not heretofore been done by the ordinary courts, but there has been an extraordinary divergence in respect to the courts, the business being partially done by the ordinary courts and partially done by a court created expressly for the purpose, and in the case of the Province of Quebec by a gentleman who is not a judge of any ordinary court, but who practices his profession, except at such times as he is sitting as a judge in the Maritime Court. That objection may be fairly met by this Bill. This Act will create but one jurisdiction for the entire Dominion. It will do what my hon. friend wishes to be done: it will unify the courts and it will assimilate the procedure. The whole of the maritime business of the Dominion will be performed by the judges of the Exchequer Court, not by the judge of the Exchequer Court at Ottawa, but by persons who are appointed as judges of the Exchequer Court in the various places where the business requires to be done. The business will be done under the law respecting maritime matters, which is, practically, almost an international law, and which is similar everywhere and which will not be derived from the Legislature of the province. The rules will be made for the Exchequer Court and will be uniform in all the provinces: and inasmuch as we have all the cases tried by one court, we will have the procedure settled by that court, instead of being open to changes by any local court, as at present it is. At all events, it is liable, as it stands, to divergence of procedure, which would not be the case when one court makes all the rules for the conducting of the business. I think, therefore, I may venture to assert that the objection of my hon. friend is entirely met by this Bill, and instead of altering the system for the worse, according to his own view, it is altering it materially for the better, according to his own view. The hon. gentleman from

Halifax would give us to understand also that this Bill is creating or authorizing the creation of a number of new districts. That was one of my hon. friend's last objections—that we were going to create a lot of new districts, and presumably that we are going to increase the expense. I find on reference to the Act that the districts are fixed by the Act. It is true they may be altered, but there is no intention to increase the number of districts to be found in the Act.

HON. MR. POWER—If my hon. friend will look at the sub-section of clause 5.

HON. MR. ABBOTT—I will look first, if my hon. friend will permit me, at section 17 of the Bill, which provides as follows:—

“Until otherwise provided by the Governor in Council, the following provinces shall each constitute an admiralty district, for the purposes of this Act, and a registry of the Exchequer Court on its admiralty side shall be established and maintained within such districts at the places following, that is to say:—

“(a.) The Province of Quebec shall constitute the district of Quebec, with a registry at the city of Quebec;

“(b.) The Province of Nova Scotia shall constitute the district of Nova Scotia, with a registry at the city of Halifax;

“(c.) The Province of New Brunswick shall constitute the district of New Brunswick, with a registry at the city of St. John;

“(d.) The Province of Prince Edward Island shall constitute the district of Prince Edward Island, with a registry at the city of Charlottetown; and

“(e.) The Province of British Columbia shall constitute the district of British Columbia, with a registry at the city of Victoria.”

It is perfectly true, as my hon. friend says, that the sub-section of section 5 gives the power to the Governor in Council to change the limits of the admiralty districts, to create new districts and to assign to any district a name and a place of register, but no intention appears by the Bill to multiply the number of districts. It is a provision which one would suppose must necessarily be in such an Act, since we have to deal with large provinces, which are increasing, some of which have a great many seaports, where it is possible that judicial conveniences may be required; but there is nothing to indicate that it is the intention of the Parliament or the Government to increase the number of these districts. On the contrary, so far as the Act defines the districts, they are the same as those which now exist. My hon. friend makes another objection with regard to

the appeals. It is possible that for some of the provinces, or some places, a more convenient appeal might be found than that which the Bill gives. That is quite possible: no system is perfect, I fancy, and it is peculiarly difficult where the provinces differ so materially as to the constitution of their courts. One great object in creating a court of appeal is to do what my hon. friend was advocating just now, or at least to act in that direction—to assimilate the jurisprudence. What kind of jurisprudence would we have if each province had a court of appeal, as to admiralty jurisdiction, of its own? Has not my hon. friend objected to the judge of the Exchequer Court as not being trained in the system of maritime law? What kind of assimilation could be expected in our courts if every province had a court of appeal, to which cases could be taken from the Exchequer Court?

HON. MR. POWER—I did not contemplate taking appeals from the Exchequer Court.

HON. MR. ABBOTT—The Exchequer Court is an admiralty court.

HON. MR. POWER—My suggestion was that if the business were done by single judges of the Supreme Courts of the provinces the appeal would naturally be to the full benches of these courts.

HON. MR. ABBOTT—That is precisely what I am contending.

HON. MR. POWER—My hon. friend spoke of the Exchequer Court judge; I did not say that.

HON. MR. ABBOTT—My hon. friend stated where the appeal ought to be—that instead of the appeal being, as provided by this Bill, to the judge of the Exchequer Court, or the Supreme Court, I understand that naturally my hon. friend would prefer (and he states it now) the court of appeal to be the Supreme Court of each province. My argument is just as good against the proposition of my hon. friend, in the way he now states it, as it was against the other form. It does not matter to what court the case goes, it is quite clear the administration of the law would be different in each province. The jurispru-

ence would be different in every one of these provinces, and a man would take his remedy where he thought he could find a jurisprudence that would suit him best. Of course, there is some restriction as to where the case should be taken, but there is also some latitude as to that: a man might take his case to where the jurisprudence would suit him best. Now, we have the assimilation for which my hon. friend contends by the system adopted here. The appeals go practically to the same court: the same court, at all events, is the ultimate arbiter on every case that comes up—the Supreme Court. By that means we will have an established system of jurisprudence, which will be known by its published reports, to which every one can apply, and which possesses all the advantage of a settled system of law. I think, therefore, the inconvenience, whatever it may be, that is suffered by a litigant being obliged to go a little further than he otherwise would for his appeal, is more than compensated by the fact that we shall get our appeals decided upon by a competent court—I do not deny the competency of the other courts—at all events, by the highest court of the land, and we shall have a settled application of maritime law to maritime cases. My hon. friend did not speak directly of the difference as to expense between the two systems, but on that I should like to say a word before I leave the subject. The intention, as may be known by a reference to the project which is being introduced in the other House with regard to the pay of these judges, is, in the first place, to take the judges who have been hitherto doing the business. They will do the business still, only they will do it under the name of judges of the Admiralty Court, instead of chief justices of other courts, or any other name. These judges are at present paid partially by fees—some of them by fees and some by salary. There is a total absence of the assimilation which my hon. friend likes with regard to their pay. Mr. Irvine, who is judge at Quebec, a member of no court, gets \$2,000 a year without any fees. The judges of the courts in Nova Scotia, New Brunswick and Prince Edward Island get \$600 a year each, and get fees in addition, which, to my mind, is a very bad principle. The Maritime Court judges get \$600 each and no fees, so that in Quebec we pay more than three times as much in salary

as anywhere else. In three of the provinces we pay fees which, in my opinion, is an objectionable line of action, and in the Maritime Court we pay \$600 with no fees. Now we propose to do away with this system of fees. As soon as Mr. Irvine vacates his office the salary of the judge at Quebec, who will be one of the Superior Court judges there most probably, will be \$1,000 instead of \$2,000. In New Brunswick and Nova Scotia, where they now get \$600 and fees, which amount to over \$1,000 in some cases, they will get \$1,000 without any fees. In Prince Edward Island, where now \$600 and fees are paid, they will get \$800. In the Maritime Court they will get \$1,000; in British Columbia they will get \$600. That is an arrangement which in reality will put the establishment on a more economical and a proper footing, where there is that assimilation which my hon. friend desires, and it will abolish the system of fees. I claim, therefore, for this Bill, the merit of placing the jurisdiction over maritime matters in the hands of our own court, of the only court in the Dominion that could possibly take it. I claim that by so doing we shall get our system and practice and jurisprudence assimilated, that we shall be under the control of set rules, made expressly for those courts by the court itself, and that the whole matter will be placed on an orderly and sensible footing, so that it can be controlled from the headquarters of the Dominion where it belongs. It will be a court administering the law within the jurisdiction of the Dominion in respect to matters which, if they are within our jurisdiction at all, are within the jurisdiction of the Dominion, rather than under isolated courts, having no connection with each other and administering the maritime law according to their own lights and views, without the slightest reference to each other. I do not claim that the Bill is perfect, but it is certainly an improvement on the existing system.

HON. MR. POWER—I wish to call the attention of the hon. gentleman to the fact that he made a slight error in connection with the fees of the judges. He stated, as one of the elements which would produce greater economy in the administration under the new law, that the local judge of the district of Quebec was to be paid \$1,000. He is now paid \$2,000, and I find

in the resolutions introduced by the Minister of Justice in the other House that the salary is to remain at \$2,000.

HON. MR. ABBOTT—I said that when Mr. Irvine's office was vacated the salary would be reduced to \$1,000.

HON. MR. POWER—These resolutions introduced by the Minister of Justice make no mention of that. Nothing of the kind was mentioned in the discussion in the other Chamber. The hon. gentleman apparently misapprehended what I said about the assimilation of procedure. I do not pretend to speak about the Province of Ontario. I do not know much about the practice of the Maritime Court in Ontario, but the hon. gentleman is perfectly aware that in all the other provinces at the present time the procedure is identical—it is the procedure prescribed by the Imperial authorities for the Vice-Admiralty Courts. There is a book of practice to be used in the Vice-Admiralty Courts and the procedure is identical. I claim, and I understood as a matter of course, that this Government, in taking charge of the admiralty business would issue Orders in Council or rules of court, or whatever they might be, providing for the same sort of procedure as now exists in the various Vice-Admiralty Courts, or, at any rate, a procedure somewhat similar to that, so that there is not very much difference between us as to the question of assimilation of the procedure. I spoke of unification of the courts and the assimilation of procedure with reference rather to the litigants in various courts. My view is, and it has been the practice in England and the United States and down in Nova Scotia, where we have introduced the system, to have one high court, instead of two or three courts. The idea is, that whatever injury the subject suffers from and seeks a remedy for should be dealt with by the same court. He has not to go to one court for a remedy for one kind of grievance and to another court for a remedy for another kind of grievance. If the admiralty jurisdiction was vested in the Supreme Court of Nova Scotia, say, then the litigant who had a claim which was, properly speaking, an admiralty claim, would go with that claim to the same court to which he went in every other case. Now, the hon. gentleman

took the ground that we must have a Dominion court if we wish our jurisprudence to be harmonious. Take the Bills of Exchange Act passed last year. Acting on the principle laid down now, we should have courts all over the country, established by the Dominion, for the purpose of securing similarity of jurisprudence and procedure as to bills of exchange; but the Parliament thought it was doing quite enough when it assimilated the law, feeling, no doubt, that as the ultimate court of appeal was the same, the Supreme Court here in Ottawa, the law might safely be left to the local courts to administer. I take exactly the same view with respect to the admiralty business: as long as the law is the same and the procedure laid down the same, and the ultimate court of appeal here at Ottawa is the same, the jurisprudence is safe enough to be assimilated, and the great balance of convenience, as I think I pointed out, on the ground of economy and promptness, and other grounds, is with the local courts. Now, the hon. gentleman spoke about the new districts. If it was not contemplated to create those new districts I do not see why clause 5 should be put in the Bill; and I notice in the debate in the other House the Minister of Justice admitted an intention to establish new districts before long.

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

HON. MR. ABBOTT moved that the Bill be referred to a Committee of the Whole House to-morrow. He said: I should have suggested a later date, but we have practically nothing to do to-morrow, and I do not know that we are likely to have specially anything to do for some time to come. The business of the other House is interrupted by a long debate—of course, on a most important subject—and it seems to be desirable that that debate should go on and be terminated, in order that we may get to the ordinary business of the country. If that should be the line of action adopted there, I do not see that for the next few days we shall have much to do here. We have got through practically all our private Bills, or shall have got through them to-morrow, with very few exceptions, and I therefore ask the House to consider this Bill in committee to-morrow.

The motion was agreed to.

## SECOND READINGS.

Bill (79) "An Act respecting the Canadian Land and Investment Company (Limited)."—(Mr. MacInnes, Burlington.)

Bill (50) "An Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada." (Mr. McCallum.)

Bill (77) "An Act respecting the Ontario and Rainy River Railway Company." (Mr. Girard.)

## ROCKY MOUNTAIN RAILWAY AND COAL CO.'S BILL.

### COMMONS AMENDMENTS ADOPTED.

A Message was received from the House of Commons to return Bill (N) "An Act to incorporate the Rocky Mountain Railway and Coal Company," with certain amendments.

HON. MR. LOUGHEED moved that the amendments be concurred in.

HON. MR. BOTSFORD—Would it not be better to move that the amendments be taken into consideration to-morrow, as we have not had an opportunity of knowing what they are.

HON. MR. LOUGHEED—I might explain that the amendments made by the Commons in no way interfere with the substance of the Bill. One of the principal amendments has been to confine the acquisition of mineral lands by the company to a limited quantity. That omission was apparent when the Bill went to the committee. There was no particular amount mentioned, consequently the Railway Committee in the Commons limited the acquisition of coal lands to 10,000 acres. The other amendment defined more particularly one of the terminal points of the road. The Bill as it passed in this House provided that the road should run to a certain general point. A more defined point is fixed. The other amendment changes the date of the general meeting. I believe the Commons committee have adopted some uniform system by which the first general meetings of companies are fixed for a particular date, so that none of the amendments made by the Commons are of very substantial importance, and they in no way affect the Bill in any vital manner.

The motion was agreed to, and the amendments were concurred in.

## A VISIT TO THE EXPERIMENTAL FARM.

HON. MR. CARLING extended a cordial invitation to the members of the Senate to visit the Experimental Farm to-morrow.

The Senate adjourned at 4:50 p. m.

## THE SENATE.

*Ottawa, Wednesday, July 15th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

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

Bill (70) "An Act to incorporate the Buffalo and Fort Erie Bridge Company." (Mr. McCallum.)

Bill (107) "An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company." (Mr. Macdonald, B.C.)

Bill (60) "An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to 'The Lake Erie and Detroit River Railway Company.'" (Mr. Allan.)

Bill (86) "An Act to incorporate the Brighton, Warkworth and Norwood Railway Company." (Mr. McCallum.)

Bill (91) "An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River water power." (Mr. Loughheed.)

Bill (61) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. McKindsey.)

Bill (96) "An Act to amalgamate the Ottawa and Parry Sound Railway Company and the Ottawa, Arnprior and Renfrew Railway Company, under the name of 'The Ottawa, Arnprior and Parry Sound Railway Company.'" (Mr. Clemow.)

## ADMIRALTY JURISDICTION IN CANADA BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (13) "An Act

to provide for the exercise of Admiralty jurisdiction within Canada, in accordance with the 'Colonial Courts of Admiralty Act.'"

(In the Committee.)

On the 6th clause,—

HON. MR. POWER—I think that there might be an improvement made in this clause. It provides that, the Governor in Council may from time to time appoint any judge of a Superior or County Court, or any barrister of not less than seven years' standing, to be a local judge in admiralty of Exchequer Court in and for any admiralty district; and every such local judge of admiralty shall hold office during good behaviour, but shall be removed by the Governor General on address of the Senate and House of Commons, and such judge shall be designated a local judge in admiralty of the Exchequer Court. As this clause originally stood, the judge was appointed during pleasure. It is considerably improved by substituting the words "during good behaviour," but I think there is another change that would be an improvement. The statistics which I gave yesterday show quite clearly that there is not sufficient business in any province of the Dominion to employ the time of a judge, and consequently I think this power to appoint any barrister of not less than seven years' standing should be stricken out of the Bill. There is a saving clause later on in the Bill, which preserves the rights of all the existing judges, so that the judge of the Vice-Admiralty Court at Quebec would not suffer if this were stricken out. I do not think a gentleman should be appointed as judge of the Admiralty who is not already a judge, for the reason that there is not work enough to keep a judge busy one-twelfth of the year, and there would be no object in appointing a barrister to the position; therefore, I move that these words be stricken out in the 28th and 29th lines: "any barrister of not less than seven years standing."

HON. MR. KAULBACH—I do not see that my hon. friend is going to improve the Bill in that respect, for there are many barristers who could fulfil the functions of this Admiralty Court as well as any of the judges of the County Court. There is nothing to be gained by the amendment.

It is not improving the Bill, as far as convenience is concerned, and I think it is giving the government scope for the selection of a proper person to fill the situation if the clause is left as it is.

HON. MR. DEVER—I do not see why the Government should be compelled to confine themselves to the judges existing at present. Certainly a selection might be made from the bar that would be more suitable than some of the judges, and as no hardship could be done by it to the judge I cannot see that the amendment is necessary. I have the pleasure of knowing some of the judges who act as Admiralty judges at present, and I do not think that this clause as it stands would interfere with them.

HON. MR. ABBOTT—It seems to me that this would be unduly restricting the powers of the Government. There may be a reason why, in a particular place, where the judge might be fully occupied, or other reasons of many kinds, which would prevent the judge on the spot from taking the duties of the Admiralty Court, and I cannot see why, in the case of an exigency arising which, in the opinion of the Government, would justify the appointment of another person, they should be prevented from appointing a barrister to take this duty. It is very obvious, from the tenor of the Bill and from the assurances that have been given, and from the salaries that have been paid, that it is the intention to utilize the judges as they are at present. It is quite plain that if it is practicable, and if it is consistent with the public service that the judge on the spot should do the duty, he will be appointed to do it; but if from any cause it should not be practicable or expedient that the judge on the spot should be appointed to this duty, I really do not see why the Government are to be prohibited from appointing anybody else. That would seem to me to be a provision clearly injurious to the public service, or one which might become injurious to the public service in the circumstances I refer to. Every imaginable probability is that the person who does the duty will be a judge, and not a lawyer acting independently as a judge, because there is not enough money to pay the salary of a lawyer as a judge under ordinary circumstances. I think the clause should remain as it is.

HON. MR. POWER—The hon. gentleman as a rule is remarkably clear and forcible, but I do not think he has been as clear as usual on this particular point; and I am not much surprised, because I think it was only yesterday that the hon. gentleman animadverted on the fact that the gentleman who acted as judge in the Vice-Admiralty Court in Quebec was not a judge, that he was a barrister who practised in the other courts beside other barristers. That is not a desirable state of things. It is better that the judge of the Vice-Admiralty Court should not practice beside other barristers in other courts. There is no difficulty in finding judges, because the hon. gentleman said there is no immediate intention of creating new districts or appointing new Admiralty judges; and in Quebec, Halifax, Charlottetown and Toronto there are a great many judges to choose from, and even though some one particular judge should be obnoxious to the Government, there will be no difficulty in getting a judge who will not be obnoxious to them. The fact that the salary is not sufficient to pay for the services of a professional man is a reason why appointments should be limited to judges; there can be no harm done by taking this power away from the Government, and I think it is better that they should not retain it. It is better that the gentleman who acts as judge in the Admiralty Court should not be a practising barrister in the other courts. That system has not been found to work well anywhere.

The amendment was declared lost on a division, and the clause was adopted.

On the 9th clause,—

HON. MR. POWER—I think the hon. gentleman should give us information as to the meaning of this clause. It does not seem to be perfectly clear.

HON. MR. ABBOTT—I do not see any difficulty about it. Would the hon. gentleman point out what difficulty he finds in it?

HON. MR. POWER—Under this Bill the judge of the Exchequer Court possesses certain appellate jurisdiction, and this clause, if we are to construe it literally, would give to the local judge in admiralty appellate jurisdiction as well as other juris-



diction. It gives him all the jurisdiction of the Exchequer Court.

HON. MR. ABBOTT—I do not think that construction could be possibly put upon it. Clause 3 declares that the Exchequer Court shall be, within Canada, a colonial Court of Admiralty, and, as such, shall exercise all the jurisdiction, powers and authorities conferred by this Act. Here is a definition of the court and a statement that the jurisdiction shall be exercised by the Exchequer Court. Section 6 provides for the appointment of judges, and clause 9 that those judges shall have all the jurisdiction of a judge of the Exchequer Court in respect to the admiralty jurisdiction. The appellate jurisdiction and the admiralty jurisdiction, I take it, are two different things. The judge is given the ordinary jurisdiction of the Admiralty Court.

The clause was adopted.

On the 11th clause,—

HON. MR. POWER said: I see that the Government retain the power of appointing surrogates during pleasure, a power which they gave up as regarded the judges themselves. I do not see that there should be any distinction between the surrogate judges and the principal judges.

HON. MR. ABBOTT—It is an inferior and almost purely executive appointment: the surrogate judge takes evidence, etc. I do not see why such a judge, if he neglects his duty, should not be removable at pleasure.

The clause was adopted.

HON. MR. HOWLAN, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the Bill be now read the third time.

HON. MR. SCOTT—I notice that the judge of the Maritime Court in Ontario is, by this Bill, made the judge of the Admiralty Court, with his headquarters at Toronto. Is it proposed to make any change? Judge Sinclair, of St. Catharines, is the judge now. I see that it is proposed to transfer his court to Toronto, where

he does not live. He is considered a very superior judge, and has given great satisfaction. Making Toronto the headquarters of the court might involve a change that would operate against his being continued.

HON. MR. ABBOTT—I quite agree with my hon. friend that Judge Sinclair is a valuable judge, and I believe there is no intention to disturb him. Moreover, I think there must be a clear understanding with Judge Sinclair about going to Toronto, or we should have heard to the contrary. There is not the slightest intention of removing him.

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

The House was adjourned during pleasure.

After some time the House was resumed.

#### BILLS INTRODUCED.

Bill (119) "An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company." (Mr. Abbott.)

Bill (82) "An Act respecting the Baie des Chaleurs Railway Company." (Mr. Masson, in the absence of Mr. Ogilvie.)

Bill (120) "An Act respecting the Salisbury and Harvey Railway Company." (Mr. Wark.)

Bill (52) "An Act to incorporate the Macleod Irrigation Company." (Mr. Lougheed.)

The Senate adjourned at 5:12 p.m.

#### THE SENATE.

*Ottawa, Thursday, July 16th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

Bill (77) "An Act respecting the Ontario and Rainy River Railway Company."—(Mr. Girard.)

Bill (88) "An Act to incorporate the St. Catharines and American Bridge Company."—(Mr. McKindsey.)

Bill (87) "An Act to revive and amend the Act to incorporate the Quebec Bridge Company."—(Mr. Bellerose.)

Bill (102) "An Act respecting the Ontario and Qu'Appelle Land Company, Limited."—(Mr. Perley.)

Bill (92) "An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company."—(Mr. Clemow.)

Bill (50) "An Act to incorporate the Steam-Boiler and Plate Glass Insurance Company of Canada."—(Mr. Kindsey.)

Bill (79) "An Act respecting the Canadian Land and Investment Company, Limited."—(Mr. MacInnes, Burlington.)

### AN ADJOURNMENT.

The notice of motion having been called—"That when this House adjourns on Thursday, the 16th inst., it do stand adjourned until Tuesday, the 11th day of August next, at eight o'clock in the evening,"

HON. MR. DEVER said: It is not my intention to go on with my motion to-day. I intend to substitute another.

HON. MR. KAULBACH—We would like to know if this motion is withdrawn?

HON. MR. VIDAL—It is hardly fair to any hon. gentleman who has prepared an amendment to that motion that it should be withdrawn.

HON. MR. ALMON—It cannot be withdrawn without the consent of the House, and I am opposed to its withdrawal.

THE SPEAKER—Does the hon. member ask to withdraw his motion?

HON. MR. ABBOTT—I do not understand that the motion has been made. The hon. gentleman gave notice that he would make a motion, but he does not move it.

HON. MR. McINNES—The hon. gentleman from St. John has handed in another motion, and it is only fair to the House that we should know what it is. He cannot put another notice on the Orders of the Day unless he disposes of the one now

on the paper in some way. The House is not in possession of what his substituted motion contains.

HON. MR. KAULBACH—The hon. gentleman has a perfect right to give notice of a motion, and when the time comes for moving it he has a right to withdraw it if he thinks fit.

The motion was withdrawn.

### DANISH IMMIGRATION.

HON. MR. BOULTON—Before the Orders of the Day are called, I wish to draw the attention of the Premier to the following notice in the *Montreal Gazette*:—

"Mr. Charles Meyer, President of the Danish Society of Ottawa, has written to Sir John Thompson asking that the Government take steps to prevent the introduction of Danish criminals into Canada, it being understood that the Penitentiary Relief Society of that country is now shipping certain undesirable characters to this country."

I think the thanks of the country are due to Mr. Charles Meyer for calling public attention to these undesirable immigrants.

HON. MR. ABBOTT—I cannot say whether there is really any such intention, nor do I know of the communication which is said to have been addressed to Sir John Thompson, but I will make enquiry and be prepared to give my hon. friend any information on the subject that I can obtain.

### THE PROPOSED ADJOURNMENT.

The Order of the Day being called—"Second reading Bill (119) An Act respecting a certain agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company,"

HON. MR. POWER said: That Bill has not been distributed.

HON. MR. ABBOTT moved that the Order of the Day be discharged, and that the second reading of the Bill be fixed for to-morrow.

The motion was agreed to.

HON. MR. POWER—There is a general impression amongst the members of the House that it is proposed to adjourn to-morrow for some time.

HON. MR. ABBOTT—My intention was to move for an adjournment to-morrow, under the supposition that we would have our business finished, but unless we have the business that is now before us completed I do not think it would be prudent to adjourn. This Bill is an important measure, requiring discussion; if we had gone on with it to-day we might have been able to adjourn to-morrow.

HON. MR. POWER—Perhaps the hon. gentleman would give us some idea of the length of time for which the adjournment will be?

HON. MR. ABBOTT—It depends on when it would begin. My idea of this adjournment was that we should be guided by the work we had to do, and as long as we had any work to do we should not adjourn. I was under the impression yesterday that the work before us would be ready for to-day and could be finished by to-morrow evening, but I am a little afraid now that it will not be.

HON. MR. PERLEY—Why could not this Hudson Bay Railway Bill be allowed to stand over for a few days?

HON. MR. ABBOTT—I do not think it would be a good principle for us to adjourn in the middle of the session with unfinished work before us.

HON. MR. SCOTT—There is really no private business to come up for some time, and it seems to me that this Hudson Bay Railway Bill might stand over during the recess. It is a very important measure which should not be rushed through the House, and I think we are fairly entitled to have it stand over until after the adjournment.

HON. MR. PERLEY—I am a strong supporter of this Hudson Bay Railway Bill, and would like to be here when it is before the House, but I am going home to-night.

HON. MR. ALMON—I opposed the withdrawal of the motion placed on the paper by the hon. gentleman from St. John. I rise to ascertain whether it was in order for the hon. gentleman to drop his motion when I opposed it?

HON. MR. KAULBACH—It is a little too late now to raise the point of order. The objection should have been taken at the time.

HON. MR. ALMON.—I opposed the withdrawal of the motion at the time and appealed to the Speaker. I thought the motion having been placed on the paper it was the property of the House and not of the member who placed it there, and I therefore rise to a question of order: I want to know whether that motion is not still before the House?

HON. MR. ABBOTT—With reference to what my hon. friend from Ottawa said, I agree with him that this Hudson Bay Railway Bill is important and is not a measure to be rushed through the House, but I do not call it rushing a Bill through the House if we debate it thoroughly and come to a conclusion upon it. My intention was, if the Bill gave rise to so much discussion that we could not get through with it to-morrow, to decide then, taking the whole state of the business into consideration, whether we should adjourn or not. With reference to the question of order raised by the hon. member from Halifax, the hon. member from St. John gave notice that he would make a motion to adjourn the House until the 16th of August. When that notice was called and he had the opportunity of making his motion, he declined to do so and dropped his notice. There was nothing in the possession of the House at all, and he had a perfect right to drop his notice, which he did and gave another.

HON. MR. PERLEY—I should have liked to see the Senate adjourn over next week and a day or two of the week following, but I do not think we should indulge in long adjournments because we do not know what may turn up at a late period of the session. It would be a great convenience to members who live at a distance from the Capital to be able to go home and attend to their business. The session this year has been called at a most inconvenient season, and though I am deeply interested in this Hudson Bay Railway Bill—not personally, but as a public measure—I have made my arrangements to go home to-night, and I must go. I think there is no great rush about it, the matter

has been before the country for half a dozen years, and I think it could be safely left over for a few days and discussed when we return to the Capital.

**HON. MR. ALLAN**—With reference to the motion of the hon. gentleman from St. John, the rule is that when a motion has been made it is in the possession of the House and cannot be withdrawn without the consent of the House, but if there is only a notice on the paper of a motion that has not been put to the House, and the member who has given the notice chooses to drop or withdraw it, there is nothing to prevent him from doing so.

**HON. MR. BOULTON**—With regard to the proposition of the hon. gentleman from Ottawa to postpone the consideration of the Hudson Bay Railway Bill, I may say it is a question of paramount interest to the people in the west. They are all watching with the greatest anxiety for the passage of this Bill, so that active steps can be taken for the promotion of this great work. For that reason I do not think it would be wise to adjourn for our own convenience, leaving a Bill of that importance on the paper.

**HON. MR. FLINT**—I am opposed to these adjournments, and I think if any one wishes to attend to his private business he should do so without asking the Senate to adjourn for his convenience.

**HON. MR. DEVER**—As the statement has been made that pressure was brought to bear on me to drop the motion of which I have given notice, I wish to say that that is not the case. The fact is, when I gave my notice I was not aware that there was such a conflict of opinion as to the length of time the House should adjourn. Besides, in a conversation with the leader of the Government I found that such a long adjournment would not be in the public interest—that there were some important measures to come up which we should be here to attend to. I concurred in his opinion that we could have the adjournment next week as well as now. I wish it to be understood that in dropping the notice I acted solely on my own judgment and not under pressure from any source.

## THE RULES OF THE SENATE.

**HON. MR. WARK**—I have listened to a debate for a considerable time on a question that is not before the House. There is some apology for such a debate, for the rules of the House are out of print, but it gives me an opportunity of calling the attention of your Honours to the fact that these rules should be reprinted and, perhaps, amended, and I would suggest that the present Speaker and the ex-Speakers of this House, Mr. Botsford, Mr. Allan and Mr. Miller, who are all well acquainted with the rules, should be a Committee to revise and, if necessary, to make such alterations in them as are desirable, and have a new edition of them printed.

**HON. MR. ABBOTT**—The reprinting of the rules is a very necessary thing, no doubt, but the amendment of them is a somewhat important question, and I think my hon. friend had better give notice of motion, and then we will consider how it is best to be done. The hon. gentleman mentioned the subject to me yesterday, but I was not aware that he was going to bring it before the House to-day and I did not consider the matter.

**HON. MR. WARK**—Let it be considered as a notice of motion.

**HON. MR. POWER**—I think the hon. gentleman has done a good service in bringing this matter before the House. Our rules need amendment somewhat. They need to be made clearer in some respects, but if a Committee is appointed to do that work, it should be done well. There is no use in doing it in a cursory or prefatory manner, and it occurs to me that at this stage of the session it will be somewhat difficult to get a Committee to give that time and attention to it that the importance of the subject requires. I think that at the opening of the session would be a better time to appoint such a Committee.

The Senate adjourned at 4.15 p.m.

## THE SENATE.

Ottawa, Friday, July 17th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## CONTINGENT ACCOUNTS OF THE SENATE.

## SECOND REPORT REFERRED BACK TO COMMITTEE.

HON. MR. READ (Quinté) moved the adoption of the Second Report of the Select Committee on the Contingent Accounts of the Senate. He said: The report recommends that a sum equal to one year's salary of the office held by the late James Adamson, Assistant Clerk of the Senate, be paid to his widow.

HON. MR. ABBOTT—I think there is some kind of an understanding arrived at about what should be done in respect to this report. Some of the friends of Mr. Adamson, who were speaking to me about it, were satisfied with the suggestion I made to them, that I would undertake that a thousand dollars would be put in the Estimates for Mrs. Adamson and that she should retain the two months' salary that she has already received.

HON. MR. POWER—The report can be referred back to the committee and the proposition discussed there better than here.

HON. MR. ABBOTT—I move in amendment that the report of the committee be referred back for further consideration.

The amendment was agreed to.

## HUDSON BAY RAILWAY CO.'S BILL.

## SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (119) "An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company." He said: This is a Bill authorizing an arrangement with the Winnipeg and Hudson Bay Railway Company similar to arrangements that have been made with other companies for the open-

ing up of the North-West Territories. The road runs in a north-westerly direction from Winnipeg to the Saskatchewan River, and is about 300 miles in length. As in the case of the Long Lake Railway Company and the Calgary and Edmonton Railway Company, it is proposed that an agreement should be entered into between the Government and the company by which the Government will pay to the company for twenty years an annual sum of \$80,000, which is to cover all the services that the company may be called upon to render to the Government during that time, such as the carriage of mails, supplies, police, and so on. The Government reserve in their own hands one-third of the land grant as security that the amount to be earned will pay off this annual subsidy—to cover, in fact, any deficiency that may occur between the prices paid for services rendered and the annual subsidy promised. The rates will be fixed for a certain term of years by agreement between the Government and the company after the company commences operation. This is exactly the arrangement that has twice passed through this House with reference to the two other companies. I presume the House is familiar with the transactions, and it is unnecessary to go more into detail than I have done. The road opens up a magnificent country to cultivation and colonization, and in all respects possesses merits equally great with other roads that have already been benefited in this manner by the Government.

HON. MR. SCOTT—As explained by the leader of the Government, this road is proposed to be subsidized by Parliament with a payment of \$80,000 per year, professedly for the transport of men, supplies, materials and mails for the next twenty years after the road has been completed; and he has referred to similar legislation adopted by Parliament in reference to two other roads. He mentioned the Qu'Appelle and Long Lake Road, whose objective point is Prince Albert, and which runs through a tolerably good country, to a point in the North-West where there is a considerable settlement. The other road to which the hon. gentleman has referred is the Calgary and Edmonton Railway, which runs through a country that is tolerably well known, Edmonton, the objective point in the north, being a centre for the last hundred years

for a considerable business done by the Hudson Bay Company. The main difference between those two roads and the line in question is that the latter has no particular objective point but the crossing of the river. There is no settlement in that part of the country, there are no mails or materials to be carried by the railway, and there is no money to be earned by that line. It runs alongside of two very fine waterways, Lake Winnipeg on the east side and Lake Manitoba on the west side, for a certain distance if it crosses at the narrows of Lake Manitoba; or if it runs to the objective point in the north it passes on the east side of Lake Winnipegosis, so that it differs materially from the other two roads to which the hon. gentleman has alluded, inasmuch as Prince Albert, a growing town, was almost inaccessible, and so was Edmonton, except by the old-fashioned trains used in the North-West. Alongside of this proposed road, however, there is a fine system of navigation on Lake Winnipeg, where, for the last 150 years, vessels of one kind or another have carried supplies for the Hudson Bay Company.

HON. MR. BOULTON—Where to?

HON. MR. SCOTT—To Grand Rapids.

HON. MR. BOULTON—And where then?

HON. MR. SCOTT—Distributing supplies

for the Hudson Bay Company along the Saskatchewan.

HON. MR. BOULTON—Exactly; and to Hudson Bay.

HON. MR. SCOTT—And to Hudson Bay, which is the objective point of my hon. friend's ambition for this railway, but which he is not likely to reach very soon. That is the present condition of affairs. I venture to say, without fear of successful contradiction, that there are no settlers to be served, no mails to be carried, that there has never been any material carried through this country, because there is no objective point, as I said just now, and, if there was, the waters of the lakes on one side or the other furnish nature's best channel of communication in that country. I happened yesterday to meet a gentleman who has just come from Grand Rapids. I

did not ask him in a confidential way, and therefore I do not hesitate to use the information that I obtained. I turned the conversation on this subject. I had met him some fifteen years ago when he was here before; he is head of the post at that point. I said: "Are there 500 settlers to be served in the part of the country that this road is to traverse?" He smiled and said: "No." I said: "Are there 100?" He said: "Perhaps there might be."

HON. MR. BOULTON—Where is that?

HON. MR. SCOTT—Between a point forty miles north from Winnipeg and Grand Rapids. The character of the country can be seen by reference to the last published map of the Dominion. I understand from the discussion in another place that some reference was made to the possibility of the railway crossing at the narrows, but the Government would not undertake that it would. It was asserted that at Lake Dauphin there was a settlement and good land, but no one would undertake that the road would cross there, because it was part of the Hudson Bay Railway Company's line. They would rather it took the shortest line originally laid down on the Government maps. I am glad to hear the leader of the Government say that the route passes through a magnificent country. Now, my hon. friend should go back to the records of fifteen years ago, when Mr. Mackenzie laid out the road just through this portion crossing at the narrows of Lake Manitoba. It was then represented by hon. gentlemen, who were then on the other side of the House that that country was all muskeg, and Mr. Mackenzie said: "I knew it was inferior land, but my object in building the Canadian Pacific Railway is to obtain the shortest route, and after passing the narrows it is almost a direct line to Battleford." On the faith that that was the line, settlers did go into that country, and we know that Battleford now is a pretty large town, the centre of a settled district without any railway facilities; and if it was desired to favour the opening up of a railway simply for colonization purposes that would be a route that would be chosen, because people were led to settle there fifteen years ago on the faith that it was the route of the Canadian Pacific Railway. In 1878 one of the first acts of the incoming Administration was

to denounce the route for the railway proposed by Mr. Mackenzie; and they diverted it south from Selkirk to Winnipeg, and then ran the line due west from Winnipeg. It was represented that on the Mackenzie route they could not get the telegraph poles to stand up—that there was not soil enough to hold the poles. My hon. friend from Rideau division laughs. I think he has a minute recollection of the statements made on the platforms and elsewhere in 1877, 1878, 1879, that that country at the narrows of Lake Manitoba was all muskeg. I am delighted to hear to-day that it is magnificent land for one hundred miles out, following the line proposed by Mr. Mackenzie that the Canadian Pacific Railway should follow. The expenditure from Selkirk north-west was abandoned, however, and my hon. friend will see on the map the crook in the line where the crossing of the Red River at Selkirk was made and the line was diverted to Winnipeg, and then started westward. It will be rather gratifying to Mr. Mackenzie to be told that in the view of the present Government the land at the narrows of Lake Manitoba and north of it is magnificent. If it is magnificent land and fit for colonization purposes, why is it that for hundreds of miles—yes, thousands of miles—to the north-west, away on to Edmonton, settlers have gone; and yet, although the distance is comparatively short, in this district referred to, north of Winnipeg, there are no settlers—on that neck of land between Lake Winnipeg and Lake Winnipegosis. Probably the attacks made in 1877-78 by the members of the then Opposition in this House, and in the other Chamber, on Mr. Mackenzie's line, were somewhat correct; but the route was not laid through that section of the country by Mr. Mackenzie because he considered it was superior land; but it was Mr. Mackenzie's idea that it would be an advantage to construct the line by the shortest route, and he did not consult the views and wishes of the city of Winnipeg, and consequently offended a good many people. He did not consult the political atmosphere at the time when he located his road south of Lake Winnipegosis. The Government should furnish the House with an estimate of what it would cost the country to send up "men, supplies, materials and mails for twenty years" by this proposed route. I doubt if one hundred dollars worth of mail matter has

been carried up in that direction since the country was settled. Any mail matter that is carried for that district is taken by Lake Winnipeg up to Grand Narrows. This Bill is supported by hon. gentlemen from two standpoints. One, the standpoint of the hon. gentleman from Marquette and his friends, I believe, that it is going to cheapen the transportation of grain to the great seaboard on the other side, that it is going to be a short route to the grain market for the North-West. I can quite appreciate their anxiety to obtain such a route if practicable. I think their judgment is at fault in their intense desire to see that route in existence. The other section, whose judgment cannot follow the ardour of the hon. gentleman and those who follow him in support of the through project from Hudson Bay to Liverpool, have supported it on the ground that it is a colonization road. I am quite prepared to support any colonization road in the North-West that is going to open up that country, although I think we have already shown our fairness to the people of the North-West by taxing the people of the older colonies to the extent of \$100,000,000 to promote colonization in our western territories. But if we are going to build colonization roads, then show us the territory that is capable of being colonized. I would say, favour first the country where settlers have gone in. I dare say my hon. friend will be able to give us some report. I know that a report was made some nine or ten years ago, stating that this is a very fair country, but until surveys have been made and settlers have gone in we can have no reliable data to form an opinion on. There are probably good patches of land and probably, as alleged in 1886-87, a good deal of muskeg, because it is naturally a marshy country. The waters of Lake Winnipegosis are shallow, and in high water overflow a good deal of the land, as it is a flat, level country, although not a prairie. If Parliament is asked to support a colonization scheme Parliament ought to be given the information that would satisfy it that a colonization road would be of some value to somebody. My own conclusions in connection with this road are, that the value of it will be only to the promoters, and to no one else. I certainly think it is a serious matter for the Parliament of Canada to say that certain gentlemen for some reasons or other, but which

reasons are very powerful in times of election, shall be favoured with this extraordinary grant, equal to \$2,000,000. It is 4 per cent. on \$2,000,000 of money, because the faith of Canada will be pledged to that. I do not suppose the company will have much difficulty in raising \$2,000,000 on the proposition submitted in this little Bill. It is in round figures, at all events, \$1,600,000 of actual cash. Now, so much for the road if it is to be used as a colonization road; but from the argument that I have heard advanced, and because it is giving it to a railway whose objective point is the Hudson Bay, there can be no doubt whatever that the promoters of this road view it entirely from the standpoint of its through construction to the waters of Hudson Bay, as has been discussed over and over again in this Chamber and elsewhere. When we have this proposition before us we cannot omit looking at the question of the feasibility of the Hudson Bay route, and I think we have a good deal of evidence on that point. From time to time the question has come up in this House. I was in hope it would come up in a different shape a few days ago, when probably hon. gentlemen would have felt more free to discuss a vote upon the question. The hon. member from Marquette had a notice on the Paper inviting the aid of the British Government to this enterprise. After having it there for some time he, on the advice of a prudent friend, withdrew the motion. He was informed that the British Government would not look with favour on it—that they had some knowledge of the navigation of Hudson Bay and Strait and they were satisfied that it was not a navigable section of the world. It was not through its waters, at all events, that western produce could be brought cheaply to European markets. In connection with this, I desire to refer hon. gentlemen more particularly to the answer given by the Secretary of the Navy when this question came up in the British House of Commons in 1884. When the question was discussed as to whether it would be practicable to navigate Hudson Strait and Bay, Mr. A. S. Hill asked the following question of the Government:—

“ In the British House of Commons, Mr. A. S. Hill, Q.C., asked the Secretary of the Admiralty whether, having regard to the great importance attaching to the practicability of a route through the Hudson Straits to the grain-growing districts of the North-West, Her Majesty's Government would assist in this research by placing one or more vessels of the

Royal Navy at such stations and for such periods as might enable a report to be made upon the number of days during the year for which route is available. Mr. Campbell-Bannerman (Secretary of the Navy) replied: “ We are in possession of information derived from the experience of a century and a-half as to the limited season of the year for navigating Hudson Strait. This experience has proved that the strait is so hampered with fixed and floating ice as not to be free for secure navigation for more than an average of seven or eight weeks in the year, confined between July and September. The open time varies considerably from year to year, for although the strait is occasionally open by the middle of July, it has been found closed until the middle of August, and is rarely free after September. It would be an arduous and, to some extent, a dangerous service for one or more of Her Majesty's ships to be placed in this inhospitable region for a season to watch the movement of the ice: and the observations of many years would be necessary in order to come to a safe conclusion. The Government are, therefore, not prepared to undertake the duties suggested by my hon. friend, although they fully appreciate the importance of the subject.”

That is the view taken by the Secretary of the Navy, representing the Imperial Government, on this question.

HON. MR. KAULBACH—What year was that?

HON. MR. SCOTT—In 1884.

HON. MR. POWER—Then we had surveys after that.

HON. MR. SCOTT—Yes; we had surveys after that. When this question was first mooted, I think it was twelve years ago, my hon. friend, now no more, Senator Ryan, from Montreal, brought the subject before Parliament. He was the first one in this House to call attention to the possibility of navigating Hudson Straits and Hudson Bay, and he became, after reading up the reports and what information he could obtain, very enthusiastic on it. The subject was brought up in this House, but it was not very generally supported—in fact it was pooh-poohed as being an impracticable scheme. I would like to refer hon. gentlemen to the opinions of the expert whom we sent specially to enquire into that subject, Lieut. Gordon. I think it cost this country a-quarter of a million of dollars to test this question. I may say that the friends of the project believed he would be a very excellent officer to make the report, while the Government rather impressed him with the belief, from the instructions he received, that it was desired he should report favourably if he could; and, therefore, he is not an unwilling witness in giving his opinion and judgment on this



question. I will just quote from the concluding paragraph of his instructions of 22nd June, 1886:

"It is desirable that you should proceed to the mouth of Hudson Straits with as little delay as possible, so as to avail yourself of the very first feasible opportunity to make the passage through. If you are prevented from at once entering the straits, you will occupy your time in taking accurate observations of the extent and condition of the ice, the prevailing winds and the currents at its mouth."

Now, the instructions conclude with these words:

"You will bear in mind that it is the wish of the Department to demonstrate as far as possible the navigability of the straits for purposes of commerce, in point of time and facility, and anything that will conduce to that end, the Department relies upon you to do the limit of the means placed at your disposal."

HON. MR. MCINNES (B.C.)—Who gave those instructions?

HON. MR. SCOTT—The then Minister of Marine and Fisheries, the Hon. Mr. Foster. So that it will be evident that at all events he was impressed with the belief that he was to take as favourable a view of the feasibility of navigation through Hudson Bay and Strait as the opportunities presenting themselves would admit. He says himself, in the very opening of his diary:

"We commenced this voyage with every hope of making an early and successful passage of Hudson Straits, as the news from Newfoundland was that the ice had left the Labrador coast, and that the season, so far as the movements of the ice were concerned, was an unusually early one. Our subsequent experience showed that certainly all along the Labrador coast, and to a less extent, in Hudson Straits, the season was earlier than last year."

Now, we will take from his diary what he encountered at points. I will not detain the House with any lengthy extracts from his report, but on account of the importance of this question I think we should thoroughly understand what we are about:

"On Sunday, 4th July, about 3 a.m., arrived off Gulch Cape, and found the bay between this promontory and White Bear Cape full of tightly-packed, heavy ice, through which it would have been impossible to force the ship. I was, therefore, reluctantly compelled to abandon the attempt to call at the Nachvak Post, and, heading the ship out to the eastward, found comparatively clear water about fifteen miles off the land, when course was altered to the northward, for the entrance of Hudson Straits."

Then he goes on to describe the ice that he met as being from five to twelve feet in thickness. Then, going on to the 13th and

14th July, here is an extract from his journal:

"Ice continues heavy, and I here quote from my journal of the 14th the opinion there written, which subsequent events only tended to confirm:—'The ice met with to-night, in my opinion, settles the question of the practicability of the navigation of the straits; up to this date, at any rate, the straits are not navigable for this season, because no ordinary ship that could be used as a freight carrier, even if strengthened to meet the ice, could have stood the pounding which the ship has had this afternoon.'"

That is the evidence of the witness who went there prepared to report favourably, in a vessel constructed for the purpose, and not a vessel constructed for carrying grain. He says:

"From the 11th to 19th July the ice covered the straits from 'Emma Island' to Cape Digges, and through this 200 miles we worked, every time the ice opened gaining something, if only half a mile. Much of this ice was heavy, old ice, and of such a nature that no ordinary steamer which could be used as a freight carrier, even if strengthened and sheathed for ice, could, in my opinion, have passed through this time without injury."

Every sentence you read seems to confirm the concluding fact of his report, that it is absolutely impossible, except under circumstances that may happen once in eight or ten years, to expect any vessel to enter Hudson Bay without encountering the ice before the month of August. The average of 116 trips made by the Hudson Bay Company's vessels to that region, I think, brings it somewhere to about the first week in September. I think this is the average. The Hudson Bay Company are the only people, except occasional whalers, that have gone in there. For years and years the company has sent vessels in there. Their object was to get their vessel in as early as possible, so that she could return the same year. The furs stored at the Hudson Bay depots were kept packed ready to be shipped as soon as the vessel arrived, and no detention was allowed, so as to ensure returns the same season. He quotes their experience:

"It will be admitted that, with the experience extending to centuries, which the Hudson Bay Company have, if it were possible for them to get their ships in earlier they would endeavour to do so, inasmuch as the detention of one of their ships over a winter in the bay entails loss of markets, more or less undue wear and tear of vessel, and the addition and expense of wages and maintenance of the crew. I have examined the record of 116 consecutive arrivals at York factory and find that the average date is 4th September. Of the 116, 48 arrived in August; earliest date, 6th August. The latest arrival was the 7th October, on which occasion the ship wintered in the bay."

And yet that is the navigation that this House is asked to favour—of which this House is asked to say to the world, “We believe in it.” We are asked to say to the capitalists on the other side of the Atlantic: “We think this is a good project; we endorse it, and therefore you ought to put your money into it. We at all events aid it by giving a cash bonus equal to interest on two millions of dollars for twenty years.” That is practically what we say to the outside world. In reference to the use of steam, he says that he is of the opinion that it will not lengthen the season of navigation. Then a point, which is not often adverted to, is that the compass is perfectly useless in Hudson Bay. He says:

“The tidal currents in Hudson Strait add very considerably to the risks of navigation. These currents vary in velocity from three to six knots per hour, and the uncertainty of this effect on ships has already been pointed out in the case of the ‘Fury’ and ‘Hecla.’ I have myself, when fast in the ice in thick weather, tried the ground log, and have made out apparently the rate and direction in which we were being carried, but in almost every instance, when we began to haul in the line, it fouled some spur of ice beneath, and weights and line together would be lost.

“Further, in an iron ship any severe concussion changes the magnetic condition of the ship; hence, when working through ice constant changes would be taking place in the ship’s attraction, and, consequently, in the compass errors.

“I am further of opinion that in an iron ship, making the voyage between, say Liverpool and Hudson Bay, on arrival off the western end of the straits the compass will not work.

“Altogether, I consider the navigation of Hudson Straits as being more than ordinarily difficult, with shores inhospitable and bleak, presenting such a picture of loneliness and desolation that it takes some time to get accustomed to it. The only safety in thick weather lies in the constant use of the lead and keeping a bright look-out, as the dead-reckoning is frequently in error to a considerable extent.”

Now, that is his final conclusion. I ask hon. gentlemen, on that testimony, which we must consider worthy of credence, taken by an unbiassed witness, under instructions from this Government to make the best report he could in favour of the project that had so many friends and supporters in the North-West, to Parliament, is it proper that Parliament should go on year by year favouring the project of a railway to Hudson Bay? We have not only favoured it, but we have done so to a much greater degree than in the case of any ordinary enterprise that has come before Parliament for support and assistance. The charter was first asked for in 1880. In that year we gave a charter to the Winni-

ship Company, and we also gave the Nelson Valley Railway and Transportation Company a charter. People got excited over it, and thought it would be a short route to Europe and that there was a bonanza in it. We gave both companies charters, and in each case the capital stock was two millions of dollars and the terms of incorporation were extremely favourable. I will refer to some of the clauses, and show that we gave to those companies terms that we do not often give to railways. In 1883 the two companies amalgamated; and, strange to say, although the two were to go over the same road, the capital doubled. Each was to build a road with a capital of two millions of dollars, and the effect of having only one company was to increase the capital stock to four millions of dollars. It appears that although the two companies amalgamated, the Nelson River Company wanted, evidently, to get some money out of it, and they came to Parliament the second year and asked to be let out. So we went through the farce of letting them out. They said at the same time that they had a claim of \$10,970 against the Winnipeg and Hudson Bay Railway Company, and they asked Parliament to sanction their right to make the Hudson Bay Railway Company pay this money, and so we did. We allowed them to go out—they had only to be relieved of their stock—and they made this a condition, that their claim would be a debt owed by the Hudson Bay Railway Company. Parliament seems to have been impressed in those early days with the idea that it was a mythical scheme, and let them have what they asked. Section 8 of the Act of 1884 allowed them to divide up \$200,000 of stock without paying money for it. Professedly it was put down to developing the route—a pretty general term. It spoke of surveys and other expenses “developing the route,” for which they were at liberty to allot \$200,000. In 1886 they came back to Parliament, having under the former Acts been allowed to issue bonds to the extent of \$20,000 a mile, and asked to be allowed to issue bonds to the extent of \$25,000 a mile. Well, we granted that. We also granted them this privilege, that those bonds could be issued on a contract, although the road was not built. Ordinarily, we compel companies to have something to show before they issue bonds, and the bonds are not considered of much

value until there is something done; but this company had this extraordinary privilege—the moment they made a contract they could then issue bonds. In 1887 they came back for some further amendment, and then they asked that their capital be altered from four millions of dollars—to what? To fifteen millions of dollars, and the shares are to be paid up only where value is received, but “at such prices and on such conditions as the company by by-law may determine.” So the company by by-law might determine that a share, the par value of which is \$100, may be given to A, B or C for \$1. It professed that they should only be issued for value, but at the same time the value was to be fixed by the company. That section, allowing \$200,000 to be allotted towards the development of this route, was continued in the new Bill. Now, if this road was a good scheme there should be plenty of money to be had to float it. It has already been on the English market, I believe, and has been hawked there for some years. One would think if there was any merit in it that capital could be procured. If it had the value in it that its promoters say it has—if it is going to cheapen the rate of transport from the grain-growing country of the North-West to the European markets, no further aid would be needed. Now, what are the subsidies? Of course, distances I am unable to give. I have assumed the length of the line to be 750 miles; it may be 800, or less. I understand the Federal bonus in Manitoba, where probably the distance would be 200 miles, is 6,400 acres of land per mile, making 1,280,000 acres of land for the distance in that Province; outside of Manitoba the bonus is 12,000 acres per mile. Calling the distance 750 miles, the total acreage is 7,880,000 acres. That is beautiful land which, I am so glad to hear, is to be found in that country. That surely could not be rated as worth less than \$2 an acre, which would make in value the lands \$15,760,000. But in addition to that, the Province of Manitoba has already passed a statute making a gift to the road, when it is finished to Hudson Bay, of \$1,500,000. That will be over \$17,000,000 that this road would be receiving, wholly apart from what is to be granted to-day. I understand—I suppose my hon. friend has it here—that the company have a contract actually for the building of this road at \$11,000 a mile?

HON. MR. ABBOTT—The contract is not drawn.

HON. MR. SCOTT—The statement in the other Chamber was that the Government had seen, or had in their possession, the contract for the building of this particular section of the railway at \$11,000 a mile.

HON. MR. ABBOTT—That is the price for the roadbed and railway. They estimate the entire cost for rolling stock and everything at \$15,000 a mile.

HON. MR. SCOTT—If we take the cost of the whole road at \$15,000 a mile (and that is allowing a liberal sum for the equipment), the whole 750 miles would not cost more than \$11,250,000, while the money arising from the land grants would be equal to \$17,000,000, so that if the road had any credit at all, if it were a project that would attract capital, you could induce the moneyed men of Great Britain or Germany to look at it favourably, and one would say that it could readily be constructed with that handsome land subsidy and the \$1,500,000 aid from Manitoba. Yet with all that, and the special clauses that are contained in the several Acts of Parliament, they have been unable to float this scheme, and they come back to us once more and ask us to give them a sum equal to two millions of dollars, being interest at four per cent. on that amount for twenty years. It is rather a bold proposition, and one that Parliament should hesitate before acquiescing in. The Senate is to-day placed in a peculiarly happy position. Ordinarily, when money Bills come from the other House, we are tied up, because in the Supply Bill there is a long series of items to which this House can have no objection, although there are some they might like to strike out; and as a rule the principle adopted by the Senate is not to interfere with the Supply Bill. We have an opportunity now of exercising a wise discretion. If we to-day were to throw out this Bill I am quite sure that the Government would not resign or feel in the smallest degree embarrassed. It is not a Government project; it is a credit offered to a company of gentlemen who are promoting this railway. In my opinion this railway is not deserving of any further support, and if we do not believe that the entire

project is a sound and proper one for the people of Canada to be saddled with it is our duty to throw out the Bill. I think it would relieve the Government of great embarrassment if we exercised that wise discretion. We owe a duty to the people to exercise a sound and independent judgment on this occasion, when we can do so without embarrassing the Government, whose friends are numerous in this House. I know they are sensitive about reprimanding the Ministry; here is an opportunity for them to act in the public interest, because if we were all living in the palace of truth, and spoke what we thought, we would recognize that the defeat of this measure would be a great relief to this or any other Administration. The Bill is not in the public interest, and it is promoted by a few speculators, who have gone too far and had their fingers burnt with a project that cannot be floated without assistance from the country. I ask the Senate whether \$80,000 a year for twenty years could not be more prudently spent in the interest of the people of Canada than in constructing a road through that uninhabited country lying between the waters of Lake Winnipeg and Lake Manitoba? If you want to favour projects in the North-West, there is the North-West Central Railway, which is seeking aid, and whose objective point is Battleford. The line runs through a magnificent country already peopled. Give that project this aid and you will be doing some good to the whole country, but I do not hesitate to say that you do not favour anybody, locally, in the North-West, when you undertake to subsidize this Hudson Bay Railway. You favour only those who look ultimately to the navigation of Hudson Bay. After the evidence I have given you from this report of Lieut. Gordon, I ask you whether you are prepared to say, notwithstanding all that testimony, notwithstanding the declaration in the British House of Commons of the Secretary of the Navy that this route is impracticable, simply because the Government have brought this Bill that it must pass and become law without having a single merit. I say the Senate of Canada have a glorious opportunity on the present occasion to show that they can rise above political feeling. In the other House votes have to be given simply because it is party against party; here we are supposed to be removed from

the trammels that affect party men, and we can vote independently. We can show to the people of Canada that it is fortunate for the country that there is a Senate when a measure of this kind comes up. If we lose this opportunity we can never claim that the Senate is the safeguard of the people when a speculator has his hands in the public purse. If the Senate does not intervene now and stand between the promoters of the Bill and the public treasury we can never say again that it is the bulwark of the people. Let this opportunity pass unimproved and you may never have such another. You cannot interfere with the Supply Bill, but you can with this measure, which proposes to saddle a burden, not only upon ourselves, but upon posterity. For twenty long years this annual subsidy is to be paid out. My hon. friend says if it is not earned it will be a tax on the land grant. He knows as well as I do that it will never be earned; there is no material from which a revenue can be derived; and, furthermore, when we pass the Bill the promoters of this railway will be authorized to mortgage that subsidy. The Bill says, "and may permit the company to assign the same by way of security for any bonds or securities issued by the company in respect to the undertaking." The moment the Royal Assent is given to that Bill it will be beyond our power to control the security. The promoters of the railway, whoever they are, can go into the market and say: We have Canada tied up to the equivalent of two millions of dollars. We can float two millions of dollars in bonds which have twenty years to run, and we have a land grant beyond that. On the faith of that clause, the very day after the Royal Assent is given the credit of Canada is pledged to that large amount. Now, I say it is not fair, just or honest to those who are to come after us, unless we are conscientiously convinced that this is a sound and prudent measure and one which would meet the approval of all honest and right-thinking men throughout the Dominion, to saddle the country with this burden. Let me ask anyone coming from the older provinces could he find 100 ratespayers among those he represents who, having given this subject any reasonable consideration, would say that the Bill is a wise or proper measure under the circumstances? If we had an overflowing treasury the case might be

different. If we wanted to squander our money, as they do on the other side—if we wished to keep up a protective policy and get rid of our revenue, those who believe in such a policy might feel justified in spending the money. That was the argument used at Washington in support of otherwise indefensible measures—that the revenue was beyond the needs of the country and must be disposed of. But their case is different from ours. Our debt is swelling up year by year, and theirs is going down steadily, until now it is very little more than twice ours. Theirs is a little over six hundred millions, and ours is rapidly coming up to three hundred millions. We are not justified, therefore, unless we are convinced that it is a good measure, in passing this Bill. Our object is, no doubt, a wise and proper one, to increase the value of the wheat fields of the west. How can we best do it? By increasing the facilities for communication by the older channels. We know they are safe and reliable. To-day a vessel can load at Port Arthur, Duluth or Chicago, and land her cargo in Liverpool. There is to-day a vessel on the Atlantic that was built on Lake Superior, that took her cargo of wheat there, and is now testing the question whether a whale-back vessel—a steel vessel built in the form of a cigar, which the waves wash over—is suited for crossing the Atlantic. She is now on her way across the Atlantic. Mariners believe that the experiment will be an entire success. That, alone, will decrease the cost of transporting grain to Europe. What we ought to do is to expend money in enlarging our canals. We are building a big canal at Sault Ste. Marie, which is going to take larger vessels than the Welland or the St. Lawrence canals: all our canals should be built to the dimensions of the one at the Sault. We have deepened the channel up to Montreal from the east; let us enlarge our canals and bring down the freight rates. Let us bring the carrying of wheat from the North-West to Liverpool down to 6 or 7 cents a bushel. Then we will have accomplished something useful. Any money that we have to spare ought to be spent in a direction from which good results will follow. Every time we deepen a canal and enlarge a lock in this country it has the effect of cheapening freight. It is perfectly proper that we should, if need be, strain the credit of this country to cheapen the transportation

of grain from the North-West, and we can best do so by enlarging the channels that now exist. Here is a magnificent waterway at the very foot of this hill. Years ago people thought that that was the true route from the west to the seaboard. It would shorten the distance two or three hundred miles.

HON. MR. CLEMOW—Seven hundred miles.

HON. MR. SCOTT—I wish to be within the mark. The saving is variously estimated. It would be over three hundred miles of a saving compared with the route now taken by the lakes. A series of short canals would bring the navigation of Lake Huron in a straight line to the city of Montreal. There is no doubt it is the safest and best navigation. Under ordinary conditions, if the country were not engaged in carrying out other projects, that would be the true route to take; because that, no doubt, would cheapen freights between the interior of the country and tide water more than any other route that could be named. Now, there is another point in this peculiar Bill. Last Session, when they came here asking for an amendment, their charter was running out. Hon. gentlemen will recollect the hesitation there was in this House to revive this charter. Many hon. gentlemen felt that it was a relief to let it drop, and it was only after considerable pressure that we consented to the measure: How was the charter amended? It was, I think, by limiting the time to four years for reaching the crossing of the Saskatchewan; but it said nothing about the rest of the line, and on looking over the statute hastily to-day the conclusion I have reached is, that they are not limited as to the construction of the line from that point beyond—that they have forever and a-day to build beyond that point. It was a very short Bill, but it repealed the clause which limited the time for the construction of the whole railway, and in lieu of it adopted a provision that the railway should be finished to the crossing of the Saskatchewan in four years, by June, 1890. The conclusion I came to hastily was that the effect would be to allow them to go on forever with this charter. Under these circumstances, I will not further detain the House. There

is a good deal more that might be said, but no doubt other hon. gentlemen will speak on the subject, and I may on a future occasion make some further remarks why this Bill, if it should pass the second reading, should not finally pass this House. I move, therefore, that the Bill be not now read the second time, but that it be read the second time this day six months.

HON. MR. BOULTON—The leader of the Opposition has taken the position in discussing this question that I think he might have been called to order upon in continuing his remarks, because I do not think that the position that the Government has brought this question before the House in justifies his entering into the zealous and earnest opposition to the Hudson Bay route *per se*, and it gives me the idea that there is a justification for the charge that has already been made, that some members of the Liberal party are opposing the development of the Hudson Bay route lest their political efforts to divert the trade to the south should meet with opposition by the successful development of the route to the north.

SOME HON. GENTLEMAN—Hear, hear.

HON. MR. BOULTON—The hon. gentleman may laugh, and the hon. member for New Westminster, who assists him in opposing this resolution, may laugh also, but there may be more truth in the story that has started than appears on the surface. We are not here on the present occasion, however, to discuss the merits of the Hudson Bay route or its demerits; we are here for the purpose of discussing the question of assisting a section of the country that has already been partially settled, and in developing the resources that exist there. The leader of the Opposition has given us a characteristic speech, which frequently comes from his mouth, with regard to the character of the country, and on this occasion apparently the bottom has fallen out of it altogether, because he says the telegraph poles could not find bottom when the telegraph line was placed there. That is a sample of the remarks we frequently hear from the same source and which have been so practically belied by the people who have gone there and have developed the prairies of Canada. I may say, from

my own knowledge, because it is in the constituency that I have the honour of representing, that the statements the hon. gentleman has made with regard to the character of that country are completely without foundation. When I went into that country some years ago we had a most unusual flood, such a flood as had not occurred in the country since 1826, and when I was wending my way westward with my yoke of cattle and my family I had to wade for miles and miles up to my knees in water in order to overcome the intervening distance in the low bottom lands that are now bright and shining with golden grain. This flood only lasted one or two years, and it was only one of those unusual convulsions of nature that occasional take place, and was not characteristic of the territory. I will explain to hon. gentlemen the character of the country in which I reside. The country rises from the sea in certain steppes towards the Rocky Mountains. At Winnipeg it is only 700 feet above the level of the sea and at Calgary it rises in steppes to 4,000 feet above the level of the sea. The districts round the city of Winnipeg bordering on the Red River and Lakes Winnipeg and Manitoba are bottom lands, which, according to the geological information we have obtained, has been the bottom of a great lake, and the soil of the prairie from the west and south has been washed down and deposited there in a great mass of rich clay loam to several feet in depth, which makes that section of the Province of Manitoba so renowned for its grain-growing and for agriculture in general. This bottom land commences to rise a trifle at Portage la Prairie, about 60 miles west of the city of Winnipeg, and many hon. gentlemen know that Portage la Prairie is the most renowned district of the North West for wheat-growing. In the small district of three or four townships surrounding Portage la Prairie there is marketed from one million to a million and a half bushels of wheat every year.

HON. MR. POWER—The hon. gentleman is describing a country through which this road is not to pass.

HON. MR. BOULTON—I am telling hon. gentlemen what Portage la Prairie is, because exactly the same class of country exist west of Lake Winnipegosis and north

of Lake Manitoba. It is a section of the same bottom land, which rises to a plain in that northern district. There is a tract of country called Gilbert plains, only thirty miles from where I reside, which will become as celebrated for the production of wheat as the plains of Portage la Prairie. In this particular section of the country there is already a large settlement. I cannot speak from any reliable authority, but I believe there are at least 1,000 settlers in that district.

HON. MR. SCOTT—Where?

HON. MR. BOULTON—Where this railway is going to.

HON. MR. SCOTT—I will give my authority for the statement I made—the factor of the Hudson Bay Company says there are not 100 people settled there.

HON. MR. BOULTON—The district he speaks of is east of that.

HON. MR. SCOTT—He speaks of the district between Lake Winnipegosis and Lake Winnipeg, and that is where this proposed railway runs.

HON. MR. BOULTON—The road is going to the west of Lake Manitoba.

HON. MR. SCOTT—No; it is not going west of Lake Manitoba. That is denied.

HON. MR. BOULTON—That is where the route is going. I have it from the president of the company that it is intended to go over the narrows of Lake Manitoba, and through the Dauphin Lake district.

HON. MR. SCOTT—There is a good country in the Dauphin Lake district, but the road is not to go there.

HON. MR. BOULTON—The president of the company informs me that that is the route they will adopt, and it is the characteristic of that section of the country that I am speaking of. You are also speaking of the route that the Hon. Mr. Mackenzie had surveyed when you speak of the place where you say the telegraph poles sank out of sight.

HON. MR. SCOTT—That was about the narrows of Lake Manitoba.

HON. MR. BOULTON—This is the character of the country, and even if the road went between Lake Winnipegosis and Lake Manitoba, which I hope it will not, it would still bring this district I am speaking of within measurable distance of railway communication, within 20 miles of railway communication, instead of 60 or 65 miles, as it is at present. But in speaking of the character of the country, I am referring at present to the land west of Lake Manitoba and Lake Winnipegosis.

HON. MR. SCOTT—The railway will not go west of Lake Manitoba. If it crosses anywhere it must cross at the north end of Lake Manitoba.

HON. MR. BOULTON—On Mr. Mackenzie's survey, which is the route it is going to take. The Government have the power to say which route it will take, and when the surveyors come to place all the information before the Government, I feel satisfied the right route will be selected.

HON. MR. SCOTT—Up to the narrows. But it is not proposed to cross the narrows; it purposes to go then north to Grand Narrows.

HON. MR. BOULTON—I am satisfied that they will cross, and I have the assurance of the president of the company that they intend to do so.

HON. MR. SCOTT—Have you the authority to so assure Parliament?

HON. MR. BOULTON—No; I did not ask them for that authority. I have it only for my own information. My hon. friend seems a little put out because there is a portion of the railway that goes over a tract of country that does not answer the description of it that he has given to this House.

HON. MR. SCOTT—I gave a description of the route as laid down on the map and I quoted a description given by the Conservatives in 1878-79, when they condemned Mr. Mackenzie for going there.

HON. MR. BOULTON—With regard to that section of the country, there is not a doubt in my mind that the people who live there have got a fine grain-growing dis-

tract. It is peculiarly so from the fact that it has never been known to be affected by the frosts. It is lying to the east of the Porcupine Hills and the Riding Mountains, and there seems to be a shelter there that protects the grain from frost. Settlers who have been there for the last six or seven years have never yet had their grain touched with frost, in consequence of the shelter, and the proximity of the lakes affects the district by drawing the frost away from the soil to the water. In addition to that, there are valuable mineral deposits at the foot of Lake Winnipegosis which this road must pass within a short distance of, in the shape of salt springs, which the Hudson Bay Company used for years as a source of supply when the cost of transporting heavy freight across the continent was so difficult. There is a mine of wealth which will be developed there, and which will now prove a source of supply to the people of the North-West when this railway is built. In addition to that, there is valuable timber in the Riding Mountains, Porcupine Hills and Duck Mountains. These three mountains are covered with a fine growth of timber—oak, spruce and smaller timbers, and the railroad will pass within a reasonable distance of these forests, and a fine timber district will be developed. The trees that are standing there are more liable to be burned than the timber in Ontario, and goodness knows it is bad enough down here; but in the west, on account of the timber bands being surrounded by prairie, the prairie fires encroach upon the timber year after year, and gradually burn into them, and it is only a question of time, as the country becomes occupied, when the timber will be destroyed altogether. It may be fairly estimated that there is from at thousand to fifteen hundred millions feet of lumber in the tract of country I am speaking of. Hon. gentlemen know how valuable it is to the country to have that timber taken out, and have the money and labour expended in the country in preparing it for the market, instead of having it burned up. The construction of the railway will bring that timber into the market and will develop a trade of considerable value to the whole country. In addition to this, there are minerals of economic value. A coal oil well has been discovered, and some machinery has been put in, and they succeeded in getting a certain

amount of coal oil, on the east side of the Riding Mountains, within ten miles of the route of this railway—it will be twenty miles if the road runs east of the lake and ten miles if it goes west of it. Some gentlemen subscribed five thousand dollars and took in machinery to develop this coal oil deposit, but like many other enterprises in this country, the capital was too small, and they had no more to put in, and the enterprise failed for want of capital, and not for want of resources. In addition to that, specimens of coal have been found in the Duck Mountains. Geologists tell me that it will not amount to anything there, but I mention the fact to show that in addition to grain-growing there is a great deal of mineral wealth, great timber wealth and great fishing wealth in the districts under consideration. That is the tract of country that this road is to develop and I leave it to the sense of this House if it is not worth our while to make an effort to assist in developing it.

HON. MR. SCOTT—In reference to the locality, this Bill was in charge of the Minister of the Interior in the other House, and the question was put to him directly:

“Can the hon. Minister give us some assurance that the road will pass some point not further north than the narrows of Lake Manitoba?”

MR. DEWDNEY—I am not in a position to make that promise.

“Do you think you will be in a position to do so before the third reading?”

“I am afraid not.”

HON. MR. BOULTON—That may be. It is quite possible that they have that option, but that they intend to go across the narrows of Lake Manitoba I believe to be the case. Now, there is another point that I would refer to, with regard to the grain-growing. Hon. gentlemen know perfectly well that a settler sixty-five miles away from railway communication is of no value to the country. He cannot distribute his produce. He can grow enough for himself and his family to eat, and he can struggle on without railway facilities; he can drive an odd beast down 65 miles to a market and sell it, but that does not develop to its fullest extent his capabilities in that great country for producing wealth and distributing it. A man puts in 50 acres of grain, and reaps 20 bushels to the acre. That is a thousand bushels that he produces, and after the farmer has got



his price for a bushel of wheat, whatever it may be, he sends it down to the east and buys his boots and shoes, his groceries, his agricultural machinery, etc.—that is, under our present commercial policy. Of course, if we were to change our policy and divert our trade to the south, then that grain would go to the United States and find its market there, and the money for it would be expended there; but under the present condition of affairs this money comes east. Without railway facilities that farmer cannot send his produce east, and the country loses the value of his labour year after year. I can assure hon. gentlemen that there is a tract of country along the route proposed for this railway that is capable of supporting a very large number of settlers. I do not care whether it is on the west side of Lake Winnipegosis or whether it is between the lakes, if it goes between the two lakes it will bring railway communication nearer to the section of country I have described, perhaps not as near as settlers would like it to go, but grain can be exported without too much sacrifice and too great loss to the settlers who raise it. With regard to the subsidy that the hon. leader of the Opposition has so earnestly appealed to this House to vote down, I think I can show that the country is not going to be ruined by granting assistance of this kind. I wish to point out that the same remarks were heard when the question of monopoly that the Province of Manitoba and the North-West Territories were struggling under was brought before Parliament, and when they wanted to get rid of that monopoly the Government, in order to assist the people, devised a means by which they could do away with it, not only in the Province of Manitoba, but by which they could do away with it west of Manitoba, west of the Rocky Mountains, with justice to all parties concerned, as it was weighing down the energies of the people of the North-West. The monopoly was removed by means similar to those which the Government are adopting at the present moment in order to stimulate the efforts of the promoters of this railway. They loaned to the Canadian Pacific Railway, or rather guaranteed the interest on fifteen millions of dollars, which money was to be expended in improving the railway, in constructing those steamers that are helping to establish our trade between China and Japan and this country, and to

develop the capabilities of the great Canadian Pacific Railway as a through route—which it has proved to be—and a work which has aroused the admiration of the whole world, for the energies the people of Canada have put forth in order to span the continent and create a bond of union between the Atlantic and the Pacific. It was in that way the Government got rid of the monopoly clause of the Canadian Pacific Railway Act, and secured the expenditure of fifteen millions of dollars in the country, which was shared in by everybody—and what has it cost the country? It has not cost the country one solitary penny, simply because the Government took as security the subsidies they had to pay to the Canadian Pacific Railway in the shape of their mail carriage, and the subsidies they gave them to develop Canadian trade on the Pacific Ocean, and whatever other securities they had that they were enabled to pledge the Government took. On this the company raised the money, and spent it and improved the facilities for the trade of the Dominion, and it has not cost the people a penny. This is a subsidy of the same character. As has already been mentioned by the hon. leader of the Opposition, the Calgary and Edmonton Railway was assisted in that way, and the road to Prince Albert was assisted in that way. This is another road paralleling those two in the same direction, and it cannot secure the capital upon the merits of the land grant alone, because capital is taking all the risk in going into that country, which is, comparatively speaking, unoccupied, and in developing it and opening it up for settlement. Therefore, capital has to be encouraged in some way or other, and the Government have adopted this means in order to help that section of the country. The subsidy is giving \$80,000 a year for twenty years, and the Government take as security whatever they may have to pay for any mail subsidies or any Government work that the railway may be called upon to perform, all of which is charged up against this \$80,000 a year. Should the resources of the country not develop sufficient to enable the railway to meet the charges that will be incurred on this \$80,000 a year, then the balance is to be secured by the land grant which the Government has given the railway; and notwithstanding the

character that the leader of the Opposition has given to the land in another place, he has again described it as being worth \$2 an acre, in order to make a point, and by his own showing there can be no question about its being sufficient security for the \$80,000 a year, or whatever portion of it may remain unpaid when it is completed at the end of twenty years. Take 6,400 acres to the mile, at \$2 an acre, that is \$12,800 per mile. That gives three million six hundred thousand dollars worth of land, which, along with the mail subsidies and other subsidies, will be ample security to prevent the people of eastern Canada having to put their hands into their pockets for a dollar. The people of Canada are lending their name and credit in order to assist in developing that section of our great country; and I say, hon. gentlemen, that the people of Canada are acting wisely when they assist with their credit, which, thank God, by the wise policy of the Government and the industry and wisdom of the people themselves, stands high throughout the world. There is no country whose credit does stand higher, and, therefore, when Canada lends her credit to the promotion of any enterprise this is a guarantee that it will be carried on. Therefore, I say that the people of Canada are wise in giving aid to this enterprise, because the lending of that credit will attract some six or seven millions of dollars to be expended in that part of the Dominion. That money will be paid partially for rails, partially for grading, for building station houses, and for labour of all kinds, and will be distributed throughout the length and breadth of Canada. In that way you are assisting, not only in developing that section of the country by improving the facilities for communication—you are not only assisting to place a population there whose industry will swell the revenue of the country by more than \$80,000 a year, but by the expenditure of capital in a useful public work you are promoting the prosperity of all. The hon. leader of the Opposition has spoken about the one hundred millions of dollars that the country has spent in the western districts of Canada, and of the manner in which the people of the eastern provinces have taxed themselves to develop that country and build up these enterprises. While I do not disparage for one moment the liberality and enter-

prise of the people of Canada in developing that country, I do not allow that it has altogether been without return. When they commenced that expenditure in 1877 or 1878 the revenue of the country was only about twenty-one millions of dollars; from that amount it has increased to thirty-nine millions of dollars, and that increase has been largely due to the expenditure in the North-West and the development of the resources of the Dominion. If the same enterprise is shown and the same efforts are put forth in still further developing that country—and it will take a century, or perhaps two centuries, to complete its development—in ten years the revenue of the Dominion will be seventy or eighty millions of dollars, and the people of Canada will, by the increase of income, increase their credit and increase their dignity in the eyes of the world, even though they should add to the present debt. As long as the population which has to contribute increases the revenue will grow steadily, and if the revenue is judiciously and economically expended on public works for the development of the resources of the country there need be no hesitation about supporting an enterprise like this. That is my reply to the point that the hon. gentleman attempted to make in regard to the charge on the revenue. He dealt very largely, in his remarks, on the subject of the Hudson Bay route. As I said before, that is not a question that is before the House to-day. When the time comes for the consideration of the subject we can then deal with it on its merits. All I can say with regard to the remarks he read of the Secretary of the Admiralty and others, who have no confidence in the feasibility of that route, is this: the Library contains early books condemning the North-West Territories, and the very terms that we have heard to-day with regard to the Hudson Bay route were used by the hon. gentleman himself and the party he represents in speaking of a large portion of our North-West that is now open to settlement.

HON. MR. POWER—Never!

HON. MR. BOULTON—The hon. gentleman has done it to-day.

HON. MR. POWER—Excuse me; he quoted the remarks of your friends.

HON. MR. BOULTON—He referred to the statement that the surveyors sent out by the Mackenzie Government reported that they could find no bottom for the telegraph poles as a fact.

HON. MR. SCOTT—I said that was the statement made by the opponents of the Mackenzie Government, that that part of the country was all a muskeg.

HON. MR. BOULTON—The North-West Territories have been condemned by committees in years gone by, formed for the purpose of reporting upon its facilities for grain-growing and for settlement. As a rule, those statements were quite as bad as any the hon. gentleman has made to-day about the Hudson Bay route, and have been proved to be as valueless. However, when the question of the Hudson Bay route comes up it will be time enough to discuss that question. I had the honour last year to address the House on the subject, and I do not propose to weary you with any statistics with regard to it this session. The road referred to in this Bill is looked upon with a great deal of anxiety by the people in the constituency of Marquette, the population north of Portage la Prairie and the people of the city of Winnipeg, because its construction will add another line to those which contribute to the trade of that growing centre as well as other centres with which it will connect. It will be another means of attracting immigration and increasing the prosperity of Winnipeg. The progress and prosperity of Winnipeg is just as dear to this House as that of any city in Canada, and the people who already reside in that northern country, to the number of at least one thousand—

HON. MR. SCOTT—Not in the country that this road is to pass through!

HON. MR. BOULTON—In that section of country which this railway will serve.

HON. MR. SCOTT—Does the hon. gentleman pretend to say that there are a thousand people in the country between those two lakes?

HON. MR. BOULTON—There are on the opposite side of Lake Manitoba.

HON. MR. SCOTT—I ask the hon. gentleman is the statement that I made correct, that it is not really inhabited after you pass the first forty miles north of Winnipeg.

HON. MR. BOULTON—I am speaking of the people on the west side of the lake.

HON. MR. SCOTT—I am not speaking of them, because this road, we are told, will not go by the narrows.

HON. MR. BOULTON—That population is within twenty miles of this road, where ever it goes.

HON. MR. SCOTT—I take the statement of the Minister who introduced the Bill, that the road is not to go by the narrows.

HON. MR. BOULTON—All that the Minister said was that they had liberty to go whichever way they liked. They could either go between the lakes or cross at the narrows. When the surveyors locate the line of that railroad I am perfectly convinced that they will cross at the narrows of Lake Manitoba and run through the Lake Dauphin district, and that if it should be necessary the people in the Lake Dauphin district will give a bonus of a hundred thousand dollars to secure that railway rather than lose it, such is their anxiety to secure it. The leader of the Opposition has asked this House to throw out this Bill. He has been as earnest and zealous in his efforts to defeat it as though the fate of the Government depended upon it. I ask you, as a representative from that section, on behalf of the people who reside there, and who are to be benefited by the construction of this road, and who are entitled to the sympathy of this House, to assist them with this enterprise, which will add to the prosperity of Canada as a whole, and especially of those who live in that part of Manitoba.

HON. MR. SCOTT—Is it reasonable that the promoters of a railway should come here and ask us for a grant, without locating their line or saying where it is to run? I have shown on the map the location of the line as we are led to believe it is to be constructed, and the hon. gentleman says it is not going to run there.

HON. MR. BOULTON—It is to run to the Saskatchewan River. If it is to go by the narrows of Lake Manitoba the Government are in possession of full information as to the character of that part of the country. If it goes between the lakes, although the levels have not been taken we know it is a perfectly level country. The distance between the lakes is about thirty miles, and the country is a perfect level, so that there was no need for any advanced surveys. Of course, surveys on the other side of the lake were necessary in order to test the grades as they rise in the mountains, but the country between the lakes is so level that a preliminary survey is unnecessary. The Act which created the company gives the Government power to locate the route, and I feel sure there will be enough influence in the Lake Dauphin district to insure its location when it becomes a question.

HON. MR. McINNIS (B.C.)—It was not my intention to say anything at this stage of the Bill, but as the hon. gentleman has insisted upon the House accepting it as a measure for the construction of a railroad from Winnipeg to the Saskatchewan River, I desire to call the attention of the House and of himself to the fact that he holds a very different view from that of many of his colleagues in the other Chamber coming from the North-West and from Manitoba. When the Bill was under discussion in the Commons the member from Selkirk, Mr. Daly, expressed himself as follows:—

“This resolution before the House does not, in my opinion, commit this country to building the whole of the Hudson Bay Railway. It is simply a colonization railway for 250 miles from the main line of the Canadian Pacific Railway into the northern territory. The motion of the hon. Minister is merely to the effect that the same aid should be given to that portion of the Hudson Bay Railway that was given to the Calgary and Edmonton Railway and to the Prince Albert Railway. I take it that the question of the feasibility of the whole line and the navigability of the straits had nothing whatever to do with the question now before the House.”

It will be observed that up to this stage of Mr. Daly's speech he takes precisely the same line of argument that the last speaker (Mr. Boulton) takes in this House. But as Mr. Daly proceeds he warms to his subject; he flatly contradicts himself; he favours us with a glimpse into the true inwardness of a scheme which, if we give it the authority of law, is certain to bring ruin

to all who invest their money in it, and discredit on our Government and country. Mr. Daly says:

“So far as the speech of the hon. member for Simcoe (Mr. Spohn) is concerned, the hon. gentleman must remember that the House is committed to the Hudson Bay Railway as a through scheme, that the Parliament of Canada gave to the scheme a land grant of 6,400 acres per mile within the limits of Manitoba and 12,800 acres per mile outside, and so, no matter what arguments may be advanced, Parliament is committed to the whole scheme.”

Mr. Denison, member for West Toronto, gives his views on the subject as follows:

“From the very first I have always had strong views on this question of assisting the construction of a railway to Hudson Bay, and whether the outlet to the sea can be used or not is really after all, to my mind, a secondary consideration.”

HON. MR. BOULTON—To the extent of 12,800 a mile, outside of the Saskatchewan River.

HON. MR. McINNIS (B.C.)—So it seems it is “a secondary consideration,” in the opinion of this gentleman, whether the Hudson Straits are navigable or not, so long as the road is extended to the bay itself, a most extraordinary statement for anyone to make, because if that bay were open all the year round what earthly use would it be if vessels could not pass in and out. Further on he says:

“We all know that for 200 years back the Hudson Bay Company have been sending their steamers there every year.”

I was under the impression that steam navigation began only back some 50 years. That gentleman continued to enlighten the Commons in the following manner:—

“From that district up to Hudson Bay it is practically a *terra incognita*; people know very little about it, but with the expenditure of this sum of money the people of Canada can have access to that inland sea, and will be able to know whether the fisheries are as productive as they are reported. We will be able to see also whether the forests are capable of development in the way of timber limits, etc.”

He does not care whether it pays or not, and says:—

“Even supposing that this does not turn out as good a route as we should hope, still it will develop that great inland sea, and will permit the Canadian people, who have an adventurous turn of mind, to prospect that country and to fish on the seas.”

He wants the road built by adventurous persons for the benefit of enterprising timber limit speculators and all that that means. The member for Assiniboia, Mr. Davin, discusses it fairly and squarely as

the Hudson Bay sheme. He said he has a buoyant mind and looks at the bright side. He says :

"It is possible that we will see ships from Halifax coasting around to the Hudson Bay to take that grain to the city my friend is interested in. My hon. friend is laughing; he facetiously says, "in ice boats." Sir, when this is completed you will have infallibly many and many a cargo of grain taken from Churchill or from Port Nelson, whichever happens to be the place ultimately adopted, right round through those straits, right down by the coast into the very port of Halifax."

I have quoted these remarks to show that it is the intention of the promoters of this Bill, not only to build the line to Saskatchewan, but to extend it to Hudson Bay, and that part of the argument of the hon. gentleman from Shell River must necessarily fall to the ground. Even as a colonization road, I think that the hon. leader of the Opposition has made it perfectly plain that there is no earthly use in constructing the road at present. In my judgment, and from my knowledge of the North-West, I would say that we have built too many roads there, with the result that settlement has spread over too large an area. The hon. gentleman referred to Portage la Prairie, but he did not inform the House that that settlement, one of the most prosperous and densely-peopled districts in the North-West Territories, was there before the construction of a railroad, simply because it is in the heart of the best agricultural country to be found in Manitoba or the North-West. If the section of country through which this projected railway is intended to pass was anything like as fertile and as well adapted for the growth of cereals and stock, a very large population would have settled there long ere this. The very fact, as the hon. gentleman from Ottawa stated in his opening remarks, that as far back as 1878 and 1879, when the Government were making surveys for the Canadian Pacific Railway, that it attracted a large number of settlers along that route and that the settlement has not increased, is evidence undeniable that the country is not a desirable one to open up while we have other portions of the country ready for settlement. In view of the history of this road and the extraordinary powers sought by this Bill, I look upon it in the same light as the South Sea Bubble, and I think that I can challenge any man to show in the history of the empire any other Bill so suspicious as the one that we are

now discussing. I will have more to say on the subject when the Bill is before the House for the third reading.

HON. MR. ALMON—I wish to explain my reasons for the vote I propose to give against this Bill. If the measure is defeated, I know that it will not affect the Government. I took a similar position when the Salisbury Railway Bill was before this House, and I do not think the Minister who introduced it was heart-broken when it was defeated: certainly we have not heard anything more about the measure since. This is a suspicious Bill; but I cannot agree with the hon. gentleman who says that we have had nothing like it before. I think it bears a strong resemblance to the Chignecto Marine Railway Bill. This measure contains a provision that the mails shall be carried free: it sounds very like the provision in the Chignecto Bill that, after the enterprise yielded a dividend of  $7\frac{1}{2}$  per cent. the Government should share in the profits of working the enterprise. I think these features of the two measures are suspiciously alike. If the Chignecto Railway Bill could be introduced here again I think we should certainly reject it. Having that experience before us, why should we pass a similar Bill now? I do not always agree with the leader of the Opposition in his figures, because they are often erratic. He says this railway will cost the country two millions of dollars. I say it will cost us more. If you grant this subsidy you will hardly dare to refuse assistance to the projected sub-way under the Straits of Northumberland, or to refuse to grant \$400,000 to extend the Intercolonial Railway into the city of Halifax, since the city has asked for it. In all seriousness, is it not an evil in this country that we should be subjected to such great taxation? Is it not hampering trade? Can we go on aiding colonization railways which pass through such a country as this between lake Winnipeg and Lake Manitoba? There are other parts of the country which need colonization railways, and the more we open up the North-West the more will we lessen the value of land already open for settlement. I daresay many of you remember a story about the return of Columbus from the newly-discovered continent of America. One of his sailors went into a jeweller's shop with an amethyst and asked

what was the value of it. A large sum was mentioned, because it was a rare gem. The sailor remarked: "I have a barrel of them." Well, "said the jeweller," then it is worth nothing, because there are so many of them." In the same way, the lands in the North-West will not increase in value if we keep opening up other portions of the country for settlement. We are ruining ourselves by throwing more land on the market than the people can utilize. If I thought any great calamity would happen to the Government (and it would certainly be great if it should defeat those who are there now, and a still greater pity to put the Opposition in their places), to defeat this measure, I should hesitate before voting against it; but, as it will not hurt them, my feeling on the subject is that I must vote against the Bill.

HON. MR. REESOR—I should be sorry to vote against any measure that would tend fairly and reasonably to develop the North-West, but we have gone on at such a length incurring heavy debts, not only on behalf of the North-West, but in the eastern provinces, that I think it is time to call a halt. Although we have no war debt, like our neighbours on the other side of the line, yet our provincial and our federal debts together are more than twice as much *per capita* as the debt of the United States and the State debt. Under these circumstances, I think it should be clearly shown that this road is absolutely necessary for the development of the country. The complaint throughout Manitoba and a large part of the North-West now is, that for many miles on either side of the railways already constructed there are no settlers, that the lands have got into the hands of railway companies and speculators and they are held unsettled, and we know not how long they may so remain unsettled. Is it right that the Government of Canada should continue to incur additional liabilities to develop that country while so much of the land remains unsettled, with a view to inducing settlers to go into remote districts? These large grants of land upon the very road that we now propose to aid will get into the hands of the railway company, and they will hold them at a pretty high price, and require the Government of Canada, the guarantors of certain bonds amounting to a considerable sum, to pay \$80,000 a year

without any return, and without any prospect of return for a very long time. I think it is desirable that this thing should be stopped, particularly as the Government have declared that their policy is to be the same as that of the late Government. We know what the policy of the late Government was in the North-West. We know that they disposed of what was supposed to be large tracts of Dominion lands, and which proved afterwards to belong to the Province of Ontario—50,000 acres in some cases for about \$5,000, and after the courts decided that these lands belonged to the Province of Ontario the same lands that had been previously sold for \$5,000 could be sold for \$50,000. Until we get a Government that dares to assert a different policy in the management of the lands in the North-West we should stop giving further subsidies to railways in that direction, and we should stop also aiding local railways in the eastern provinces. It is time the Government should look into the matter themselves and see the propriety of changing their policy in this respect.

HON. MR. VIDAL—It may naturally be supposed that I approach the consideration of this Bill with a very decided inclination to accept of it, if I can see it at all worthy of acceptance. I should be inclined also to overlook some slight things in it that are contrary to my views; but I cannot see it my duty, after all I have heard, to support this measure. I had been hoping that some hon. member, generally supporting the policy of the Government in this House, would enter on a defence of this project and give us some reasons why this Bill should be favourably received and dealt with. It must have been remarked by all hon. members that our Premier, in introducing the Bill, gave us no information; he said very little indeed about any reason for its adoption by this House beyond one, that it was a colonization road. In approaching the consideration of this Bill we have to discharge a very serious and important duty. The grant of \$80,000 a year is no trifle for this Dominion. It is a matter that may well be considered, when we remember the principal which it represents, and when we know the present condition of the country, and when we see how a sum like this could be so much better expended in other directions,

by which the interests of the country and the settlement of its lands might be very greatly facilitated. I feel that I am called upon to vote on a matter which I scarcely understand, guided only by the Acts of incorporation, and by a map which has been laid upon our Table and in the committee room. A glance at that map to me is sufficient to show the absurdity of calling this scheme a colonization road. To where does it go? Who are to settle in the vicinity of that line? A narrow tract of land which, if every acre of it were settled, would not justify such an expenditure in order to settle it; nor is it at the present moment occupied. My hon. friend has been asked as to the settlement of it, and we can hardly get anything out of him in that respect; but my impression is, that north of the 40 miles that have been constructed there is no settlement up to the Grand Rapids. As to the colonization features of the road as laid down upon the map, and which I take it is the only guide by which this House can be influenced at present, it is all very well for my hon. friend to say that the road is not going where it is represented to go—that it is going into a fine tract of land, capable of settlement. How do we know it is going there?

HON. MR. BOULTON—I have just spoken to the president of the company, and have ascertained from him that the Act provides that the Government shall approve of the location of the line. The Government has the power to say that it shall go to the west of Lake Winnipegosis or to the east.

HON. MR. VIDAL—I do not see that that meets my objection at all. The point I want to know is, whether any decision has been arrived at by authority that the line is to go west of Lake Winnipegosis, through the fertile lands? If it has been, surely we ought to be furnished here with information as to the precise location of that road. We ought to know whether it goes along the lake, within perhaps a mile or a quarter of a mile of the water, or back from the lake through the fertile district. We ought to have information on this point. If it is to be a colonization road, constructed simply for the purpose of promoting colonization and settlement of the land, surely we ought to know at what point it is going to

strike the Sackatchewan; but we have not a shadow of information on that. My hon. friend has not even told us at what point of the Sackatchewan it is proposed the road shall cross. All we know is by the map laid before us, that the road passes through a section of the country uninhabited, and offering no inducement for settlement, such as is offered by roads that we have already assisted. My hon. friend spoke of similar grants being made to roads from Regina north, and other railways. I hold that there is no comparison between those projects. One goes through a country which is being rapidly settled, showing that it is a wise policy to aid such roads by granting them assistance of this nature; but I hold that neither of the two roads referred to by the hon. gentleman can be with propriety compared for a moment with the proposal to construct this road between these two lakes as a colonization road. I cannot find in my own mind that there is not some occult reason, something which has not been advanced here, for this scheme being promoted. It may be in the interest of individuals, but I feel there is something that I ought to know and which has not been brought out. There has not been sufficient, in my mind, to show why this liberal grant should be made to this scheme, situated as the road is, and having no claim upon the public treasury. I am not disposed to enter upon the question of the Hudson Bay route. My own conviction is, that this railway is part and parcel of that scheme, and that it is with a view to aiding that road and getting English capital to build it; therefore, it is for us to consider whether, by our giving aid to it, we are not misleading capitalists in England, who look to us and rely upon our judgment in stating it is a proper grant to be made, by which those interested in the Hudson Bay route will have a grand opportunity of spending two millions of dollars which we become responsible for in constructing a road, the feasibility and desirability of which has been questioned in this House. Hitherto the Senate has done nothing to induce investors to take stock in that road; consequently, they cannot say now that we are refusing to come to their assistance. We have not advocated that road as being of service to Canada, and the statements that have been made in regard to it and its practicability are not such as to render it

safe for us to take it into consideration at all. We are dealing with the proposition to subsidise this road as a colonization road, and nothing has been shown to me that it is desirable or right to sanction this measure, and therefore I shall vote for the amendment.

HON. MR. SNOWBALL—I can hardly say that I am prepared to enter upon a discussion of this matter to-day, but I am sorry to hear the promoters of the Bill stating that it is not so much the object of the scheme to go to the Hudson Bay as to make this railway a colonization road. My early associations have been more with the sea than with the land; consequently, I feel a great interest in that vast expanse of water that is located almost in the centre of this great Dominion. These associations were largely in Newfoundland, where I had intercourse with the fishermen that plied their vocation on the Labrador coast and followed the fish as far north as Hudson Strait. The stories that I heard in my youth of the fabulous wealth in these waters naturally centred my interest in the debate that was likely to arise on this subject. I felt that this immense inland sea, with its vast fisheries, must be a source of wealth far in excess of the wealth of the land contained in the western territory now to be opened up. My idea of the comparative wealth of land and water is that one acre of well-stocked fishing waters is worth 100—I would go so far as 1,000—acres of land. One would require to live by the sea to realize the wealth that is contained in its waters. We read that on the coast of Norway fishing vessels prosecuting their business in those waters a few years ago, and possibly even to the present time this may exist, their anchors do not reach the bottom, but rest on the backs of immense schools of fish.

HON. MR. SCOTT—A big fish story!!

HON. MR. SNOWBALL—It may be a big fish story, but you will not be troubled with fish stories on the waters of the Ottawa River, underneath these buildings. However, I can tell you a fish story quite as good as that.

HON. MR. ALMON—Jonah's story?

HON. MR. SNOWBALL—Within half a

mile of my house there is a square mile of the Miramichi River that produced in 24 hours during the fishing season 100 tons of fish. The area of water is about the same as that between the Rideau Falls and the Chaudière. Of course, I do not say that can be done every day of the year, for people are not permitted to fish excepting in the proper season, and have now to fish further down the bay. In the water embraced in the Hudson Bay, over a quarter of a million of square miles, we have a vast fishing ground that has never been disturbed, and from every information we have available, it contains a vast amount of wealth, and a food supply that is required for the people of this Dominion. These waters could not be better situated for the convenience of the people of our western territory, and as some hon. members said, we need not care whether the Hudson Straits are navigable or not. My idea is, that the waters of the Hudson Bay lie so much further to the south of the strait, if it is an open sea, no better thing can be done in the interest of our vast western country than to build a railway, making the route as short as possible to the Hudson Bay, and opening up to the inhabitants of that country, and to the large population that it must have in the early future, a way to that sea, where they can develop the wealth that no doubt is hidden there. In reference to the land and agricultural resources, enough has been said by those who are more acquainted with that section of the country than I am; I only speak of this scheme from the standpoint of the wealth contained in such a vast body of salt water, and I believe that if this company have the resources which appear from what is stated here, having such a large land grant, and such a guarantee from the Dominion, and other resources, if they are able to build that road it will develop trade to a vast extent. We need not expect the country to be settled in a short time, nor do I anticipate that the Hudson Bay will be fished so very soon; but until there is a railway extended up to it you cannot fish those waters to advantage. As soon as there is a railway there to bring the fish within 700 or 800 miles of the heart of the continent it will find its market there. I might inform hon. gentlemen that the fish taken in front of my residence on the Miramichi are shipped to Boston and New York at



the rate of 8 or 10 tons a day, average, for most of the year, and are sent as far west as Chicago. If this railway were built fish from the Hudson Bay would find a market all through the west and far south of the boundary line. The waters of the Hudson Bay, we are told on good authority, contain all classes of fish, from salmon to codfish, and there must be an amount of wealth contained there that I would like to see developed, and which the large population that is likely to settle in the North-West will find of immense value. In the early future the surplus population of the countries of Europe must find a home in the western portion of Canada, and in a congenial northern climate, and we may look forward to a much larger proportion of this immigration than we have heretofore received, as the lands of the United States are fast being taken up by settlers. Unless something further can be stated against this Bill, my present feeling is that I am bound to support it.

HON. MR. HOWLAN moved the adjournment of the debate.

The motion was agreed to.

## SECOND READING.

Bill (52) "An Act to incorporate the Macleod Irrigation Company." (Mr. Lougheed.)

### INCORPORATED CONSTRUCTION CO.'S BILL.

#### COMMONS AMENDMENTS CONCURRED IN.

HON. MR. ALMON moved concurrence in the amendments made in the House of Commons to Bill (L) "An Act to incorporate the Incorporated Construction Company of Canada." He said: This is a Bill which was sent down to the House of Commons and returned with several amendments. Most of them are merely verbal, but there are some curtailing the powers of the company. On consulting with the promoters of the Bill, they are perfectly satisfied to take it with their powers lessened.

The motion was agreed to.

### CHATSWORTH, GEORGIAN BAY AND LAKE HURON RAILWAY CO.'S BILL.

#### COMMONS AMENDMENTS CONCURRED IN.

HON. MR. MACINNES (Burlington) moved concurrence in the amendments made by the House of Commons to Bill (N) "An Act to incorporate the Chatsworth, Georgian Bay and Lake Huron Railway Company." He said: The amendments are simply verbal, with the exception of two, which I will mention. The capital stock of the company is increased from \$100,000 to \$250,000, and the power to issue bonds and debentures or other securities to the extent of \$20,000 instead of \$10,000 a mile. These are the only amendments of any consequence.

HON. MR. POWER—With respect to one of the amendments there can be no objection, but I think the other amendment, which proposes to increase the bonding powers of the company from \$10,000 to \$20,000 a mile, is objectionable. I do not think it was established before the committee of the Senate that this was a difficult road to build, or that it would be an expensive road to construct, and I regret that the House of Commons should have doubled the amount of the bonding power. I think that \$15,000 at the outside would be sufficient. I am not going to oppose the measure, but I should like to hear from the hon. gentleman himself, who was present at the meeting of the Senate Railway Committee, where we fixed the bonding power at \$10,000, what reason there is for the, as I think, unreasonably large increase.

HON. MR. MACINNES (Burlington)—When the Bill was sent to me it was in the crudest form possible, so that the amendments made in our own committee were made at my suggestion; but with reference to the section to be traversed by the line, I am acquainted with it myself, and I know that it is a difficult country, and I think that \$20,000 a mile is not too large.

HON. MR. POWER—That is satisfactory.

The motion was agreed to.

MANITOBA AND ASSINIBOIA  
GRAND JUNCTION RAIL-  
WAY CO.S BILL.

COMMONS AMENDMENTS CONCURRED IN.

HON. MR. BOULTON moved concurrence in the amendments made by the House of Commons to Bill (Q) "An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company."

HON. MR. POWER—I have not examined the amendments very carefully, but I see in this Bill the House of Commons have altered a provision which our committee deliberately inserted in the Bill. As it was presented to our committee, the Bill authorized the issue of bonds to the extent of \$20,000 a mile. The Railway Committee of this House, having been informed that that country was not a very difficult one, deliberately decided to limit that power to \$15,000 a mile. Now I find that the House of Commons committee have reversed the decision of our committee, and fixed the bonding power at \$20,000 a mile. In such a country as that is generally understood to be, level and fertile, \$15,000 a mile is the outside bonding power that ought to be given to a railway company, and I think that we should not accept that particular amendment.

HON. MR. BOULTON—When the Senate amended the Bill as it was first introduced I consented to have the bonding power reduced from \$20,000 to \$15,000 a mile, thinking that that was the limit that was generally made. Afterwards I spoke to some hon. gentlemen, and they said, of course if there were any bridges the bonding powers would be increased. As the House of Commons were amending the Bill, I asked permission myself to have that changed back to \$20,000 a mile, because there are many large rivers and expensive crossings on the line. It starts from Regina and crosses the Qu'Appelle River, and a few miles further on crosses a creek with a deep valley. A few miles further on it crosses Little Cut Arm Creek, and there are many valleys running into the Qu'Appelle River that the line must cross. Then it comes to the Assiniboine River, which it crosses, then the Valley River, and one or two rivers in the neighbourhood of Lake Dauphin.

HON. MR. KAULBACH—If my hon. friend had given this explanation before the committee of the Senate that amendment would not have been passed. I was present, and I thought my hon. friend very easily conceded the reduction of the amount from \$20,000 to \$15,000. At the time, I asked my hon. friend about it, and I did not think he attached much importance to the bridges; but I am sure, from the explanation that he has made, that the House will concur in the Commons amendments.

The motion was agreed to.

BILLS INTRODUCED.

Bill (173) "An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the name thereof to the Oshawa Railway Company." (Mr. Sullivan.)

Bill (121) "An Act to amend an Act incorporating the Montreal Bridge Company." (Mr. DeBoucherville.)

Bill (84) "An Act respecting the Saskatchewan Railway and Mining Company." (Mr. Lougheed.)

Bill (124) "An Act further to amend the Act to incorporate the Great Eastern Railway Company." (Mr. DeBoucherville.)

AN ADJOURNMENT.

MOTION.

HON. MR. ABBOTT—We have practically got through all the work before us, except the Winnipeg and Hudson Bay Railway Company's Bill, and I do not see any probability for a few days of having more business sent to us from the House of Commons, as the Budget debate is going on, and all parties seem disposed to adhere to that until it is finished. I therefore move that when the House adjourns to-day it stands adjourned until Wednesday, the 29th inst., at 8.30 p.m.

HON. MR. KAULBACH—I object to this, as I do to all these adjournments, and I regret that the leader of the Government has yielded to the pressure of members who are anxious to get home to attend to their private business. I could raise an objection to this motion that we have had no notice, but as there seems a general desire to adjourn I shall not do so.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

## THE SENATE.

*Ottawa, Wednesday, July 29th, 1891.*

THE SPEAKER took the Chair at 8.30 p.m.

Prayers and routine proceedings.

## THE LATE SENATOR ODELL.

HON. MR. SCOTT.—Before the Orders of the Day are called, I think it would be but right and proper that the attention of this House should be called to the sad death that has occurred since we last met in this Chamber. The hon. gentleman who was then occupying his seat in this House, in apparently ordinary health, is no longer here. I think it would be quite proper that this House should avail itself of the first opportunity to express its deep regret at the sudden death of our kind friend, and its sympathy for his family. Senator Odell did not take a very active part in the debates of this Chamber, but he was a gentleman who, on the committees, gave us the full benefit of his excellent judgment. A man of a quiet, kindly nature, he had no enemies; he was beloved, I believe, by everyone in this House who knew him. He had lived to a very good age, but he had, up to the time he left us a few days ago, the full possession of all his faculties, and it is with very great regret I am sure that we feel his absence this evening. I rose to make these remarks, seeing that the leader of the House was not in his place, and I am sure I have merely anticipated what he would have done and what I have no doubt he will cordially join in, now that he has arrived.

HON. MR. ABBOTT—I feel myself indebted to my hon. friend opposite for taking the initiative in my absence in expressing the regret which, I am sure, every member of this House feels at the sudden and awful death of our late colleague, Mr. Odell. He was one of the first members of this House; he was a respected member of the Legislative Council of New Brunswick, before he became a member of the Senate. He had endeared himself to every one here by his kindly disposition, his gentlemanly and unpretentious manners, and the consideration that he showed

for all his colleagues in the House. I am sure I only express the feelings of this House when I say that we deeply sympathize with his family in their bereavement; that we regret the loss of our hon. colleague, and that we desire—I am sure I speak the sentiments of the House when I say so—to express these sentiments of regret and sympathy with his family which my hon. friend opposite has so feelingly referred to.

HON. MR. WARK—I might just remark, coming, as I do, from New Brunswick, that Senator Odell and I were together 16 years in the Legislative Council of that province and that we were here together for nearly 24 years. I always found him a most amiable man, who gave offence to no one. He was anxious to do his duty, and I am satisfied he did not leave an enemy behind him when he was taken away from us. I regret exceedingly to see him no longer among us.

HON. MR. DEVER—It is but fit and proper that I, as one of the members from New Brunswick, should say a word upon the unexpected death of our late friend. The Hon. Mr. Odell was a gentleman born and brought up in the Province of New Brunswick, where he and his forefathers were well known. He came of a highly respectable family—men who held very prominent positions in their country. Mr. Odell himself was not forgotten by his country. He held honourable positions before he came into this Senate. He was always known as a man of retiring disposition and kindly nature, honorable in his transactions and respected by everybody that knew him. It was with the greatest feelings of regret that I heard of his unexpected death, and I am sure that that feeling was shared in New Brunswick, where, perhaps, he was better known than here. He was a gentleman well worthy of the position he occupied in the Senate. I sympathize deeply with his family, and I am sorry that I cannot go more fully into the honourable career of the late senator and his forefathers in New Brunswick. However, hon. members may see by reference to the "Parliamentary Companion" that he was a man who always held an honourable and prominent position amongst his fellows.

BAIE DES CHALEURS RAILWAY  
CO.'S BILL.

SECOND READING.

HON. MR. OGILVIE moved the second reading of Bill (82) "An Act respecting the Baie des Chaleurs Railway Company."

HON. MR. POWER—It is not customary to make observations at the second reading of a private Bill, but this, although in one sense a private Bill, has a public aspect, which requires that a little more should be said at the second reading than is customary, and I regret that the hon. gentleman in charge of this measure did not give the House a little more information when making his motion. Probably he will be kind enough to do so later on. It appears from the evidence elicited in an enquiry which has taken place before a committee of the other Chamber that the Baie des Chaleurs Railway Company, composed, I regret to say, very largely of members of the two Houses of Parliament, received at one time and another something like \$900,000 of public money. A very large amount, I think some \$600,000, was received from the Government of Canada, a considerable sum from the Government of Quebec, and some, I believe, from municipalities of Canada through which the railway was to pass. That was the evidence given; probably, when other evidence is furnished it may be shown that the sum received was not quite so large. I am not prepared to say as to that. Then, it was further alleged that the work done upon the railway does not represent anything like the total of the amount received from the various sources which I have indicated. It is alleged that the work done upon the railway would not represent more than half a million dollars. Of course, it is possible that the hon. gentleman in charge of the Bill will be in a position to show that that is not the case and that the public money which this company received at various times has been all expended on the road, and that it is all there in the Baie des Chaleurs Railway; but the evidence given in another place went to show that at the outside not more than  $\frac{5}{6}$  of the public money voted and given to this company has found its way into the company's road. Now, if these statements made in another place are to be taken as *prima facie* evidence of the

truth, I think that it would be only proper that when this company comes before Parliament asking for additional powers, or for an extension of the powers which the company now has, we should be satisfied either that the statements made in the place to which I have alluded were erroneous, or that the company upon whom we are now asked to confer the powers shown in this Bill is not the same company, or, at least, is not composed of the same members, as the company which contrived to do away with so very considerable a sum of public money, and I presume that the hon. gentleman will be in a position to give the House the information.

HON. MR. OGILVIE—I can give very little information about the Bill, because I am in the same position as many other members of this House, I presume, in regard to Bills that come from the House of Commons—we do not enter into details until the Bill is before the Railway Committee. This I can say, however, that I do not think—though I am not sure—that the company ask for additional powers. They simply want the same powers that they had under their Quebec charter. They want a Dominion charter instead of a Quebec charter. I do know, however, that this company has no connection with the other company, excepting that they bought out the rights of the bankrupt company, and are prepared to go on and build the road, and pay all just claims against the railway. That is about all the information I can give, and if the Bill is read the second time and referred to the Railway Committee I will see that someone is there to give any desired information to the committee.

HON. MR. SCOTT—Not only has a considerable sum of money been diverted to very improper channels in the construction of this railway, but, what is very much worse, some three or four hundred men, earning from \$1 to \$1.25 a day, were creditors of the company in sums of \$10 to \$100 or \$200. Some of them had been out of their pay for six months, and were obliged to seek support from charitable sources in order to reach their homes. The company threw them on the contractor, Mr. MacFarlane. The contractor is a bankrupt, owing, as I am instructed, to the policy of the railway. In any legislation provision

should be made that all moneys actually due to employés, no matter whether due by Mr. MacFarlane or others, should be paid. I was entrusted with a petition, some time ago, from these poor men, and I addressed a letter to the Secretary of State, calling attention to the circumstances, and asking that, if any further subsidy should be voted, it should be withheld until these labourers were paid. They were men who depended entirely upon their daily work, and they had been turned adrift with considerable sums owing them. I am aware that a portion of the amount was subsequently paid by the Quebec Government. Whoever takes up this charter should be required to pay the labourers actually employed in the building of the road.

HON. MR. OGILVIE—I think I can assure the hon. leader of the Opposition that the present company had nothing whatever to do with that, and they are prepared (and if their reputation in the past is worth anything, it will be an assurance to him), not only to pay for everything that will go on under their own management, but also to pay all just claims that can be presented against the management of the road in the past.

HON. MR. SCOTT—That is a very indefinite statement. Those claims may not be against the company but against subcontractors. I maintain that Parliament should not allow this Bill to pass unless it contains a provision that every man who worked on that road, no matter for whom, shall be paid; and I give notice that, if necessary, I will move that such a clause be inserted in the Bill.

HON. MR. OGILVIE—If I understand the gentleman that told me about it to-day, that is the intention of the company.

HON. MR. ABBOTT—I understand, though I have no authentic information on the subject, that ample money to pay these labourers, and to pay many other debts of the company also, has been retained by the Quebec Government, and it has been represented to me by the promoters of this Bill and by other parties interested that the Quebec Government have now a very large sum of money, reaching the hundreds of thousands, which is retained expressly for the purpose of paying these

debts. In the committee probably that will be shown.

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

#### SECOND READINGS.

Bill (48) "An Act to incorporate the Manitoba Life Assurance Company." (Mr. Perley.)

Bill (121) "An Act to amend an Act to incorporate the Montreal Bridge Company." (Mr. DeBoucherville.)

Bill (84) "An Act respecting the Saskatchewan Railway and Mining Company." (Mr. Perley.)

Bill (124) "An Act further to amend an Act to incorporate the Great Eastern Railway Company." (Mr. DeBoucherville.)

#### BILLS INTRODUCED.

Bill (30) "An Act to confer on the Commissioner of Patents certain powers for the relief of Jay Spencer Corbin." (Mr. McMillan.)

Bill (135) "An Act further to amend the Act respecting the London Life Insurance Company." (Mr. McKindsey.)

Bill (15) "An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade." (Mr. McCallum.)

Bill (136) "An Act to incorporate the Inverness Railway and Mining Company." (Mr. Almon.)

#### THE ELECTORAL FRANCHISE ACT AMENDMENT BILL.

##### FIRST READING.

A Message was received from the House of Commons with Bill (145) "An Act further to amend the Electoral Franchise Act."

The Bill was read the first time.

HON. MR. ABBOTT—The main object of this Bill is to protract the closing of the lists, which ought to be completed by the 1st of August, and which it is desired to have fifteen days more to fully complete. I mention this, because I would like to have the measure sanctioned by the 1st of August, and I would ask my hon. friends opposite (any of them who desire to look at the Bill) to do me the favour to look at it between now and to-morrow, because I

wish to have it put through all its stages, so as to have the Deputy Governor sanction it, as well as other Bills which have reached the final stage, before the 1st of August. I move that the Bill be read the second time to-morrow.

The motion was agreed to.

The Senate adjourned at 9:15 p.m.

### THE SENATE.

*Ottawa, Thursday, July 30th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### BRITISH COLUMBIA PENITENTIARY.

#### MOTION.

HON. MR. McINNES (B.C.) moved:

That an humble Address be presented to His Excellency the Governor General: praying that His Excellency will cause to be laid before this House, a detailed copy of accepted tender — giving estimated quantity, price per unit, and amount of all drugs and medicines to be supplied the British Columbia Penitentiary, by McPherson & Thompson, of New Westminster, B.C., for the year ending 30th June, 1892.

He said: In the month of May last tenders were invited to supply the British Columbia Penitentiary with medicines, and Messrs. McPherson & Thompson's tender, I believe, was accepted. I think it will not take more than half an hour, or an hour at the utmost, to make out a copy of this list, and I hope the Government will produce it in the course of a few days.

The motion was agreed to.

### WINNIPEG AND HUDSON BAY RAILWAY CO.'S BILL.

#### DEBATE CONTINUED.

The Order of the Day being read—

Resuming debate on second reading of Bill (119) An Act respecting a certain agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company, and on the Honourable Mr. Scott's amendment, that the said Bill be not now read a second time, but that it be read a second time this day six months.

HON. MR. HOWLAN said: The amendment before the House is to give what is

technically called the six months' hoist to the Bill from the House of Commons which is now before us. The speech delivered in support of the amendment was one which, in my judgment, was void of the true particulars of the case, as far as I have been able to make them out, and as far as I have been instructed. The impression which the leader of the Opposition sought to convey was that where this line is intended to go there is no land fit for settlement and no population, and, as a consequence, any money expended in that direction would be wasted, and for that reason he calls upon the House to reject this Bill. If these allegations could be sustained they are very important, and do doubt they will be fully examined by this House before a decision is arrived at on the Bill. When we acquired the North-West Territories and pledged a portion of the public moneys of Canada for its development, it was not to be supposed that we intended to keep it there merely as an appendage to the Dominion, but it was the policy of the country to construct railroads throughout, and settle the arable lands with immigrants from Europe. When the project of a trans-continental railway was before the public there was a party in this country which opposed it as an extravagant idea and one which was not within the domain of legitimate politics. We were told it was beyond the power of this country to build and equip a road of such magnitude without straining the credit of the Dominion beyond its capacity to bear. Time has settled that question beyond a doubt. It is not many years since we heard in this House views expressed by the hon. gentleman from Ottawa in the same pessimistic strain as those to which we have listened to-day. I will not weary the House with a repetition of them; many, like myself, remember them distinctly. The idea of building an all-rail line without using the water stretches was regarded and described as "midsummer madness." Even after we had built a portion of the road we were told that to extend it through to the coast of British Columbia would involve an outlay which was variously estimated at from \$12,000,000 to \$40,000,000, and this, we were told, would be a complete waste of money. We were assured by the hon. member from Ottawa that if this sum of money were employed in constructing railways to develop the

fertile lands of the North-West he would be one of the first men in this country to approve of such an expenditure. It is a well-known fact that in the western portions of the United States there are roads running parallel with each other for hundreds of miles, which have answered the purpose of settling that country, particularly in the States of Minnesota and Illinois. It is a recognized principle there, in peopling a new country, that it is necessary to build a railroad before inviting settlement, and that is what we are doing in this particular case. An attempt has been made here to show that that is not a good policy, but what are we to do with our North-West? Are we to leave it there undeveloped for all time? Without settlement it will be as useless as a farm to which there is no access, but if we open it up by constructing railroads, using the credit of the country for the purpose, it will attract settlers, we will be carrying out in a smaller measure what has been done on a large scale through the construction of the Canadian Pacific Railway. Those who opposed the Canadian Pacific Railway and warned the people not to undertake such a gigantic work are now opposing this project. But the Canadian Pacific Railway was completed, and as a result the country is prosperous, and there is not a man in Canada who feels any extra burden of taxation because of the expenditure on that railway. Although the hon. member from Ottawa on a former occasion expressed his readiness to vote for the expenditure of any money that might be required to build branch lines in the North-West, we find him now opposing this railway, and he does so on the ground that the country through which it is to pass is good for nothing, that the land is unsuited for settlement, and so saturated with water that it is not firm enough to support telegraph posts. He says that there are no settlers in that country. I say there will not be many until railway facilities are provided. Mr. J. J. Hill, of St. Paul, President of the Great Northern Railway, and the railway king of the American North-West, lays down the principle that in a prairie country, to ensure complete settlement, railway lines, parallel with each other, twenty miles apart, should be constructed, and in Minnesota he has seven lines paralleling each other for several hundred miles as part of the Great

Northern system, paying a good dividend. Without the railways you cannot get people to settle on the land, and consequently you have no tax-payers and no food-producers. The opposition to this Bill reminds us strongly of the opposition to the Canadian Pacific Railway extension through British Columbia. If we had listened to that opposition then we would have concluded that the country west of Winnipeg was a waste, in which there was nothing to justify the construction of a railway. I think I can prove to the satisfaction of this House that the route by which it is proposed to run this line passes through a good country. I may say, before proceeding further, that the plan before the Committee of the House of Commons is now on the Table, and differs somewhat from the one submitted by the leader of the Opposition the other day. It will be seen by that map that not only is it not true that there are no people on this line and no arable lands, but there is everything to warrant the building of this road to the Saskatchewan. It is not a question of building a line to Hudson Bay, but if it were I should vote for it and give good reasons for doing so. The project before us involves the construction of a railway to Grand Rapids, on the Saskatchewan River. We have the expert testimony of gentlemen who have examined that country and reported upon it. I may remind the House that the lands which will be opened up by this road do not belong exclusively to the railway company; the Government will own the alternate blocks, and the company will make not only their own lands valuable but will enhance the value of the public lands also. Until the line is built the company will receive no pay. Suppose, for the sake of argument, that no mails and passengers are carried and no earnings are made, the Government will be in the same position as before; the road will be constructed and the lands belonging to the public will have increased in value, while the Government will have it in their own hands to decide whether they shall pay the subsidy or not. Before proceeding to discuss the question with regard to settlements through which this line will pass, let us take the report of the gentlemen who have examined it—men of reputation. It will be seen that the line is to pass through German, Icelandic and English settlements, and it will be found also that many people have gone into

that country in the expectation that this road would be built. I will now read, for the benefit of the House, the opinion of Mr. Neilson, the engineer who located the line to Grand Rapids. He reports as follows:—

“The country between these points (Winnipeg and Grand Rapids, on the Saskatchewan), a distance of 242 miles, is very flat and almost free from rock, except in the immediate neighbourhood of certain parts of Lake Winnipeg shore. The first 30 miles of it is prairie land, similar to that in the rest of Manitoba. After passing through this, there is a well-wooded country with many open plains, extending as far as Fairford, on the Partridge Crop River. All of this country offers great inducements to the settlers, and it is already occupied by farmers and fishermen along a large portion of the lakes and Swan Creek, which flows into Lake Manitoba, north of Oak Point Mission. It is well watered with many lakes, round which there are splendid hay lands and clearings for cattle-grazing; especially is this the case at the Rat Lakes, about 75 miles from Winnipeg. After leaving these, the line passes close to Dog Lake, an offshoot of Lake Manitoba. This lake is about 14 miles long, and drains the best piece of farming land on Lake Manitoba. From this point to Fairford Mission (which is about 132 miles from Winnipeg) there is a little muskeg; otherwise, the same good country prevails. There will be little or no difficulty in constructing the line so far, as the country is so level that beyond raising the track and draining no further construction would be required. There are no rivers to bridge. Fairford itself has already a good settlement, and only awaits a means of outlet to rapidly establish itself as an important agricultural and lumbering centre. It is one of the oldest missions in the country. There is a great quantity of exceedingly fine spruce and poplar all through this country, the spruce attaining to an enormous size, often growing from three and four feet across the stump. After leaving Fairford the Partridge Crop River is crossed by the line at a point about 2½ miles from its exit from Lake Manitoba. The whole section of this country is excellent for settlement, and there is plenty of fine timber in its vicinity. A bridge 250 feet long would be required to cross the Partridge Crop, which here has high banks of clay and a gravel bottom. From Fairford to the Saskatchewan is about 110 miles, and, with the exception of the first few miles after leaving Fairford, the country around the Fish Lakes and head waters of the War Path and Twin Rivers is a lumbering country.”

This is the description given by the man who located the line to Grand Rapids. That does not look as if the country was not dry enough to hold a telegraph pole. Surely the statement of this gentleman, who travelled through that country and lived in it for some time, must be of more value than that of any gentleman in this House who has not had the same experience.

HON. MR. POWER—It was stated by the hon. gentleman from Shell River that the road was to be a colonization railway, and he intimated that it was intended largely to develop the country about Lake Dauphin. The route to which the engineer

refers is the one to Grand Rapids, which is not a colonization road at all, but a portion of the Hudson Bay Railway.

HON. MR. HOWLAN—It does not follow that it is not a colonization road.

HON. MR. POWER—There are two roads on the map to which my hon. friend refers us, one supposed to be a colonization road, the other a portion of the direct line to Hudson Bay. One line is supposed to cross at the Narrows of Lake Manitoba, and the other goes directly north. The hon. gentleman is speaking of one; the hon. member from Ottawa spoke of another.

HON. MR. HOWLAN—The map shows the road to be built. My hon. friend opposite says it is going in one direction; the promoters of the Bill say it is going another direction. Who ought to know?

HON. MR. SCOTT—It was distinctly asked of the promoters of this Bill: “Where will the road go? Let us understand it: is it to cross at the Narrows of Lake Manitoba or is it to go to Grand Rapids?” They decline to give me any answer. I took it, therefore, on the assumption that it was a road running to Grand Rapids.

HON. MR. HOWLAN—The map on the Table of this House is the one which was submitted by the promoters of the Bill to the Railway Committee, and the line of which I have been speaking is the one which they indicated to me will be pursued. For the life of me, I cannot see the distinction which the hon. member from Halifax draws. If it is not a colonization road, what is it for? I understood from my hon. friend, the leader of the Opposition, that he was in favour of building such roads as this. He states so in the official report of the Senate *Debates*, session of 1880, page 16. I am surprised, in view of that statement, when a Bill of this kind comes up, that he has departed from the principle that he then laid down. I have given the opinion of the gentleman who located the road; now I will give the opinion of another authority, Mr. William Shelford, C.E., of London, England, an engineer of very high standing. In a preliminary report, dated Winnipeg, 9th October, 1885, he says:

“I was consulted by the promoters of the Winnipeg and Hudson Bay Railway, and associated with Sir



Frederick Bramwell, late President of the British Association and President of the Institute of Civil Engineers, who advised that more information was required relative to the character of the country, and for this purpose I left England and visited the Canadian North-West and arranged for obtaining the desired information—making a trip myself as far as the Saskatchewan River and Norway House, and sending my assistant, Mr. R. Mooney, C.E., from there to Hudson Bay.

"I saw a considerable portion of the proposed route of the railway myself, as far as Grand Rapids, and I may say that I am favourably impressed with the character of the country and the facility for the construction of a cheap road.

"I have arranged to send an expedition of engineers overland to Hudson Bay next week, for the purpose of ascertaining precisely what the exact cost of the road will be and making a close examination of the route."

"The principal difficulty in the way of obtaining capital is that in England the people are not well-informed, for the most part, with respect to the colonies, and that a good deal of capital has been sunk in American roads. What the people there require to know is what I now know—having travelled further north than, perhaps, any other Londoner, and as far west as the Pacific coast. I have no hesitation in saying that I believe the future wealth of Canada lies in the North-West, and I conceive the opening of the Hudson Bay route to be of the very greatest importance."

Here also we have the opinion of an engineer who did not find these very bad lands, where a telegraph pole would not stand, that my hon. friend from Ottawa has described.

HON. MR. SCOTT—I have already explained that I made that statement on the authority of gentlemen of the Conservative party. They said that this land up to the Narrows between Lake Manitoba and Lake Winnipegosis was all muskeg, and not fit for settlement. I have no opinion of my own whatever; I simply made the statement on the faith of the Conservative party and the engineers who diverted the road that Mr. Mackenzie had located by the Narrows. Mr. Mackenzie had adopted that route as the shortest, and a committee was appointed in this Senate who reported that the land by the Narrows was unfit for settlement, and recommended a diversion of the road, and that report was adopted. The report stated that the country was surveyed in the winter, and that it was unfit for settlement.

HON. MR. HOWLAN—If you take the map which you showed us the other day you will find a difference.

HON. MR. SCOTT—On either route you have to go as far north as the Narrows,

and you either cross there or go on to Grand Rapids; but up to the Narrows the description of the land which I gave was from the mouths of gentlemen who professed to know something about it and who were members of the Conservative party.

HON. MR. HOWLAN—The testimony that I am giving is from gentlemen who surveyed the country, and it is better than the catch-penny statements that the hon. gentleman has quoted from.

HON. MR. POWER—Does the hon. gentlemen say that the hon. member from St. Boniface made catch-penny statements?

HON. MR. HOWLAN—The lands have been reported on by men of experience and ability who went over the line. I am quite satisfied, and I am sure that my hon. friend from Halifax will agree with me, that any body of gentlemen who obtain lands and have room to make a selection are not likely to build a road through a country that is good for nothing, when, by diverging a little, they can go to where there are farms already occupied with a population of between 5,000 and 6,000. I need only appeal to the House to say whether they think an intelligent body of men would invest \$2,000,000 in building a road through a country where people could not settle. I now come to the report of Mr. James Gillespie, of Winnipeg, a sub-contractor and explorer, who explored the country along the proposed route as far north as Sea Falls, 350 miles from Winnipeg. In a letter to the president of the company, dated Winnipeg, 10th September, 1886, he says:

"In reply to your inquiry as to my knowledge and opinion of land situated east of Lake Manitoba and north of Township 15, I beg to say that in August, 1886, I left Winnipeg and drove to the Indian reserve north of Lundyville. I followed the Oak Point trail along which the line is now located. The best land is north of Clarkleigh, which consists of timber and open prairie. The land I consider the best I have seen in this country. The timber is mostly poplar, with a little spruce.

"From Lundyville I proceeded on foot as far as Sea Falls, 350 miles from Winnipeg. The land gets more heavily timbered as we go northward; it lies high and dry, and is well fitted for cultivation. The open prairie and timber are about equal in quantity as far as the Saskatchewan River, 250 miles from Winnipeg.

"At Fairford, 100 miles from end of track, or 140 miles from Winnipeg, the heavy spruce commences, and the same, mixed with tamarac large enough for railway purposes or fuel, is continuous as far as Grand Rapids, at the mouth of the Saskatchewan. This

land is very good, though there is about 15 or 20 per cent. of hay lands which, in a wet season, might be flooded.

"Along Dog Lake, west of the Indian trail, to Fairford, there exists a large quantity of spruce and tamarac. The former is large enough for sawing. From my personal observations, I consider the land between Lakes Manitoba and Winnipegosis on the west and Lake Winnipeg on the east as being better adapted for mixed farming than any other portion of Manitoba or the North-West Territories that I have visited. It is fairly distributed between open prairie and timber. The former is well adapted for grazing and cultivation, and there is an abundance of hay lands for stock. The timber is plentiful and fitted for building purposes as well as fuel. To a settler with little or no capital to begin on the conditions are more favourable than an open prairie farm."

These men cannot be all astray. They cannot have been in collusion to make their reports agree with regard to the character of the country and the value of the timber. Mr. Gillespie speaks of the heavy spruce timber north of Winnipeg, and we have the authority of Professor Macoun for saying that "spruce in the north never grows on wet ground. This statement holds good in every part of the North-West." Consequently, it cannot be muskog where these large spruce trees are to be found, and the statement that the land is so wet that it will not hold up the telegraph poles is devoid of truth. I now come to the report of Mr. Steven H. Fowler, a New Brunswick lumberman, who has been eighteen years in the North-West farming and lumbering. He is a competent land examiner and valuer. He went up there to look for timber, and with a view to making his home in that country. He says :

"I have examined the country pretty carefully from end to end of track (the first 40 miles) to Fairford Mission, about 100 miles. I find the land generally good, and, I may say, that all of it may be successfully utilized, either for tillage or grazing. A large portion of the land is underlaid with limestone, and in this country where limestone is found it is almost invariably good.

"Townships 18 and 19, Range 5, comprised some of the best land that I could see. It is beautiful rolling prairie, interspersed with oak and poplar bluffs. We continued our course until we came to the English settlement. I called at some of their houses and found them very comfortable. In fact, they had the best houses and stables that I have ever seen in a new settlement. All expressed themselves well pleased with their locations. One man told me that it was the best part of the country for a poor man, and gave me his reasons for thinking so. He said that they had plenty of wood for fuel and for building purposes, good water, plenty of hay for stock, and plenty of land to till; and in addition to these privileges they had plenty of game and fish.

"Further north is the Posen settlement, a population of seven to eight hundred. Land is very good. There is some very fine oak here that will square from 14 to 15 inches. When we came within 2 miles of Lily Bay the open prairie ended, and we struck solid

timber large enough for building purposes and sawing into timber. A Mr. Lundy has a portable sawmill at Lundyville, and saws lumber for the settlers. The lake shore is well timbered from Lily Bay to Fairford. I was informed by traders at Fairford that the same kind of country extends all the way up to Grand Rapids, on the Saskatchewan; that the trail follows a high ridge, running about midway between the lakes the entire distance, and that the land slopes both ways from the trail towards the lakes."

Does that look like a country unfit for settlement, where people have already good houses and outbuildings? Yet we are asked to believe a statement which nobody is prepared to vouch for. I do not know of any country which could be more desirable to live in—I do not know of any country which contains so many of the gifts of God to man; yet we are asked to believe that the people who have settled there are a lot of fools, who have erected houses and outbuildings in a muskog. Hon. gentlemen will observe that all these reports that I have quoted from agree with each other. I do not suppose that any one of these gentlemen ever saw the reports of the others before his own was made. I now come to the statement of Mr. D. J. Waggoner, who held the position of Crown Timber Agent for the Saskatchewan district from 1883 until 1889, and who had charge of all the timber territory to Lake Winnipegosis, Lake Winnipeg and the Lower Saskatchewan. In a letter to an hon. member of this Chamber he says :

"I am astonished to hear the disparaging account given by an hon. senator of the resources of the country around Lake Winnipegosis and the valley of the Lower Saskatchewan, as reported in the debate on the Hudson Railway Bill in the Senate.

"From my six years' residence in that district, whose duty it was to, collect information in regard to the country generally, but especially in regard to the timber, and from my many years' previous experience in farming and lumbering in Ontario, I may fairly claim to be in a position to speak on the subject, and be allowed to say :

"1. I consider the timber of the district I have mentioned fit to be manufactured into lumber, and made into piles, telegraph poles, fence posts and fuel; is of immense value to the country, especially as it lies alongside of several hundred miles of treeless prairie, the settlers on which are supplied now from Ontario, the United States or the Rocky Mountains, at an average heavy cost of about \$20 per thousand feet, board measure.

"2. The building of the Hudson Bay Railway, as a colonization road or otherwise, will tap the best timbered districts of the North-West, as it will cross all the principal streams running through said districts, and make lumber and timber available to the settlers of the open prairie at a much more reasonable price than by any other possible means.

"3. Owing to the difference in levels of the various lakes and rivers around which the bulk of the timber is located, causing natural obstruction to navigation, as well as the running and rafting of timber—most difficult and expensive to overcome—the building of

a railway, such as is proposed, is an absolute necessity in order to develop its resources.

"4. A number of timber limits were purchased at Government auction and otherwise, more than ten years ago, under the belief that they could be worked and the timber brought down to Winnipeg by water, to advantage; but, for reasons I have stated, the project has not been successful, and many of the owners have been paying ground rent ever since, without any return.

"4. I believe the traffic in lumber and the like will sustain a railway between Winnipeg and the Saskatchewan River—no matter on which side of the lake it may run—for a good many years to come; and I believe, also, that there is but a very small percentage of the whole country to be travelled that is not fit for either agriculture or grazing purposes, and more inviting to a certain class of foreign immigrants than the open prairie.

"I am about to settle permanently in that section of the country, but if I thought the railway was not going on I would feel very much disappointed."

Now, here is the opinion of a gentleman who has lived there for a number of years, and whose particular duty it was to collect information regarding it—a practical farmer, who was competent to express an opinion on the subject he deals with. I now come to the report of an actual settler, Mr. E. P. Leacock, Land Commissioner. In his report on the general character of the country along the proposed line of the Winnipeg and Hudson Bay Railway in September, 1888, he says:

"The more valuable portion of the company's property commences north of the line dividing Townships 18 and 19 (about 25 miles beyond end of track). The land is wooded like a park, a large quantity is very high and excellent for cultivation, while there are sufficient low lands to ensure a hay crop. Mr. Clark, Chief Factor Hudson Bay Company, who was for many years at Oak Point, says it is the very best country for stock he has ever seen in the North-West. Township 19, Range 4, is well settled, in proof of which I may say that there is not a homestead vacant in the township. The Hudson Bay Company hold their lands in this section at an average price of \$5 per acre, and the reports of their inspectors are most favourable. Township 19, Range 4, west, is essentially the Icelandic township. There was at the close of last season 20 settlers, and our agent, Mr. Henri R. Johnson, reported that, though formed under adverse circumstances, they have a bright future; and this year, had the railway been in operation, a large portion of Icelandic immigrants would have settled in this vicinity. As you are aware, by Order in Council of the 21st January, 1887, the company, north of Township 18, are allowed to select alternate townships. This fact is very important, as it enables us to offer large tracts of land adapted for cattle-raising, not alone near Winnipeg, but nearer the European market than any other grazing lands in the west of this continent. The township 20, in Range 4, has some low lands in the centre, while the good quality of Township 20, Range 5, is shown by homesteads being already taken in it. The land to the east of the lake, and as far north as Fairford, 140 miles from Winnipeg, is, I believe, both from personal observation and the information I have gathered, better for a general class of farmers than any other part of Manitoba, while if I am rightly informed the great lakes lying to the east

and west of it afford it an immunity from the early frosts."

HON. MR. POIRIER—Does Mr. Leacock speak of the land east of Lake Manitoba or west of it?

HON. MR. BOULTON—It is between Winnipeg and the Narrows of Lake Manitoba.

HON. MR. SCOTT—Tell us where the road is going?

HON. MR. HOWLAN—I can show it on the map precisely. The hon. gentleman has no more particular knowledge of that country than I have.

HON. MR. SCOTT—I have asked time and again where the road is going, and I cannot get an answer.

HON. MR. HOWLAN—Look at the map.

HON. MR. POWER—There are two lines laid down on the map: "you pays your money and takes your choice."

HON. MR. SCOTT—Tell us which line they are going to adopt?

HON. MR. HOWLAN—I will show you on the map. I have been reading from the Commissioner's report with regard to the land in that section of the country. I do not suppose that these gentlemen are tied up to any particular line, any more than the Canadian Pacific Railway Company was; they are entitled to have the best line. The hon. gentleman laughs; I wonder, if he was the promoter of this road himself, whether he would take a bad line if he could get a good one. It is only throwing dust in the eyes of the House to say that these people intend to build a line where it will be of no use. Here are settlements shown on the map. I am too old a man to be fooled on this line of business. Mr. Sutherland, who is the chief promoter of this Bill, showed me this line on the map that I have got, and I suppose he ought to be instructed where the line is, and from him I have taken my information on that point. I suppose these men, whose opinions I have been quoting, have travelled all through that country and they all report in the same way. I have quoted from the report of a Government Commissioner, who

may be called to account if he has made a false statement. Now, I will give you the opinion of Professor Bell. Surely he can be trusted to give an accurate account of the country through which he has passed. He is a man of reputation and character, and his description tallies, to a great extent, with that furnished by the other gentlemen whose reports I have read. When the Minister, who ought certainly to know more about those lines than the leader of the Opposition or myself, applied to Mr. Bell for information, he asked for it with all the data before him. Professor Bell's report is as follows:—

"GEOLOGICAL SURVEY, OTTAWA,  
"21st July, 1891.

"Hon. EDGAR DEWDNEY, M.P.,  
"Minister of the Interior.

"SIR,—In connection with the discussion of the Hudson Bay Railway, the following notes, on the resources of the country, near the proposed line, may be of interest.

"First, in regard to economic minerals. On the line, as projected between Lake Winnipeg and Manitoba, extensive deposits of gypsum occur, immediately under the surface of the ground, over a considerable area of the north-west of Lake St. Martin. The mineral is easily recognized, and the Indians report having found it also further to the north, as we might have expected from the known geological structure. The value of this substance as a manure can hardly be over-estimated, and there is no other known source to compete with this locality for the supply of Manitoba and the north-western States. If these deposits are made available by the construction of a railway there would also be a large demand for the mineral for other purposes."

"Next, I would mention the brine springs near the northern and southern extremities of Lake Winnipegosis, at both of which localities excellent salt was manufactured before the railways had reached Manitoba. The rocks at these localities are of the same geological age as those from which salt is derived on the eastern side of Lake Huron, and there is every reason to believe that abundance of strong and pure brine could be obtained by boring at the former, and that all the salt required in the North-West might be made here, thus saving the long transportation from the east.

"The discovery of amber at Cedar Lake promises to be of importance, and the local industries connected with the utilization of this substance may hereafter support a considerable population, as is the case in East Prussia. This unexpected discovery is an instance showing the great possibilities which that vast region possesses in the way of mineral resources.

"A specimen of quartz brought from Pelican Narrows, further to the northward, by an assistant of mine in 1881, was assayed in the laboratory of the Geological Survey, and found to contain a small quantity of gold.

"A promising deposit of hematite ore occurs on Black Island, in Lake Winnipeg. This iron ore might be smelted in the vicinity of Grand Rapids, at the mouth of the Saskatchewan, by bringing coal from the west to meet it there. A railway to that point would give a great impetus to such an enterprise.

"The fall at Grand Rapids amounts to about 100 feet, thus affording an almost unlimited water power. In a vast region where important water powers are so

scarce as they are in Manitoba and the North-West Territories this fact has great significance when we consider the future requirements of that great country.

"I have made a survey of the Nelson River, all the way from Lake Winnipeg to Hudson Bay, as well as of the boat-route from Norway House, by way of Oxford Lake and Hayes River to York Factory, and also of the Little Churchill River and the Great Churchill, from the junction of the latter all the way to the sea, and I am therefore in a position to speak with confidence of the country through which these rivers flow. The total fall from Lake Winnipeg to the sea amounts to 710 feet, or an average of about a foot and a-half to the mile. The general aspect of the country on either side of the Nelson River is level, with banks of clay on either side, as illustrated by numerous photographs which I took all along. There are points or rock, of course, where the falls or rapids occur, but the proportion of rock to soil is comparatively small.

"Excellent wheat is grown at Norway House on the right bank of the river, 27 miles below Lake Winnipeg, where, I believe, it is a sure crop every year, and also at Cross Lake, more than 50 miles down the river. Some years ago I sent a variety of vegetable seeds to be sown for experiment in the Indian gardens at Cross Lake, and the results were extremely favourable—at one time a considerable quantity of barley was grown at Oxford House.

"I attribute the fine summer climate of that region to its comparatively slight elevation above the sea and to the prevailing south-westerly winds, carrying the heat of air from the surface of the warm waters of the Lakes of Winnipeg Basin over a broad belt of country of the north-eastward.

"Yours faithfully,

"ROBERT BELL."

I think that ought to satisfy my hon. friend that in dealing with this question of the lines I have the highest authority. I have given you the information as it comes to me from gentlemen who were sent to examine that country. That is the country through which a few enterprising men have undertaken to build a railway. Having taken so much time and trouble to gather this information and lay it before Parliament, having satisfied a majority of the House of Commons, and passed through the crucible of the Private Bills Committee, having obtained the opinion of experts and of gentlemen who resided in that country, showing the feasibility of the project, they come to us for legislation to enable them to prosecute their work. Yet we are asked, without any further information than that placed before us by the leader of the Opposition, to give this Bill a six months' hoist. It is on a par with the course pursued by the hon. gentlemen opposite towards that country since it was first acquired by the Dominion of Canada. There never was a railway Bill for the purpose of developing that country but received from them the same opposition. Doubt was thrown upon the promoters of every enter-

prise, the value of the land through which the line was to pass was disparaged, and doubt was thrown on the prospects of the enterprise. The Government have built a great trunk line; it is no part of their duty to construct branch lines, but it is a wise policy to assist in the construction of such feeders. Did you find the Government of the United States taking up this question of building great lines in Minnesota and the American North-West? Not at all; but the States gave land grants to those who built the lines. I am sure there are those who hear me who know the history of the Manitoba, St. Paul and North-West Railway. They will find in that a precedent established by a people similar to ours by which we might benefit. It is a good maxim among farmers to look over your neighbour's fence to see what he is doing. In the neighbouring States of Minnesota, Illinois, Indiana, and even Ohio, this was the plan on which the railways were built. It is a necessity that some enterprising spirits in a new country must band themselves together and take up these questions. The Government must satisfy themselves that they are giving these men only what they are fairly entitled to. They are giving a guarantee, in this instance, of two millions of dollars for twenty years—and for what? Through whose land does this line run? Every alternate block belongs to the Government, and if the road makes those alternate blocks valuable is not the company doing work for the country? The experience of this country is that individuals and corporations can successfully manage these things better than Governments can. We may next year find, after this road has gone a certain distance, others willing to build further: and so it will be in the future. The chances and accidents of life have given us this great country, and while it is the duty of this House to be the guardians of the public interests, we should weigh carefully all that has been submitted before taking it upon ourselves to undo the work that has been done with regard to this great road. We ought to pause and consider well the position in which we are.

HON. MR. POWER—Hear, hear.

HON. MR. HOWLAN—We heard that "hear, hear" when the Canadian Pacific Railway project was before the House;

we heard it when the North-West Central project was before us, and we have heard it when every great railway enterprise of this country has been under consideration; but the country goes on, nevertheless, and from the Atlantic to the Pacific, to-day, the land is teeming with such a crop as never was known before, notwithstanding the "hear, hear" of these gentlemen. My hon. friend from British Columbia laughs. I am surprised. I thought he of all men in this country would be the last to laugh at such a statement.

HON. MR. MCINNES (B.C.)—I am laughing to think that the hon. gentleman should attribute the good crops to the action of the Government.

HON. MR. HOWLAN—I am attributing them to the Almighty disposer of human events. I believe that if we have faith in our country and do what is right, Providence will bless us with good crops; but if we decry and belittle the country that is our home, and try to sell it to another corporation, I doubt if we will be blessed with good crops. We would be unworthy the position that we occupy if we did not have faith and confidence in our country. While we do right our interests will be protected. Can anybody tell me that if the hand of God had not been over this country during the past ten years we could have completed our great transcontinental highway? We were told by the leader of the Opposition that the Canadian Pacific Railway project was "midsummer madness," that the road could never be built, and that if constructed it would ruin the country. Where is the ruin? To-night we hear an echo of the same old song. It behooves us not to be carried away by such statements as we have heard from the hon. member from Ottawa. I have furnished proof beyond all question as to the fertility of the land which this railway is to serve. All these matters have been examined by the House of Commons, who hold the purse strings, they have passed this Bill and sent it to us, and we have here an opposition to the project—based upon what? The leader of the Opposition does not vouch even for the correctness of his own statements, yet we are asked to throw out this Bill. What justification would we have for throwing it out in the face of those reports that I have quoted from? I am sure that this

House will not so far forget itself as to vote for the amendment, but that it will sanction the Bill which has come to us from the House of Commons.

HON. MR. POIRIER—I would like to know, when a question is before the House, what I am voting about. I have listened to this debate very attentively, and, so far, I must say that I have arrived only at this conclusion, that the hon. gentleman from Marquette is advocating one line and that the hon. member from Prince Edward Island is advocating another line. I should like to know for which line I am asked to vote. All the arguments that have been advanced so ably by my hon. friend from Prince Edward Island apply to a line that runs from Winnipeg to Grand Rapids, in a course almost due north, and the proofs that he has furnished of the fertility of the country—let us not be deceived about it—apply to a tract of land in the immediate vicinity of Winnipeg along the forty miles which have been built. I suppose nobody in this House denies the fertility of that section, but that is not the question. My hon. friend has told us very emphatically that he is too old to be fooled. It strikes me that he has arrived at an age when he thinks he can with impunity fool others. These certificates of the fertility of the land do not apply to the country on either of these routes beyond a short distance north of Winnipeg, and therefore they ought not to be taken into consideration. This is an important question, and we are in duty bound to know what we are doing. Although I am younger than the hon. member from Prince Edward Island, I feel that I have a very serious duty to perform, and would like to perform it faithfully, and not be fooled. These two routes have objects very distinctly different. The one advocated by the hon. member from Prince Edward Island is the Hudson Bay Company line. That line, after you pass a certain distance north of Winnipeg, strikes due north between Lake Winnipeg and Lakes Manitoba and Winnipegosis, through what is known to be rather a barren country. The line advocated by my hon. friend from Marquette starts at about 40 miles north of Winnipeg, from the end of the section already built, and branches to the left, passing by way of the Grand Narrows and then running west of Lake Winnipegosis,

and between that and Lake Dauphin, and traverses a country which is suited for agricultural purposes. The one is a colonization road, but the other is the Hudson Bay road—very different projects. I believe in promoting agriculture and colonization, and if we knew positively which route is to be adopted I do not say that I would not vote in favour of granting, even such a vast sum as two million dollars, for a line running west of the lakes and traversing a section of the country which is fit for cultivation. But I am not prepared to vote for the other line, because that, as I say, is simply a route to Hudson Bay. The two million dollars asked in aid of that route will be but the first golden link of other millions which we will be called upon to vote later on. From the knowledge we have of the practicability of navigating Hudson Straits, I would not feel justified in voting that amount of money, which would be simply starting a scheme the beginning of which we know something about, but the end of which we cannot foresee. When this two millions are to be expended, to use the words of my hon. friend from Prince Edward Island, if the company are not arrant fools they will take the easiest route. Which line is that? The line between the two lakes or the line west of the lakes? That between the two lakes, by all odds. The route between the lakes runs through muskegs, but the country is level; while the other lies in a fertile land, but is a difficult country for railway construction. The latter must first cross at the Narrows, and then it has three rivers to pass—Swan River, Woody River, Deep River, Red Deer River and Overflowing River—before it reaches a point near the Saskatchewan. Do you think the company will take a route which is so difficult to build, even though it traverses lands fit for cultivation, when there is another one which leads direct towards the Hudson Bay? No; I agree with the conclusion of the hon. member from Prince Edward Island, and say that the company will take the easier route, which passes, as I said before, through barren land, except the first forty or sixty miles, which have been so glowingly depicted by my hon. friend. What will be the terminus of this line? Did any hon. member notice how the amendment to the Act that we passed last year reads? It simply says that the line of railway shall be completed to the

Saskatchewan River within four years. Which part of the Saskatchewan River? The Grand Rapids, advocated by the hon. member from Prince Edward Island. It is far from being proved that the Grand Rapids is the point on the Saskatchewan at which they are aiming. If the colonization route is adopted and Grand Rapids is the objective point, the line may pass the Junction, continue north until it strikes the Saskatchewan River, and then make a turn and run a distance of over 100 miles before touching Grand Rapids. Can we suppose the company will adopt such a route if it has for its ultimate object a terminus on Hudson Bay? In the state of confusion which exists, seeing that the two most ardent promoters of the Bill advocate different routes, and in the face of the statement made by the Hon. Mr. Dewdney, that he did not know which of the two lines would be built, and also in the face of the fact that the company, if left to themselves, will certainly build the easier line, which, as I said before, is not a colonization line passing through an agricultural country, but simply a link in the Hudson Bay Railway—we may just as well wait; and speaking for myself, I am prepared to wait until the Government or the promoters of the scheme come down and tell us positively and distinctly what they want, and then I will see whether what they ask should be granted or not. I am not prepared to put my name to a blank cheque. Before I sign the contract let me read it. Therefore, I must, to my regret, vote against this project, not condemning it on its merits, but because the contract is not clear, and I would like to know which I am doing when asked to sign a contract. Instead of the six months' hoist, I would prefer to support a motion postponing action until the selection of the line is made, and then we will know what we are called upon to do. Until this is done, I feel I am in duty bound to vote against the project.

HON. MR. GIRARD—The question before the House is not a new one. I remember last session, when this question came up, there was an adverse feeling to this project. Nevertheless, after some consideration the House decided to give the promoters of the project a chance to go on with their work, restricting the line to a point on the Saskatchewan. It was under-

stood at the same time that perhaps the road might ultimately be extended as far as Hudson Bay. That was the original plan, and no doubt when a project is once clearly laid down it is difficult to deviate from it. When that time comes it will be for the Government to decide whether the road shall go as far as Hudson Bay, but just now the only thing to be considered is the construction of the line northward from Winnipeg to the Saskatchewan. We are asked to define the road; that cannot be done, since the line is not yet located, and the present Bill has nothing to do with that. As soon as the route is decided upon it will be easy for the Government and those interested in the Bill to select the best route. It must, as far as possible, go in a direct line to the Saskatchewan. Some mention was made of a branch line to Lake Dauphin, where there is a very important settlement. That is where most of the new settlers coming into our country are going. If a road is built to Lake Dauphin it will be for the public good, but the company must consider their own interest as well as the public interest. They will build a road which will be of value to the country, but it should also be a road which will be profitable to themselves and reward them for the risk they are running. I look upon this projected line as one of the great arteries which will give to the people of that part of Manitoba and the North-West an opportunity of obtaining railway facilities. I think the route chosen to the Saskatchewan River is the best one. We have heard extracts from the reports of different surveyors and engineers, all of which are correct, and I am in a position to confirm them, having received information within the last four or five days, while I was in Manitoba, on this point. Among those whom I met while there was one who will, before the week is ended, be a bishop of my church. He has passed his whole life in that wilderness, and has been on different missions among the people about Lakes Manitoba and Winnipegosis, and that part of the country which this road is intended to pass through. I spoke to him of the difficulties in the way of the project, and he said if the route will pass through the country bordering on Lakes Manitoba and Winnipegosis, and cross the rivers, it will open up the finest arable land in that part of the continent. No

one will doubt the statement made by this gentleman, and I am sure it will be considered valuable as confirming the reports which have been submitted to the House to-day. A good deal has been said of the character of the lands in that part of the country. We have been told that we should not value them too highly. I was one of those who did what I could to promote the Canadian Pacific Railway enterprise. I look upon that road as a bond uniting the people of the different provinces; it is a link from which they enjoy peace, prosperity, progress and good feeling. It has produced harmony among the provinces who compose this Confederation, and gives Canada a foremost place among the nations of the world. We know that if those who are now opposing this project could have had their way, not many years ago, the great Pacific Railway enterprise would not have been completed at this day. They raised all sorts of objections to it, and while they held office what did they do? Many of you have visited Manitoba, and I am sure you must all have been struck with the references which are made to the opposition that was shown to the Canadian Pacific Railway project some 15 years ago. I do not mean to say that the Mackenzie Government intended to waste the public money, but immense sums of money were expended for absolutely nothing by that Government. I do not mention this with any bad feelings towards those who composed that Government, but I state it as a fact which is well established. We were told that there was very little good land in that country, and that in the section through which this line is to pass there was not sufficient dry land to hold up the telegraph posts. I was under the impression, at the time, that the Mackenzie Government did not want to build the road and that their whole policy was to attract public attention to various plans and schemes which would have a tendency to show the impracticability of the work. If the engineers in those days could not find places for putting up the telegraph poles it was because they did not want to find them. They went into the muskegs. Now, I admit that muskegs are common enough in that western country. Not many years ago you could have found them in the vicinity of Winnipeg; but through the intelligence and industry

of the people they are disappearing. When the engineers visited that country it was in the winter time, and they planted the telegraph posts in the snow or on the frozen muskegs, and naturally in the spring, when frost came out of the ground, the poles fell. I attribute the difficulties which were met then largely to want of experience and partly to want of will. I do not wish to say anything against those who were in power at that time; it is not my habit to say anything harsh against a Government when it is once formed. Their responsibility is heavy enough, and we should feel rather disposed to lend them a helping hand than to oppose them. The proposition before the House to-day is not an extraordinary one. The amount of money spoken of is two million dollars, but it seems to me that a subsidy of \$80,000 a year for 20 years would reach only \$1,600,000; and as the money is to be payable annually, it would not amount to much more than one million dollars. By that expenditure not only would the country have the advantage of the opening up of a new line, but the effect would be to increase the value of property immediately in all that part of the North-West. At the present time the public lands north of Winnipeg are rather a burden on the hands of the Government, but after they are opened up by the construction of this road they will be so enhanced in value as to repay the country for the expenditure. Therefore, the money given in aid of this enterprise will not be wasted. Under the circumstances, we should not hesitate to pass the Bill. It is a Government measure, and is intended to carry out a promise made our late leader. For many years the late Premier was opposed to this project. He did not want to give any public money to aid such an enterprise, but he was finally convinced of the feasibility of the project and of the advantage which the construction of the line would confer on the Dominion, and he promised to aid this project as he had aided others. After all that has occurred, it would not be right to refuse to the gentlemen who have devoted themselves to this project the assistance that has been promised them. Of course, this House is free to approve or condemn the project; but the Bill having been adopted by the House of Commons, which has the deciding of money questions, I do not think it would



be proper for this House to defeat the measure, when no injustice is being done to any one or any interest. If any injury were to be done by the passing of the Bill I should join with those who oppose it. I was surprised at the objection made by my hon. friend from the other side. I cannot give him any information as to the location of the line; I do not know where it is to run myself, but I do know that whether it takes the one route or the other, it will pass through good land, and no better route can be selected for a colonization railway. If the company intend to extend the line beyond the Saskatchewan they will have to come to the House for power to do so, and it will be for the House then to decide whether such a project should be sanctioned. When the Bill came before the House for the first time I was under the impression that it would receive unanimous support. I am surprised at the opposition, seeing that the road is to pass through a section of the country where very little improvement has yet been made. It is not easy, at this stage, to appreciate all the consequences that will flow from the building of this road, but we know enough to understand that it will serve an important part of the country. I am merely expressing the views of the people of Manitoba and the North-West. There is a unanimous demand in the North-West for the construction of this road. So strong is the feeling, that the Local Government has been forced to make an appropriation in favour of the project. They tried at first to evade the responsibility incurred by their predecessors with respect to this road; but they have been obliged to take the risk of promising fifteen hundred thousand dollars aid to this company under certain circumstances.

HON. MR. POWER—Perhaps the hon. gentleman will tell the House, as he knows, what the circumstances are? I think it is not candid of the hon. gentleman altogether to keep that knowledge to himself.

HON. MR. GIRARD—I do not know what the circumstances are.

HON. MR. POWER—Surely the hon. gentleman must know.

HON. MR. GIRARD—If the hon. gentleman will look in the statutes of Manitoba he will find there an appropriation of

fifteen hundred thousands dollars towards that road, and I think that should be satisfactory to him. The special reason was that the Government was forced to do it to maintain themselves in power. They would not have remained in power had they not voted the amount I have mentioned. Another objection raised to this Bill is that there is no population in the part of the country through which the line is to pass. Now, I think that the road, if constructed, will touch some very important settlements. I have a list of the municipalities that it will serve. The hon. gentleman from Ottawa says there is no population there.

HON. MR. SCOTT—I gave my authority, a gentleman from a Hudson Bay post, whom I had seen a day or two before. He told me there might be one hundred settlers on a line commencing at a point forty miles north of Winnipeg.

HON. MR. GIRARD—I know that where that gentlemen lives there are more mosquitos than people. He perhaps spoke of the few Indians at the coast; but that is a place to which people should be sent for punishment rather than to find homes. It is not a place where people would likely settle from choice. If York Factory ever becomes a settlement it will be a place where Hudson Bay traders and Indians about the fort will locate themselves. The hon. gentleman said that there were no places of importance on the route of this road. It is not necessary always to have a great city or even a small town for the terminus of a railway; it is enough to have a good agricultural country to contribute to its support. There are on this line municipalities which are making rapid progress. In the past 21 years I have seen nearly the whole of that part of the country opened for settlement. In the west, where not many years ago you could travel hundreds of miles without seeing a settler, you now find farm-houses everywhere. You cannot go a mile without finding a comfortable homestead, where you will receive such a hospitable welcome as will tempt you to repeat your visit. The municipalities which will be more or less benefited by the construction of this proposed railway are North Rockwood, population 1,155; St. Laurent, Posen, population 1,697; Gimli, population 1,641.

HON. MR. SCOTT—How far is Gimli from this line?

HON. MR. GIRARD—It is on the shore of Lake Winnipeg.

HON. MR. SCOTT—Thirty or forty miles from it.

HON. MR. GIRARD—Not so far as that. The benefits to be derived from the building of this railway will extend more than a few miles on each side of the line. People who are now settled 150 miles from a railway will consider themselves very fortunate when there is a station within twenty miles of them. Another municipality which will be benefited is Fulford, with a population of 1,540. These four municipalities give a total population of 5,663, and if you add other populations in the vicinity, you have a total of 7,663, so that there are people in that country for whom railway facilities are needed. I do not know whether they will all be in the immediate vicinity of the road, because the line has not been located yet; but certainly it is fixed with sufficient certainty to be able to indicate within five or six miles where the railway must run, and the greater part of this population to which I have referred will be close to it, and will be benefited directly by its construction. In the debate on the Hudson Bay Railway Bill last year I was the last one to speak, and my advice was favourably received. I hope that the same voice which is now raised in behalf of this measure will be listened to this evening, and that the vote of this House will be in the direction of promoting the progress and advancement of the great North-West. The development of that country means eventually prosperity for every portion of the Dominion.

HON. MR. CLEWOW moved that the debate be adjourned until Monday next.

The motion was agreed to.

## FRANCHISE ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (145) "An Act further to amend the Electoral Franchise Act." He said: This is the Bill which was read the first time last night, with respect to which

I addressed a few remarks to the House. It is for the purpose of improving the machinery of the Electoral Franchise Act and making some slight alterations which have been found by experience to be necessary in it. The first clause strikes out the words "by birth or naturalization" from the qualifications stated in section two of the Electoral Franchise Act. The language of the Act itself is "a British subject by birth or naturalization." That expression leaves this possibility open, that a man may swear he is a British subject by birth and yet he may have naturalized himself afterwards to become a subject of another country, and would not have stated any falsehood in his oath; so it is considered better and it is more natural and simple to declare that a man is a British subject without stating in what way. Then, the second section is an important object of the Bill; it is to extend the time for completing the lists from the 1st to the 15th of August—that is, for fifteen days. That time is requisite to complete them. It is for the purpose of attaining that object this year that it is proposed that the Deputy Governor shall make his appearance here to-morrow, in order to sanction such Bills as may then be passed. The third clause is for the purpose of adopting this rule, that after the list is made the number of names upon it shall be summed up and inserted, as a protection against fraud. The fourth clause is a simple matter of routine—that the revising officer may do duty in more than one district. The fifth section fixes a minimum delay, during which important notices shall be posted up, which was formerly left very much to the discretion of the officer. Clause six provides a different mode of dividing up the polls. Where an electoral district contains more than a certain number of voters it has been the law and practice to divide up the district into so many polling divisions, that will enable the polling to be got through in one day. That has been done by sub-dividing it territorily, but it has been found better to divide it alphabetically, and put the polling booths in different places. These are the changes proposed to be made in the Act. Hon. gentlemen will see that they are merely formal.

HON. MR. SCOTT—What is the reason for saying that section 1 shall not go

into operation until next January? Why should it not come into operation at once?

HON. MR. ABBOTT—I have no doubt there is a good reason for it, although I do not know it. The lists are practically completed now. I propose to make a short amendment to section 6, in consequence of an omission in the last Act. By 53 Victoria, which was the Act amending the Electoral Franchise Act, it was provided that at the time of the final correction of the lists the division of the polling districts shall be made. By the Electoral Act it is ordered to be done after the lists have all been made, and these two are therefore inconsistent with each other. I propose to strike out some words from that section, to harmonize the Acts as they now stand on the Statute-book.

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

HON. MR. ABBOTT moved that the 41st Rule of the House be suspended, so far as it relates to this Bill.

The motion was agreed to, and the Bill was referred to a Committee of the Whole House.

HON. MR. CLEMOW, from the committee, reported the Bill with an amendment, which was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—I should like to hear an explanation of the reason for postponing the operation of the first section until the 1st of January.

HON. MR. ABBOTT—I presume it is because the list is now made under the former régime, and this will only apply to subsequent lists.

HON. MR. POWER—This explanation does not quite explain. The lists which are now being made up will be lists until the 15th August under this Bill. Then, in any election which is held between the 15th of August and the 1st of January next these men who have been naturalized in the United States—and I presume these are the men who are aimed at—will have the right

to vote; but after the 1st of January they will not. The same lists will be used before and after the 1st of January, so that this provision does not seem clear.

HON. MR. ABBOTT—I must admit it does not appear clear to me. As I did not prepare the Bill, I did not examine into the details as thoroughly as I might have done, and I am really unable to state the exact reason for the insertion of this clause. I have no doubt whatever that it was carefully considered by my colleague, the Minister of Justice. He took great pains with it, and the Bill was carefully considered in the other House. While I am ashamed to confess my own ignorance as to the reason for this provision, I have no doubt it is a good one.

HON. MR. POWER—Inasmuch as the Bill was carefully considered by both sides of the House elsewhere, I have no doubt that it is for a good reason, and is satisfactory to both parties.

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

#### CITIZENS' INSURANCE CO.'S BILL.

##### COMMONS AMENDMENTS AGREED TO.

HON. MR. ABBOTT moved that the House do concur in the amendments made by the House of Commons to Bill (H) "An Act respecting the Citizens' Insurance Company." He said: The amendments to this Bill are merely formal, as I stated yesterday. The first one is in the description of the charter. The clause relating to the provisions of the charter refer to one Act—but there were two, one amending the other—and this supplies the deficiency. The amendments are correct, and all of them are harmless, and most of them useful.

The motion was agreed to.

The Senate adjourned at 5:25 p.m.

## THE SENATE.

Ottawa, Friday, July 31st, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE INTERCOLONIAL RAILWAY.

## ENQUIRY.

HON. MR. POWER rose to call attention

To the editorial article in the *Ottawa Citizen* of Wednesday, the 8th instant, suggesting the transfer of the Intercolonial Railway, together with its branches and connections, to a private company, and ask the Honorable the Prime Minister whether it is the intention of the Government to discontinue the operating of the Intercolonial Railway system as a public work, and whether it is proposed that the Government shall take over or operate any of the railways in the Lower Provinces now owned by private companies.

He said: I had proposed, when I gave this notice, to have dealt at some little length with the subject of the Intercolonial Railway, but pressure of other business has prevented me from devoting the time to it that I should do, so that I shall say comparatively little about it. The article to which attention is called appeared in a newspaper which is usually regarded as being, in a certain sense, the organ of the Government at the Capital—the *Ottawa Citizen*. If it had appeared in a paper which bore no political or semi-official character I should probably have said nothing about it; but the subject is an important one, and the article is evidently written after due consideration, and I presume may be considered as embodying the views of the Government, at least as representing the opinions of the friends of the Government on that subject, and the House will excuse me if I read the whole of the article, because it is all pertinent to the matter included in my notice:

## "THE INTERCOLONIAL RAILWAY.

"Mr. Weldon's utterance upon the subject of placing the Intercolonial Railway in commission is favourably commented upon by various newspapers. The question has been often mooted outside of Parliament, without receiving much attention, or, indeed, any serious consideration whatever. The matter of some change in the management and control of the 'Intercolonial' is worthy of the attention of Parliament, with the double object, first, of relieving the Government itself of a large annual outlay, and secondly, of bettering the earning character of this great public highway. Many means have been suggested with a view to this end, such as the lease or sale of the line

to a new company, or to one of the great trunk lines, or, as Mr. Weldon has voiced it, by placing it in commission. Any of these courses would probably prove a relief to the Government, and would redound to the public advantage. It should be remembered, however, that the pursuit of either course is not free from difficulties, the most prominent of which is that in connection with any contemplated change the status of tributary lines would of necessity have to be taken into account, with a view to their being taken over either by the Government or by the new management, whatever it might be. There is a strong and growing feeling in the Lower Provinces that the Intercolonial and these tributary lines should be under one management, as it is felt that it would lead to increase of traffic, as well as effect a large economy in the management of the whole system. Many of these subsidiary lines labour under great disadvantages in their circumscribed condition and in the expense necessary to independent management—so much so, indeed, that it is fast becoming a question as to whether some of them may not find it necessary to cease operations. It is, therefore, of importance in the interest of the country served by the Intercolonial Railway, as well as in the general interests, that either the Government, or its representative in the Intercolonial management, should arrange for the absorption of these lines by the Intercolonial system. What has been found necessary by the great trunk lines, such as the Canadian Pacific and the Grand Trunk, has become necessary for the Intercolonial. The main line and its feeders must become one, if commercial success and economy are to be attained. As to the future position of the Intercolonial, it must be admitted that there are weighty arguments in favour of placing it in the hands of an independent company, strong in its personality and resources; such company even to be guaranteed an annual subsidy for a limited number of years, averaged, say, upon Government expenditure over and above the earnings for the previous ten years, it being made obligatory upon such company to effect control of the tributary lines, either by lease or purchase. This course has many things to recommend it, not the least of which is, that it would avoid the charge of monopoly which might be urged against the control by either of the great trunk lines. It would also do away with any feeling of hostility as between the great corporations, which would naturally arise if either secured control of the Intercolonial system. In the formation of a new company both the great corporations would have the chance of representation, and thus be able to protect their individual interests. The time is, we believe, opportune to arrange for another control of the Intercolonial, it having been continuously unremunerative in the hands of the Government, and we commend this question, with that of the tributary lines, to the earnest consideration of both Government and Parliament.

As I stated before, this article appeared in what is very generally recognized as the Government organ here in the Capital. Some two years ago it was very generally stated that a member of the present Government had submitted a proposition for the taking over of the Intercolonial Railway system by a private company, and just about the time of the recent election a similar rumour got abroad, so that clearly some change in the management of the Intercolonial Railway seems to be in the air. The impression, at any rate, that some change is about taking place, is

very prevalent; and if the Government have resolved not to make any change in the management of the Intercolonial Railway it is but due to the people who are served by that railway that their doubts and disquiet on the subject should be removed, as I hope they will be, by the answer of the leader of the Government. This writer thinks that a change is necessary—that the double object of relieving the Government itself of a large annual outlay and of bettering the earning capacity of this road would be attained. It is true that there is a very considerable annual outlay on the Intercolonial Railway—I mean that the deficit is large. During the administration of Mr. Mackenzie a great deal of capital was made against his Government owing to the fact that that Government did not succeed in making the two ends meet on the Intercolonial Railway, although at the time when Mr. Mackenzie's Administration went out of power the railway had really been opened for only a few months, and could not be expected to do a very profitable business. Mr. Mackenzie, pursuing a different system of book-keeping from that adopted by his successors, charged the cost of relaying the whole line with steel rails to income instead of capital—charged it to three different years' income. After the change of Government it at first appeared that the expenditure and income had been equalized, but subsequent enquiry developed the fact that there had not been the improvement in the condition of the business of the road that appeared at first sight—that is, the improvement was only in appearance, and that that appearance resulted, not from any great change in the paying character of the road, but from a change in the system of book-keeping. Under the new Administration, items which had been charged to income were charged to capital; and in that way it was made to appear that the road was paying its way. There were some attempts at economy made just after the change of Government, but that economy was chiefly in the way of reducing the pay of subordinate employes on the road who were not, at the time, receiving too high pay; and the effect of that economy was that the services of many valuable employes were lost to the Intercolonial; and, probably as a result of taking on new and untried hands, several serious accidents took place on the road which caused greater

loss than the reduction in pay involved in the way of saving. The fact that the railway has not been paying since the change of Government is evident from this, that the capital account of the Intercolonial Railway at the time when the present Administration came into office stood at about twenty-eight millions, and to-day the capital account stands, I think, at about fifty-two millions of dollars. That is an increase of twenty-four millions.

HON. MR. BOULTON—Does not that include all the public railways in the eastern provinces—those in Prince Edward Island as well?

HON. MR. POWER—I treat the Prince Edward Island Railway as part of the Intercolonial Railway for all practical purposes.

HON. MR. HOWLAN—The tunnel is not built yet.

HON. MR. POWER—It is not; but after the tunnel is built the Prince Edward Island Railway will become an essential part of the system. There are certain reasonable deductions to be made from that increase of twenty-four millions. There was something like \$1,600,000 paid for the Rivière du Loup branch of the Grand Trunk Railway; there was a sum outrageously large for the value received, nearly \$2,000,000, paid for the St. Charles branch, and there was, I think, a sum of about \$2,000,000 paid for the so-called Short Line through the counties of Cumberland, Colchester and Pictou, N.S.

HON. MR. KAULBACH—The Eastern Extension?

HON. MR. POWER—I do not remember whether the Government have charged the cost of the Eastern Extension to their capital or not. At any rate, allowing for every reasonable expenditure on capital account, that is, for all additional railways built or acquired, we shall find that there has been an increase of at least fifteen millions of dollars in the capital account of the Intercolonial Railway, which is simply due to loss in the working of the road. The writer of this article, then, is right in speaking of the large annual outlay—the deficit on the Intercolonial Railway proper. Dur-

ing the past fiscal year I think it amounted to somewhere in the neighbourhood of half a million of dollars, exclusive of the Prince Edward Island road. Including the Island Railway, the deficit I think was something over six hundred thousand dollars. I do not think that, even though there is that deficit, it is a sufficient reason for the Government to part with the control of the road. The Government own public works in the western part of the country which incur a deficit every year, and there is no question as to the Government handing the canals over to a company—at least, we have not heard that any such proposition has been made. I think that it is the duty of the Government to take such steps as are in their power, without injury to the public service, to diminish the expenditure on the Intercolonial Railway, but I do not think it their duty to part with the management of the road. The writer suggests different ways of disposing of the road if the Government cease to manage it. He proposes to lease or sell the road to a company, or to one of the great Canadian companies, or to place it in commission. I think there is a great objection to handing the road over to a company, for the simple reason, that even if we handed it over to one of two competing lines the public have no guarantee that the lines will continue to compete.

HON. MR. SMITH—What roads in western Canada do the Government own?

HON. MR. POWER—I said canals.

HON. MR. SMITH—You said railways, too.

HON. MR. POWER—If I said railways, I beg the hon. gentleman's pardon. I did not mean to say railways; I meant to say canals. Going back to where I was when interrupted: if we handed the road over to one of the two great companies which are supposed to be the rival railway companies of the country just now, we should have no guarantee that these roads would not in a little while consolidate—in fact, rumors to the effect that some consolidation is to take place between the two great companies before long are current now, and the result would be that the people of both the upper and lower Provinces would

be in the hands of the railway combination, or pool, or whatever it might be, in the matter of rates. As the road was built for the convenience of people both above and below, it would to a certain extent fail of its object if the rates were made unduly high. Then there is another proposition indicated by this writer, that a new company should be formed, composed of members of both the existing companies, and possibly some independent members. I do not think that would be any better, because the tendency of corporations of all kinds is to combine, and once they combined, then, as in all cases of combinations, the public would suffer. Then there is the course indicated by a member of the Commons who brought this matter up, and whose speech forms the foundation for this article: that the railway should be placed in commission. The Intercolonial Railway was in commission for some years during its construction, and that system was found to operate very unsatisfactorily, as anyone who reads the reports made by Mr. Brydges in 1874 will see; and I do not think there is anything to be said in favour of the management by a Government commission any more than by the Government itself. The operation by a commission would be open to all the objections that exist in regard to operation by the Government, and there would not be in the commission the same sense of responsibility which the Government has; and I may say that in connection with the old railway commission that enquiry developed the fact that transactions which would not bear scrutiny took place to a very considerable extent in connection with the supplies of the Intercolonial Railway under that commission. There was an investigation, as some hon. gentlemen will remember, under Mr. Mackenzie's Administration; and the fact was developed that there had been a great deal of dishonesty and crookedness going on, just as much as there would have been if the road had been managed by the present Government. Then this writer proposes, and I think that that was really the gist, or if not the gist it was the impelling motive of the member of the other Chamber who made the speech to which reference is made in this article, that the Government should assume the tributary lines in the Lower Provinces. There are certain lines in the Lower Provinces which

would never have been built by any company or by any Government that had any regard for the paying character of the works. Some of these roads have come in a very marked way under the public notice—for instance, the Caraquet Railway, and one or two others of a similar kind. This writer proposes, and the gentleman whose speech he refers to proposes, that the Government should assume these lines, which do not begin to pay their working expenses. There does not seem to be any reason why the Government should assume these lines. There are, on the other hand, certain lines in the Lower Provinces which might be reasonably regarded as feeders or tributaries to the Intercolonial Railway, and I do not suppose there would be any objection to their being taken over; but I think it would be a highly objectionable thing to load down the Government with an immense debt for works which are of little practical use and would involve a large annual loss to the revenue of the country. I understand that his Honour the Deputy of His Excellency the Governor General is about to assent to some Bills, and that probably it would be in the interests of the House that I should draw my remarks to a close. I could say a good deal more. It is a subject that might be talked about for a long time; but there is one point I wish to say a word about. I do not think the road is managed by the Government in the way in which a road owned by a company would be managed. I do not think the interests of the Government road in the Lower Provinces are looked after in the same way as the interests of the Canadian Pacific Railway. It is absurd that a road running from Halifax to Quebec should be managed from Ottawa. The business management of the road should be on the road itself, either at one of the terminal points or at Moncton, the central point; and further, the agents of the Intercolonial Railway are not nearly as active in securing business for the road as those of the Canadian Pacific Railway, and that in spite of the fact that the Intercolonial is really a better road between Moncton and Montreal than its rival. We have reason to believe also that the Government—and I feel sorry to be obliged to say it—are making no effort to secure business for the Intercolonial Railway as against its rival, as they should

do, and as the interests of the public require they should do.

THE SPEAKER announced that this Honour the Deputy Governor was coming down to assent to several Bills.

At 4 p.m. the House adjourned during pleasure.

#### BILLS ASSENTED TO.

The Hon. SAMUEL HENRY STRONG, one of the puisné judges of the Supreme Court of Canada, Deputy Governor, 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 the Deputy Governor's desire that they attend immediately in this House;"

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally as follows.—

An Act respecting the Maritime Chemical and Pulp Company (Limited), and to change the name thereof to "The Maritime Sulphite Fibre Company (Limited)."

An Act to amend the Acts relating to the Alberta Railway and Coal Company.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

An Act to incorporate the Kingston and Pontiac Railway Company.

An Act to revive and amend the Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.

An Act to confirm an Indenture between the New Brunswick Railway Company and the Canadian Pacific Railway Company.

An Act to incorporate the Ontario and New York Bridge Company.

An Act further to amend Chapter eleven of the Revised Statutes, intituled: "An Act respecting the Senate and House of Commons."

An Act to amend "An Act to authorize and provide for the winding-up of the Pictou Bank."

An Act to incorporate the Atikokan Iron Range Railway Company.

An Act to incorporate the Vancouver Dock and Ship-Building Company.

An Act to incorporate the Rocky Mountain Railway and Coal Company.

An Act to incorporate the Buffalo and Fort Erie Bridge Company.

An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company.

An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to "The Lake Erie and Detroit River Railway Company."

An Act to incorporate the Brighton, Warkworth and Norwood Railway Company.

An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River Water Power.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act amalgamating the Ottawa and Parry Sound Railway Company and the Ottawa, Arnprior and Renfrew Railway Company, under the name of "The Ottawa, Arnprior and Parry Sound Railway Company."

An Act to provide for the exercise of Admiralty Jurisdiction within Canada, in accordance with "The Colonial Courts of Admiralty Act, 1890."

An Act respecting the Ontario and Rainy River Railway Company.

An Act to incorporate the St. Catharines and Merritton Bridge Company.

An Act to revive and amend the Act to incorporate the Quebec Bridge Company.

An Act respecting the Ontario and Qu'Appelle Land Company (Limited).

An Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada.

An Act respecting the Canadian Land and Investment Company (Limited).

An Act to incorporate the Incorporated Construction Company of Canada.

An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company.

An Act to incorporate the Chatsworth, Georgian Bay and Lake Huron Railway Company.

An Act for the relief of Thomas Bristow.

An Act for the relief of Mahala Ellis.

An Act for the relief of Isabel Tapley.

An Act for the relief of Adam Russworm.

An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

An Act further to amend "The Electoral Franchise Act."

An Act respecting the Citizens Insurance Company of Canada.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following:—

"In Her Majesty's name, His Honor the Deputy of His Excellency the Governor General doth assent to these Bills."

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

The House resumed.

## THE INTERCOLONIAL RAILWAY.

### DEBATE CONTINUED.

HON. MR. POWER—There was one point in this editorial which I had altogether failed to notice, and which has occurred to me during the presence of His Honour the Deputy of His Excellency:—this writer proposes that if the Intercolonial Railway should be handed over to a new company that company should be guaranteed an annual subsidy for a limited number of

years, averaged, say, upon Government expenditure over and above the earnings for the previous ten years, it being made obligatory upon such company to effect control of the tributary lines either by lease or purchase. Now, the absurdity and extravagance of that proposition is evident on the face of it; because we find that we are losing money on the Intercolonial Railway just now at the rate of half a million dollars a year, we do not think we should lose any more, and we arrange to hand it over to a company, but we arrange, if we follow the advice of this writer, to pay the same amount every year to that company which we are now losing. We would have all the disadvantages of the company management, and would not have the advantage of saving the public money, which is the only reason for handing the road over to a company. Just before being interrupted, I said a few words about the management of the Intercolonial Railway, and suggested that it should be managed as a company would manage a road of its own. One can speak only from hearsay, to a large extent, with respect to a matter of this kind; but I am informed and I have every reason to believe that the information is correct, that there is a very marked difference between the way in which business is looked after by the agents of the Canadian Pacific Railway and those of the Intercolonial Railway—if, in fact, it can be said that the agents of the Intercolonial Railway look after business at all. I know that in Halifax the agents of the Canadian Pacific Railway are most active in their efforts to secure both freight and passengers for their line, and they do secure a great deal in that way. They secure a great many passengers and a great deal of freight which might go over the Government line if their agents were as active as those of the company. I have no feeling of hostility to the Canadian Pacific Railway at all; but, I think, as the Government own one road, and the company own the competing road, that the Government should approximate to the activity of the rival company, and see that the country gets fair play. There is just one fact with respect to the way in which the Intercolonial Railway has been managed in the past which I think speaks volumes in condemnation of past management. Up to the time the so-called Short Line was constructed through the State of Maine the usual time from the city of



Halifax to the city of Montreal was 29 or 30 hours. Leaving Halifax at two or three o'clock in the afternoon of one day, one would get to Montreal at six or seven o'clock in the morning the second day, after spending two nights on the road. The Short Line was constructed and run by the Canadian Pacific Railway. They drove their trains at a more rapid rate than the Intercolonial Railway trains had been driven, so that passengers had to spend but one night on the road. Then the management of the Intercolonial Railway, I presume, combined with the management of the Grand Trunk Railway, did what they ought to have done before—they pushed their trains a little, and at the present time an Intercolonial Railway train leaving Moncton a quarter of an hour after the Canadian Pacific Railway train gets into Montreal within half an hour after the Canadian Pacific Railway train, although the Short Line is eighty-three miles shorter than the Intercolonial Railway and Grand Trunk Railway. If the Government had taken steps before the Short Line was built to push their trains at a reasonable rate of speed there would have been no demand for the Short Line; the country would have been saved three and a-half millions of dollars, and the Government railway, instead of sinking money, as it is now, would probably by this time be paying its way.

HON. MR. ALMON—Does my hon. friend include the time of the Mackenzie Government administration of the road?

HON. MR. POWER—I am not talking now as a party man: I am simply speaking in the interest of the country, as I take its interest to be, and in the interest of the railway, which is the same thing as the interest of the country. We do not expect the Intercolonial Railway to be a profitable road—at least, not for some time, until business has developed further than it has as yet; but I think if the Government managed the road in a business-like way, and if the freight business were managed from Moncton or Halifax instead of from Ottawa, there would be a very large increase in the traffic of the road. I may be excused if I add a sort of postscript in connection with what I have said on that matter: as it is now, the Canadian Pacific Railway Company have an agent at Halifax. That agent

has large powers. If a business man who is anxious to send freight over the road from Halifax or bring freight to Halifax wishes to have a special rate made or wishes to have information as to the terms on which his freight can be transported he can get that information from the Canadian Pacific Railway agent almost immediately. If he applies to the Intercolonial Railway, reference has to be had to Ottawa. There has to be consideration and delay, and, as a rule, the information comes too late to be of any use; so that now business men have to a large extent given up trying to do business of that kind with the Intercolonial Railway. I hope that there is not any truth in this story that the Government propose to hand over the road to a company, and I hope that the Government will take steps to reduce the great loss on that work by adopting a more business-like way of carrying on the traffic of the road.

HON. MR. KAULBACH—My hon. friend from Halifax has based his inquiry upon an article he finds in the *Citizen*. He would have us infer that because that paper supports the policy of the Government on public matters that it is reflecting the opinion of the Government upon this question. It seems that the article itself was prompted by some utterance of a member from New Brunswick, in which province there are a great many railways that are not paying investments. That province has involved itself in a very large debt—double the amount for its population of that of Nova Scotia—for railways which have never been efficiently equipped, and which have never developed the business they would have done if efficiently equipped and properly managed. Many of these railways might be tributaries to the Intercolonial Railway, and be of the same importance as the branches of the Canadian Pacific Railway or the Grand Trunk Railway; but if my hon. friend had chanced to see the article in the *Citizen* a day or two following this editorial, and I think after his notice was given, he would have seen that that paper repudiates the fact that it reflects the opinion of the Government at all on this subject. Therefore, my hon. friend, if he had seen that article, would not probably have made the remarks he did, based on the impression that the suggestion in this newspaper was really setting forth the

aims and wishes of the Government. Therefore, while I cannot speak for the Government, I think they are not at all responsible for the article; neither do I presume that it reflects the desire, aim, policy or wish of the Government on this question. I do not take much exception to what my hon. friend said. I am glad to think that he considers the management of the Intercolonial Railway has improved, that it is making better time and is otherwise better conducted. The hon. gentleman has rather given a character to the railway, but I do not agree with him when he says that if the management of the Intercolonial Railway had been the same before the opening of the Short Line as it is now there would have been no necessity for the extension of the Canadian Pacific Railway to the Maritime Provinces. The hon. gentleman does not reflect the opinion of the Maritime Provinces or of Halifax when he says so. The people of Halifax not only pressed to have this Short Line constructed, but they still press for improved railway facilities. They feel that they ought to have the Short Line as originally intended. What was designed in the first place has not been accomplished—the road has not been extended to Halifax. A subsidy of \$250,000 a year for a period of twenty years was promised for the extension to St. John and Halifax, and of this amount some \$63,000 remains unexpended. This sum might be utilized in making the travel to Halifax what it should be. In fact, Halifax could fairly claim to have that amount expended in its interest in the promotion of a short line. Whether it could be better done in connection with the Intercolonial Railway, or whether a competing line should be constructed, is not certain. I know there is a feeling in Halifax that we should have another competing line—that the Grand Trunk Railway should come down into the Maritime Provinces. I believe the time will come when we will feel the necessity for another competing line. If the bonding privileges in the United States were entirely shut off, we might have to depend on the Intercolonial Railway for maintaining connection between the Maritime Provinces and the west. That line was not built as a commercial railway. It was not located where it would pay best in the interests of capitalists, but was constructed more to accommodate the different pro-

vinces and to have an independent line outside of the United States, and as a military road. Therefore, I say that it may become necessary to have another competing line. St. John derives the principal advantage from the Short Line. It diverts traffic to that city and also to the United States. With regard to the expenditure upon the Intercolonial Railway, I think we should not be misled by a comparison between the expenditure under the Mackenzie Government and the present expenditure. When the Mackenzie Government were in power we know that they had that railway fully equipped.

HON. MR. POWER—The road was not completed until three years after the Mackenzie Government went out of power.

HON. MR. KAULBACH—It was equipped and running when they were in power. Being a new line, on which there was little wear or tear, there was not the necessary expense that was subsequently incurred in running it. I repeat, the Intercolonial Railway must not be looked upon as a commercial line. It was constructed in connection with the great system of canals. The canals were never expected to pay directly, but indirectly they are of immense value to the country as a whole. In the same way, the Intercolonial benefits the whole Dominion. Without it, the western provinces could not get cheap coal, nor could they send their products cheaply to the east. The Intercolonial Railway pays the Dominion well, notwithstanding the annual deficits, and it will pay even better as the trade of the country increases. The Intercolonial Railway was constructed under the Confederation compact, and on the understanding that it would not only be built and owned, but also run by the Government. Unless the Government can show the Maritime Provinces that it is in their interest that the road should go into the hands of a company or a commission, I think they should not delegate their powers to any other hands than their own. To do so would be inconsistent with the obligations incurred at the time of Confederation. The appointment of a commission would not be in the public interest, because it would be an irresponsible body. Therefore, the line would be better managed as it is now. I am not prepared to

say that the road has always been managed as well as it might have been. It is not in the interests of the line that the chief engineer should be at Halifax; he should be at a more central point on the line, and the road should be run on more modern principles than it is at present.

HON. MR. POWER—You cordially agree with me.

HON. MR. KAULBACH—I agree with the hon. gentleman that far, but I cannot agree with him when he says that if the Intercolonial Railway had given the satisfaction before that it gives now the people of the Lower Provinces, and especially of Halifax, would not have clamoured for a shorter line. I know that the people of Halifax are now, at this very day, clamouring for more direct communication with the west. They consider that Nova Scotia has not been fairly treated, and they insist that the \$63,000 unexpended of the annual subsidy should be devoted to giving them a shorter line. The original idea was to build a short line to Halifax and St. John, and you will find that the pressure of public sentiment in Nova Scotia will force the Government to carry out that original policy. They claim that they should have a shorter railway, independent of the present line, which, instead of diverting trade to St. John and the United States, as the present line does, would carry it through to Halifax. Therefore, the Short Line has been rather an injury than a benefit to Halifax.

HON. MR. WARK—When the hon. member from Halifax introduced this question he accounted for some of the causes of the increase of the Intercolonial capital account. He referred to the purchase of the road from Quebec to Rivière du Loup, but he overlooked the purchase of the line from New Glasgow to the Gut of Canso. Then there is the building of what is called the Pictou Town Line. That is added, and by-and-bye, when they come to add in the whole cost of the railway from New Glasgow to Pictou and the roads in Cape Breton, you will have the account swelled very considerably. Legislation lately, which has provided that all these extensions, as they are called, shall be treated as part of the Intercolonial railway, will at least cover up the causes

of the great increase in the capital account of the line. When this road was built there were a great many more miles in New Brunswick than in any of the adjoining colonies, and New Brunswick has been charged with the cost too often. Last session I moved for a return to show for what purposes the railway was used. One of the questions I put was, how many trains ran from Nova Scotia to Quebec and Ontario throughout the year. The answer was, 1,813 trains and from New Brunswick only 260. Here were seven times as many trains running from Nova Scotia as from New Brunswick. Running the other way, from the western provinces to Nova Scotia, the number was 1,456 trains to Nova Scotia and to New Brunswick 486. That was coming a little nearer—it was about one-third. But that is not all: the hon. member complains of the earnings of the road. Another question I put was, what was the rate per ton for carrying coal to certain points. Among others points, I named St. John and Lévis. The answer was, to St. John, which, is 155 miles, the charge was \$1.50, that is, as near as possible, 1 cent per ton per mile. To Lévis, which is a distance of 554 miles—that is, 399 miles further—the charge is \$1.70. They are carrying coal on the Intercolonial, 554 miles, to Lévis, for just 20 cents more than they charge to carry it 155 miles, to St. John. We, in New Brunswick, need hardly complain if this road were transferred to a company. It would then be run on business principles. The Province of New Brunswick has not only to pay these high rates that I have mentioned, but has to pay its share of what is lost on the road by running at these low rates. When a proposition was made to charge four-tenths of a cent per mile on coal carried to Lévis the coal dealers rebelled and went back to three-tenths of a cent, while they charged 1 cent per ton per mile for carrying coal to St. John. I made these remarks, therefore, simply to express the hope that the Government will run this road on business principles, that they will charge for carrying freight where it would pay the owners of the freight to send it, and not tax the Dominion, especially the Province of New Brunswick (which is not able to pay all those taxes) with carrying coals for nothing through its territory, while the people of New Brunswick are paying a

high rate for everything that the road does for them.

HON. MR. DEVER—I believe it is a rule in mechanics that when the basement of an edifice is unsound the edifice is very likely to fall. I hold that the basis of my hon. friend's remarks is unsound, as he alleged that from an article published in the *Citizen* of this city he had reason to believe that the Intercolonial Railway was going to be taken out of the hands of the Government and placed in the hands either of a commission or of some company. He forgot to mention that the writer, or the proprietor of that paper, the next day, apologized to the public for that article, stating at the same time that he was not inspired by the Government or any party—that it was merely a voluntary thought of his own, arising out of a speech delivered by a certain gentleman in New Brunswick on the question of the railroads in the Lower Provinces. But that is a matter of no great consequence; the great object is to know what can be done with the Intercolonial Railway to give more satisfaction than it does at present. I might point out, though I do not wish to be considered as at all apologizing for the Government, that I am satisfied the railroad can never be made a paying institution, situated, as it is, under such difficulties. The Intercolonial Railway was for a long time at the mercy of the Grand Trunk Railway. The Grand Trunk Railway was an intermediate line between here and the Lower Provinces, and the intercourse must necessarily be affected by transactions on the Grand Trunk Railway. As to the Canadian Pacific Railway, or the Short Line, as it is called, I have only to express the highest satisfaction at the way it is being run. I believe that the satisfaction it is giving is, in a great measure, due to the fact that it is a commercial road, looked after by commercial men, who have no other consideration or thought but to satisfy their customers. We must also take into account the extent of the Canadian Pacific Railway. It has the whole Dominion of Canada, from the Pacific to the Atlantic, open and free to itself, as now arranged. This alone is sufficient to show that the Canadian Pacific Railway must necessarily be placed in a position to give greater satisfaction than the small piece of railway known as the

Government road in the Lower Provinces. With reference to some of the remarks made by my hon. friend as to the expense and great delay and loss of money on the Intercolonial Railway since it has been controlled by the present Government, I think it is but fair to state that whilst it was run by the former Government it was only partially constructed. If I remember rightly, under the former Administration great portions of the work were not completed. For instance, the great breakwater at St. John has been finished since then. It was necessary to add a depot at St. John, and a large amount of private property has been expropriated for the purposes of the railway. Again, the hon. gentleman points out that the Government in giving this road over should be warned that no concession shall be made to the company taking possession of it. I fail to see what company could be expected to take the road over on such terms when, as the hon. gentleman stated, it is not paying. What company is going to take the road from us if it is true that it is not paying at present? We all know that companies are anxious to look out for paying property, and we could hardly expect that capitalists would take possession of the line without some concession by the Government. But I am not one of those who believe that this road should be handed over to anybody. We should own it ourselves. Before New Brunswick came into the Union we built a large portion of it and to-day it is one of the best roads on the continent. It was paying, not extensively, but certainly giving a fair return, when it was passed over to the Government of Canada. In my opinion, with a little vigilance, and less criticism on the part of certain persons, this road can be made to pay satisfactorily. At all events, it can be made a satisfactory route, and to pay indirectly to the people of this country, because, without an independent road of our own connecting the provinces it is hardly reasonable to expect that we should be considered united. This road was built for the purpose of uniting the provinces; it was never expected that it would be a paying investment directly, but it was looked upon as a national work, a Government work, and indirectly it would be considered beneficial to the country at large. I think it will be so under the new Government—a Government that, I believe, is going to be economical

and vigilant in all its intercourses with the people, and that such care will be given to the management of the Intercolonial Railway that the people of the Lower Provinces will be more satisfied than they are at present in their relations with it. Again, I do not see why we should have any jealousy between us and Halifax. The Short Line is a commercial enterprise. I fancy the proprietors of that road saw in it an investment that would be satisfactory to themselves. I do not see why the proprietors of the Canadian Pacific Railway should not provide short and rapid transit of both passengers and traffic to the nearest, and, I am sure, the best seaport in the Lower Provinces—St. John. I hope Halifax will cease to be jealous, and will be ready to acknowledge that Providence has done more for New Brunswick and the shipping interests than was intended to be done for Nova Scotia. Instead of blaming New Brunswick, they will be reconciled to the situation, and give St. John and New Brunswick fair play in the expenditure of the public money of this country.

HON. MR. ABBOTT—I shall not occupy the time of the House very long in what I have to say in answer to my hon. friend's question. I hope he will not expect that I shall enter upon a discussion now, without any notice whatever of any kind or description, on the details of the management of the Intercolonial Railway. I maintain that the notice on the paper gives no intimation of any intention to enter upon a discussion of this description, and I am sure that my hon. friend does not expect it. No one can regret more than I do that the Intercolonial does not pay as it probably ought to pay. I do not know why it does not pay, but I think if there were an examination into the reasons the principal one would be found to be that in deference to the wants and to the necessities of the business of the Maritime Provinces the road does not charge a high enough rate of freight to make it pay. I do not say that that is the cause, but I imagine that that would be probably the real reason why the returns from that road are so small, and it certainly surprises me a little that the complaints of its management should come more especially from gentlemen from the Maritime Provinces. However, I am unable at the moment to enter into any details with

respect to its management. I assure my hon. friend that the matter is a subject of anxious consideration for the Government, and will be one of the most important matters that will come under the notice of the Minister of Railways when the position, which is now practically vacant (being only filled by a gentleman who has a large department of his own, and is merely keeping matters straight until a Minister of Railways is appointed) is filled; but the management of the Intercolonial Railway will be one of the first subjects to which the attention of the Minister and of the Government will be turned. With respect to the article to which the hon. gentleman refers, I have heard my hon. friend's remarks on that article, and I do not suppose I shall be called upon to answer that either, because in point of fact the article has no foundation whatever, so far as the Government is concerned. The Government has no intention of ceasing to run the Intercolonial Railway. They have never contemplated, discussed or considered the question of handing it over to any other body or person, or of acquiring or operating any railway now owned by private companies. The subject has never come under the consideration or contemplation of the Government at all.

HON. MR. POWER—The answer is entirely satisfactory, speaking for myself.

HON. MR. SNOWBALL—I was sorry to hear one remark, as coming from the Premier, and referred to by members from Nova Scotia. The hon. gentlemen from that Province complained of the non-paying character of Intercolonial Railway. The hon. Premier, in making his explanation, says that the deficiency is on account of the low rates of freight charged to the Maritime Provinces. When he makes that statement he includes New Brunswick and Prince Edward Island; but we distinctly repudiate that we receive any consideration from the Intercolonial Railway at all. We claim that the charges made on the Intercolonial Railway to those provinces are as high, and higher, than they are for corresponding distances of railway in any part of Canada that I know of. But we of New Brunswick do claim that the Intercolonial Railway is run in the interest of Nova Scotia, and there is where the shoe pinches, and so my hon. friend should be exceed-

ingly cautious in making any remarks on the non-paying character of the line. As has been justly stated by the hon. member from Fredericton, the coals carried from the mines of Nova Scotia to their own seaboard, as well as to St. John, a distance of 150 miles, pay a dollar and a half a short ton to the latter point. They take those coals and freight them up to Point Lévis and Quebec for \$1.70, or three-tenths of a cent per mile per ton, and there is where the money goes. I am not going to speak on the National Policy, because he and myself are not responsible for what may have occurred; but the mines of Nova Scotia, coal and iron, and other interests of that province have been protected so largely by the National Policy that we of New Brunswick and other sections of the Dominion have to pay out immense sums of money to carry their products almost free of charge, and that is where the serious annual deficits in the management of the Intercolonial Railway come in. What I wish to impress upon the House is that New Brunswick must be exonerated from that charge, for we are not guilty in any respect, and we claim that the rates charged to us are fully up to the standard paid on other railways.

#### JAY SPENCER CORBIN RELIEF BILL.

##### SECOND READING.

HON. MR. MCKINDSEY, in the absence of Hon. Mr. McMILLAN, moved the second reading of Bill (30) "An Act to confer on the Commissioner of Patents certain power for the relief of Jay Spencer Corbin."

HON. MR. ABBOTT—I do not rise to oppose the second reading at all, but I hope my hon. friend will remember that it will be necessary to show some reason why the patent laws should be diverged from by the passage of this Bill, which is to extend a patent whose term had expired without being renewed, as required by the patent law. We have once or twice passed such Bills, but always when some excuse or justification for doing so was furnished.

HON. MR. MCKINDSEY—I have simply taken charge of the Bill in the absence of the hon. gentleman who left for home this afternoon, but I believe it was through inadvertence on the part of someone who had the money to send here that the patent expired. This Bill is similar to

other measures that have been passed, and probably the promoter of the Bill will be able to show a precedent for it. If the House will allow this matter to go to the committee, I may say, on behalf of the gentleman who has the Bill in charge, than an explanation will be made there, and if any question should arise at the third reading. I may say, on behalf of the hon. gentleman who is absent, that the same opportunity will be given to oppose it as we have now.

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

#### INVERNESS AND VICTORIA RAILWAY AND MINING CO.'S BILL.

##### SECOND READING.

HON. MR. ALMON moved the second reading of Bill (136) "An Act to incorporate the Inverness and Victoria Railway and Mining Company."

HON. MR. MILLER—I have had some communication with parties interested in this railway, and should like to have the Bill stand over a week, to give me a further opportunity to correspond with them.

HON. MR. ALMON—I should be happy to comply with the hon. gentleman's request, but the promoter of this Bill lives down in Cape Breton. Perhaps the hon. gentleman can name a shorter time.

HON. MR. MILLER—Cape Breton is such a distance away that a shorter time will not suit me.

HON. MR. McINNES (B. C.)—Let it be read the second time now, and referred to the committee.

HON. MR. MILLER—No; the information that I am looking for may be of such a character that I will feel it my duty to oppose the second reading of the Bill.

HON. MR. POWER—This Bill has been fought vigorously all through the House of Commons. I think this is the second session that it has been here. It was defeated in the House of Commons last year, and, as we are drawing near the end of the session, to postpone the Bill for another week would not be fair.

HON. MR. ALMON—My own impression is that the more light is thrown on this the better. A postponement of a week would bring it to Friday next, which is a bad day, many members being absent. I would like to have the second reading sooner.

HON. MR. MILLER—Less than a week is of no use to me.

HON. MR. McINNES (B. C.)—Although I live in the western portion of this Dominion, I claim to have a thorough knowledge of every mile that the proposed road will traverse in the island of Cape Breton, and I understand from the promoter of the Bill that he has experienced the greatest difficulty in the other House in having it passed there. Notwithstanding what has fallen from the hon. member from Richmond, and others, I believe the session is nearing its close—it is to be hoped so, any way—and it may come to a speedier close than we are aware of. I submit, if the second reading of this Bill is postponed for another week it will be a great hardship to the gentlemen who are promoting it. I see no good reason for objecting to the second reading now. Let us advance it one stage, and then, if there are any objections to be offered let the hon. gentleman from Richmond, and others, make them before the Railway Committee, and on the third reading. If this Bill is to be defeated at all (and I hope it will not be) it can be defeated as well at the third as at the second reading, and I hope that the hon. member from Richmond will not insist upon such a long postponement. I speak feelingly upon this matter, because this Bill is to serve a portion of the country where I spent my earlier days. I think I have a very fair knowledge of the great advantage that would result to the people of that section from the building of the road.

HON. MR. KAULBACH—The hon. gentleman has led us to understand that there has been serious difficulty in getting this Bill through the other House. If that is the fact, it is a good reason why we should be careful in passing it here; therefore, what the hon. gentleman from Richmond asks is but fair and reasonable under the circumstances. He says he wants to get information from parties interested, and the objection that the delay would be

serious at so late a period of the session has not much force, because it is not anticipated that the session will close for three or four weeks.

AN HON. GENTLEMAN—Three or four months!!

HON. MR. KAULBACH—I think the hon. gentleman from Richmond knows more as regards this Bill and the equities of it than the hon. gentleman from New Westminster, who, though formerly a resident of Nova Scotia, has probably not seen very much of that part of the country since his early infancy. I do not see anything in the Bill itself, except the fourth section, that requires a great deal of consideration. When hon. gentlemen, whose interests are largely involved in this scheme, ask for a reasonable delay I think it should be granted, unless there is some cogent reason to the contrary. The hon. gentleman from New Westminster has not shown us any reason to the contrary; therefore, I think the hon. gentleman from Richmond has good reasons for asking that the second reading should be delayed.

HON. MR. DEVER—The hon. gentleman from Halifax (Mr. Almon) does not often trouble us, and it is not fair that he should be impeded now by lawyers with frivolous and vexatious objections, that may delay the Bill till too late a period of the session. Say Wednesday next for the second reading and I am sure that is quite long enough to bring up any serious objections that may be offered by the hon. member from Richmond and others.

HON. MR. MACDONALD (C.B.)—In all probability the House will not rise for another month.

HON. MR. McINNES (B.C.)—Do you speak with authority for the Government?

HON. MR. MACDONALD (C.B.)—I have reason to believe that certain parties in the island of Cape Breton, who are interested in this Bill, did not anticipate its passage in the other House, and I saw some correspondence from Nova Scotia yesterday in opposition to the Bill, and I fully expect further information from Cape Breton before this day week. The promoters of this Bill have nothing to lose

by delaying the second reading of the Bill for a week.

HON. MR. MILLER—The position of the matter in this House is, that two hon. gentlemen here, representing Cape Breton, desire in the interests of their portion of the province to delay the second reading of this Bill for a few days. I know that it has hitherto been a most unusual thing in this Chamber to oppose the wishes of two members who are locally interested in a Bill, whose information on the subject would probably be better than that of hon. gentlemen who reside in another province, and it is an act of courtesy that I have seldom seen denied when a Bill relating to the district of a member is brought before the House that his wishes and views were not allowed largely to control the action of the House in regard to it. Now, what are the facts in this case? As I said just now, the hon. gentleman from Cape Breton and myself, the only two senators from that Island, desire in the interests of that part of the Province of Nova Scotia the postponement of the second reading of this Bill until this day week. We are in communication with parties who have vested interests with which this Bill will interfere. I may state to the House that we have communications from parties who have vested interests in a railway line in which a considerable sum of money has been expended, with which this Bill will interfere, and we want further information from them before we submit it to the House. I am rather inclined to think that when we have fuller information we will be in a position to ask this House to give the Bill a six months' hoist. Under the circumstances, when we state it is necessary that we should have time to get that information I do not think the House should refuse to grant us that delay when we are not nearly at the close of the session. We all know very well that Parliament will not prorogue before the 1st of September; therefore, if the House does not approve of the reasons which we intend to submit for the rejection of this Bill there will be plenty of time to get it through this branch of Parliament and, in the case of an amendment, to send it back to the other. I do not know whether, after this declaration, my hon. friend will refuse to give me the time I ask for. If not, I shall have to let him make his motion,

and I shall submit an amendment to this House asking for a delay.

HON. MR. ABBOTT—My hon. friend need not be alarmed that there will not be plenty of time to have this Bill passed.

HON. MR. ALMON—I do not wish the second reading of this Bill to take place on Friday, because there is usually a thin House on Friday. I would rather have it on Monday week.

HON. MR. MILLER—I have no objection to Monday week.

The motion was agreed to, and the Order of the Day was discharged.

### BILLS INTRODUCED.

Bill (44) "An Act to amend Cap. 77 of the Revised Statutes respecting the Safety of Ships." (Mr. Abbott.)

Bill (165) "An Act respecting the Intercolonial Railway." (Mr. Abbott.)

Bill (12) "An Act further to amend the Act respecting Certificates to Masters and Mates of Ships." (Mr. Abbott.)

Bill (153) "An Act further to amend Cap. 128 of the Revised Statutes, respecting the Judges of Provincial Courts." (Mr. Abbott.)

Bill (115) "An Act to amend the Act respecting Government Harbours, Piers and Breakwaters." (Mr. Abbott.)

Bill (85) "An Act further to amend the Steamboat Inspection Act." (Mr. Abbott.)

Bill (148) "An Act further to amend the North-West Territories Representation Act." (Mr. Abbott.)

The Senate adjourned at 5.20 p.m.

### THE SENATE.

*Ottawa, Monday, August 3rd, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### ARREST OF CAPTAIN RYDER.

#### INQUIRY.

HON. MR. BOULTON rose to inquire :

Whether the Government are taking any steps to ascertain if the arrest and conviction of Captain



Ryder, master of the Canadian fishing schooner "Hazel Dell," in the Bay of Bulls, Newfoundland, was illegal, as alleged by the *Evening Herald* of St. Johns, Newfoundland, and, if so, to secure his immediate release.

He said: I have thought it advisable to put this notice on the Paper in consequence of having seen the following article in the *Evening Herald* of St. Johns, Newfoundland, of 22nd July:—

**"AN INNOCENT MAN ARRESTED, TRIED, CONVICTED, BECAUSE HE IS A CANADIAN."**

"The most indefensible conduct of which the Government have yet been guilty in connection with their bait policy—and they have been guilty of many indefensible things—is that of which we are about to briefly relate the particulars. It appears that on or about the 15th instant the schooner 'Hazel Dell,' Mr. Rider, master, came into Bay of Bulls in search of bait. While there the master requested the use of a seine in the possession of a dealer, Mr. Michael Condon, and was readily granted permission to take it. Intending to do so, he took another man's seine instead, and carried it to his vessel. But some officers of the Bait Protection Service had been upon the schooner's trail, it appears, and up to this time had witnessed no offence justifying them to interfere. The taking of the wrong seine, however, seemed to give them an opportunity for revenge, and immediately, without waiting for any complaint by the owner of the seine, they seized the master and brought him before Stipendiary Magistrate Ryan upon the charge of larceny and theft. The magistrate is a new appointee, comparatively, and to this fact must be attributed his strange conduct. He had no power to try a charge for larceny, and no power to punish larceny unless it was confessed by the prisoner, and the latter's consent given to a summary trial. The master, a bluff, honest man, when brought before the stipendiary, told the exact fact, saying, in effect, 'Yes, I took the seine, but I did so in the belief that it was the one that Mr. Condon had lent to me.' Here was the stipendiary's chance to prove his knowledge of the law, which, well understood, is the essence of common sense, by saying: 'This man had no criminal intent; he claimed to take the seine by permission of its supposed owner, and he had no intention of permanently converting it to his own use.' Unfortunately, however, the stipendiary's lack of experience, and bad advice received from the Government, probably, led him into an error whereby a grievous wrong has been done. Acting, we presume, upon the belief that the mere taking of the property of another, without his consent, is theft, and that by confessing that he had done this the master had confessed to larceny, the magistrate sentenced the master to the penitentiary for two months, and he now lies in durance vile, a victim to the revenge of the Government and their minions, and to a magistrate's misapprehension of the law. The man was not guilty of any offence known to the law, and should never have been apprehended, much less imprisoned. 'Theft (or larceny) is the act of dealing, from any motive whatever, unlawfully and without a claim of right, with anything capable of being stolen with the intention of permanently converting that thing to the use of any person other than the owner thereof.' 'A gleans corn, not having, but believing himself to have a legal right to do so. This is not theft.' (Stephens' Criminal Law). The master of this schooner took a seine to his vessel, not having, but believing himself to have a legal right to do so. This, also, is not theft; and if Stipendiary Ryan had remembered this he would not have wrongfully im-

prisoned an offending man. No charge of bad intention is made against the stipendiary, for we believe him too honest and well-meaning a gentleman to consciously do wrong to please anybody; but we do charge against those upon whose advice he very naturally acted that they grossly misled him into an unlawful imprisonment of an innocent man, whose only real offence is that he is a Canadian, and therefore hated by the anti-British, anti-Canadian clique who run the Government just now. These men may think it fine policy to treat their fellow-colonists as if they were barbarians; they may deem it very wise now to annoy and irritate the Dominion of Canada; but intelligent people, who have a stake in the colony, will see grave danger in such conduct, and will mourn over the madness which dictates it."

This evidently is from a paper opposed to the Government of Newfoundland, but I thought it contained sufficient information to warrant me in asking our Government if they intend to take steps to assist this man in case he has been illegally arrested. The fact that this paper charges the Government with having caused the arrest of Captain Ryder because he is a Canadian I think quite justifies our own Government in making all inquiries, with due respect to the Government of Newfoundland. This arrest brings to our recollection a similar occurrence in the North-West. Some twenty-five or thirty years ago a former member of this honourable House, Dr. Schultz, now Lieutenant Governor of Manitoba, went up to the North-West as a young Canadian to assist in developing that country. When he got there he found that the Hudson Bay Company had a monopoly of the fur trade, and their object was to prevent the resources of that great country from becoming known to the world, while the object of Dr. Schultz was to make known the magnificent resources of the North-West Territories. Dr. Schultz was persistent in his opposition to the monopoly that existed, and strove to get the resources of the country opened out, and to draw public attention to them, and with so much effect that it led to his imprisonment for some offence—I do not know exactly what—but the law was used, and he was properly sentenced, I believe, so far as the law was concerned; but such was the indignation that his imprisonment aroused that the people assembled and forcibly released him from the gaol. I quote this instance, because it seems to me that it is a somewhat parallel case to the one in question. The Government of Newfoundland are irritated—I do not think justly so—because Canada saw fit, when Newfoundland was negotiating what is called the Bond Treaty (which was going to give privileges to the people of the United States with re-

gard to getting bait and with regard to trade and traffic arrangements which were denied to their fellow colonists in Canada) to interfere, and according to this paper the Island Government is resenting upon an inoffensive citizen this interference on the part of our Government. It is quite probable that such is the case. It is not improper to say just here that the Government of Newfoundland are wrong in the position they are taking with regard to discriminating against Canada. Newfoundland does not belong to the people of that colony alone, but to the British Empire, and I contend that no colony has a right to enter into treaties with foreign nations which accord to them privileges that are denied to their fellow colonists—no more right to negotiate such a treaty than the Province of Nova Scotia would have to discriminate in favour of the United States and against the other provinces of Canada. We should all be on an equal footing in that respect, and the sooner we come to acknowledge that we are all upon the same basis within the bounds of the British Empire the sooner there will be an end to such disagreeable occurrences as the one which has led to my making this inquiry. I am sorry to think that the fact of a man being a Canadian should be a bar to him in any part of the world. When the Dominion of Canada was first established it was exceedingly unpopular in Nova Scotia; there was some feeling against Canadians in the beginning in the North-West Territories, and also in British Columbia; but I am happy to say that, after the experience we have had of the Union and of one another, I do not believe, if the door was opened as wide as possible, that a single province of the Dominion would take advantage of it to leave the Confederation to-day: because the prosperity brought about by the union of the provinces has had the effect of binding the Dominion together from the Atlantic to the Pacific as one people. The sooner it becomes a recognized principle that all the colonies which enjoy the privilege of belonging to the British Empire are on the same footing in dealing with foreign countries the better. I take the opportunity of giving expression to these views while I draw the attention of the Government to what seems to be an injustice towards an innocent man by the authorities of the island of Newfoundland.

HON. MR. ABBOTT—The Government has no information whatever on the subject of this alleged arrest of Capt. Ryder, except that since my hon. friend's notice has been given, the article in the paper has been observed, and since that a further notice has appeared in the paper, stating that Capt. Ryder has been discharged. That is all that the Government know about the matter.

## THE BODY-SNATCHING BILL

### IN COMMITTEE.

HON. MR. McMILLAN moved the adoption of the second report of the committee to whom was referred Bill (P) "An Act for the punishment of the Offence generally termed Body-Snatching."

HON. MR. POWER—If my memory serves me right, this Bill has never been before a Committee of the Whole House. I think it was read a second time and referred to a special committee, but it has never been before a Committee of the Whole; and the hon. gentleman now proposes to submit, not the Bill first agreed upon by the committee—not the original Bill—but a Bill in a third form, and he asks us to accept that *en bloc*. I think the most convenient way to deal with the Bill now would be to refer it in its present form to a Committee of the Whole, and consider it clause by clause.

HON. MR. KAULBACH—I think the suggestion of the hon. member from Halifax is a right one. There are some clauses in this Bill which were not satisfactory to several member of the committee.

HON. MR. McKINDSEY—It is the report of a special committee appointed by this House, and should be either accepted or rejected.

HON. MR. POWER—The House referred it to the special committee, and the committee has to report to the House.

HON. MR. ABBOTT—It is not usual to refer the report of one committee to another committee. The motion should be that the second report of the special committee be not now considered, but that it be referred to a Committee of the Whole House.

HON. MR. SCOTT—I understand the amendments are very considerable and important. Would it not be well to have the Bill reprinted before considering it?

HON. MR. ABBOTT—The amendments are very plain, and not complicated.

HON. MR. McMILLAN—I move that the report of the committee be not now concurred in, but that it be referred to a Committee of the Whole House presently.

The motion was agreed to.

(In the Committee.)

On the 2nd clause,—

HON. MR. POWER—I do not propose to move any amendment, but I think when we come to a later part of the Bill we shall have to alter the wording of it a little; otherwise, medical students or other persons without “legal justification or lawful excuse,” resurrector dead bodies, would be subject to the penalty provided in this Bill. When we come to the third sub-clause of clause 3 I shall suggest some amendment.

HON. MR. SULLIVAN—I think this is a proper time at which to enter a protest against this Bill and endeavour to change the terms of it back to what they were before. In the first place, I have to thank the hon. gentleman who has introduced the Bill for giving me a place on the committee and affording me the opportunity of discussing it, inasmuch as I am connected with the medical profession, and I am also bound to give the hon. gentleman credit for the kindness of heart which prompted him to undertake this Bill, and which enables him to show his fidelity to his friends, not only when living, but after they are dead. It is not necessary to mention to hon. gentlemen that without anatomy it is impossible to study medicine in a scientific manner, and in all civilized countries laws have been made for the purpose of protecting medical students. There are laws existing at the present time in Ontario to that effect, and this Bill will interfere with them, and prevent the study of anatomy from being carried on in a legitimate manner. I do not think there is sufficient reason for us to interfere with those laws, inasmuch as there is only one case on record so far, and that is the case which

has prompted the hon. gentleman to introduce this Bill, which has called for any such legislation. Never before in the history of the country, so far as I am aware, has there been a body resurrected for the purpose of blackmailing, and that being the only case, and due largely, in my opinion, to the meanness of the parties themselves in not protecting the remains sufficiently, I do not think there is sufficient reason for this Bill. The schools of anatomy require a supply of subjects, and the anatomy laws of the provinces allow bodies that are unclaimed for a certain time to be handed over, by an official called the Inspector of Anatomy, to the schools; but this law is interfered with very largely owing to the mistaken sentimentality of certain people, who think they are doing an act of kindness by interfering and claiming such bodies. It is only within the last few days that the Mayor of Kingston himself claimed no less than three bodies for which no relative had presented any claim. Under such circumstances, it becomes necessary, if such subjects as should have gone to the medical schools are buried, for students to disinter them, and in doing so they lay themselves open under this Bill to a severe penalty. Not only that, but the medical school wherein the body is retained, if this Bill becomes law, will be subject to this severe penalty, and it is with the intention, therefore, of relieving them from such a penalty, that I move that the words “extortion and gain” be replaced in this clause. That would allow the students to disinter such bodies as they have been wrongfully deprived of. It is sufficient for me to express my protest against this Bill, knowing that it will do a great deal of harm, and that it will not effect the good it is intended to do.

HON. MR. McMILLAN—This question has engaged the attention of the committee, and I must confess that I feel, as my hon. friend from Kingston does, very loath to do anything that would interfere with medical students getting subjects; but the difficulty that stared us in the face is, that if we leave these words in, “for the purpose of extortion or gain,” the onus of proof falls on the prosecutor, and, consequently, the law will be of no avail. The prosecutor will have to show to the court that the intention of the party who had disinterred the body was extortion or

gain. If the prosecutor failed in proving that, of course he fails in his case. The only words that could suggest themselves to the committee and to the Deputy Minister of Justice and Law Clerk were these, "without lawful authority, justification or excuse." There are a good many reasons why I think we ought to give a privilege to parties to disinter bodies. No doubt, hon. gentlemen are aware that through the country in many places, at cross roads, there are grave yards that have been in existence for years—since the first settlement of the country—and here and there, as churches are built, the bodies are disinterred from these grave yards and transferred to a church yard. In our county, owing to grave robberies that took place some 25 or 30 years ago, bodies have been frequently buried close by the houses for fear that they might be stolen, and if relations are not allowed to disinter those bodies and remove them to a burying-ground, under this Bill they will be subject to a prosecution. This is the reason why the words "justification and excuse" have been put there. The difficulty is, of course, to steer clear of infringing on the field of the medical students in this respect, but we cannot make a law by which we could exempt them. The punishment under this Bill could not possibly be so severe upon a medical student found guilty of having stolen a corpse as it would be upon a man who had stolen the body, as in the instance of our late friend, Mr. Purcell, for the purpose of extortion. I think we could with safety leave the punishment to the discretion of the court to deal with each case on its merits as it would present itself. As far as the anatomy law is concerned, in the Province of Quebec as well as Ontario—at least, it was the case when I was a student—we did not find any difficulty in getting a sufficient number of subjects for dissection, because in the hospitals persons who die and whose bodies are not claimed by relatives in Ontario within forty-eight hours, and in Quebec, I think, it is within five days—

HON. MR. PAQUET—Yes, the hon. gentleman is correct.

HON. MR. McMILLAN—Within five days, if not claimed by a relative, the body of the patient who has been there, supported by the province, is the subject of

the province, and of course is to be handed over to the colleges. In that way I think the provinces have already gone sufficiently far towards helping the medical schools, and with that facility for obtaining subjects, I think that they ought to be kept within bounds, and that the students ought not to be allowed to go to graves or graveyards for the purpose of disinterring bodies for anatomy purposes. I do not know what the laws are in the other provinces on this subject, but I imagine that they are similar to those in the Provinces of Ontario and Quebec.

HON. MR. SCOTT—This Bill has already been re-printed as amended by the committee, and this that we are now considering is a change in that—a report altering the Bill as amended. I tried to find where those changes were, and I could not make them fit in with my own Bill, and I really think the House is not in possession of what we are discussing. The Bill as amended should be printed.

HON. MR. ABBOTT—The amendments are printed on page 384 of the Minutes.

HON. MR. KAULBACH—The amendments are very simple, as incorporated in the Bill before us.

HON. MR. GIRARD—When the Bill was before the committee I had some objection to one provision in it, and that is the making of this offence a felony. It seems to me that it is not one of those crimes which should be treated as a felony, and there might be some cases where grave injustice would be done by the fact of declaring this crime a felony under this Bill. It seems to me that the penalty which is imposed under the Bill is sufficient. Such legislation would do more harm than good, because it will interfere with laws that are well understood, long-settled and in force many years. Hitherto we have not found many such cases as the one that has called forth this Bill, and we have not much to reform in the law as it stands to-day. Under the circumstances, I would move that the words "guilty of felony," where they occur in the Bill, be struck out.

HON. MR. KAULBACH—The hon. gentleman will bear in mind that the distinction between a felony and a misdemeanour is

almost obliterated. A felon under the old law was infamous, and could not fill any office or become a witness unless pardoned or had expiated or atoned for his offence. The word "feloniously" is a technical word, which, at common law, was essential to every indictment for a felony. Felony has no clearly-defined meaning, but we make a crime a felony so as to justify arrest or punish an accessory after the fact. Since the Felony Act of 1870 the essential distinction between felony and misdemeanour is lost in England. Compounding a felony means that the party will not prosecute on condition of returning, for instance, goods stolen, or if the party takes a reward not to prosecute. Felony rendered a man infamous, and he could not hold office, and the term is a revolting one, that I do not care to see in this Bill.

HON. MR. MCINNES (B. C.)—I think the suggestion made by the hon. gentleman from Ottawa is the correct one—that the Bill should be reprinted as amended. A great number of these amendments were made, not by the committee, but by the Deputy Minister of Justice.

HON. MR. MCKINDSEY—But they were adopted afterwards by a meeting of the committee.

HON. MR. MCINNES (B. C.)—The amendments suggested were made by the Deputy Minister of Justice. They were submitted to the select committee, and many members of the select committee did not approve of them. They did not think them an improvement at all, and some of the clauses were carried by a bare majority—in fact, on the casting vote of the chairman. I submit that every member of this House should proceed intelligently with this Bill, and it would be better to adopt the suggestion made by the hon. gentleman from Ottawa, and that the Bill as amended be printed and submitted to the House. It will not injure the Bill in any way, and then there will be no difficulty in proceeding with it.

HON. MR. McMILLAN—I have no objection to adopt the hon. gentleman's suggestion. I therefore move that the committee rise and report progress, and ask leave to sit again.

## SECOND READINGS.

Bill (120) "An Act respecting the Salisbury and Harvey Railway Company." (Mr. Wark.)

Bill (135) "An Act further to amend the Act respecting the London Life Insurance Company." (Mr. McKindsey.)

Bill (123) "An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the name thereof to 'The Oshawa Railway Company.'" (Mr. Sullivan.)

## MONTREAL AND ATLANTIC RAILWAY CO.'S BILL.

### AMENDMENTS AGREED TO.

HON. MR. SCOTT moved concurrence in the amendments of the Select Committee on Railways, Telegraphs and Harbours to Bill (29) "An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes." He explained that the amendments were all in the direction sought by those who desired to make changes in the Bill.

The motion was agreed to.

## BILLS OF EXCHANGE ACT AMENDMENT BILL.

### AMENDMENTS CONCURRED IN.

HON. MR. ABBOTT moved concurrence in the amendments made by the House of Commons to Bill (B) "An Act to amend the Bills of Exchange Act, 1890." He said: These amendments are practically verbal, with one exception. There is a provision in the Act that if a bill is addressed to a man by an incorrect name he must accept by the right name, but there is another clause of the Act which, in another case, which is not so important as the acceptance, he is allowed to sign the name by which he is addressed, or his right name, whichever he thinks fit. That is the way the measure was passed. The Bill which we passed in this House this session was to put that man in exactly the same position as the acceptor—that is to say, he must sign his correct name. The House of Commons, for what reason I do not know, have struck out this clause of ours, so that it remains as it was in the original Act—

that the man so addressed may sign his right name or use the name which is given him in the bill, or not, whichever he thinks fit. I think, myself, that our own plan was best, but I scarcely consider the matter of sufficient importance to dispute about. The other amendments are trifling and purely verbal, and I move that this honourable House do concur in them.

The motion was agreed to.

**BILLS INTRODUCED.**

Bill (141) "An Act to amend the Copyright Act." (Mr. Abbott.)

Bill (137) "An Act further to amend 'The Consolidated Revenue and Audit Act.'" (Mr. Abbott.)

Bill (122) "An Act further to amend 'The Fisheries Act,' chapter ninety-five of the Revised Statutes." (Mr. Abbott.)

Bill (142) "An Act to amend the Patent Act." (Mr. Abbott.)

The Senate adjourned at 4:15 p.m.

**THE SENATE.**

Ottawa, Tuesday, August 4th, 1891.

THE SPEAKER took the Chair at 4 o'clock.

Prayers and routine proceedings.

**MACLEOD IRRIGATION CO.'S BILL.**

**THIRD READING.**

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (52) "An Act to incorporate the Macleod Irrigation Company," with an amendment. He said: The alteration which has been made is a very simple one. It was found in the committee that the 9th clause was entirely superfluous—that all the requirements that it was in-

tended to provide for were already provided for in the immediately preceding clauses making the Railway Act apply to this company. It was thought better, therefore, that this 9th clause, which might lead to confusion instead of being an assistance, would be better struck out, which was accordingly done, and that is the only alteration that has been made. I move that the House do now concur in the report of the committee.

The motion was agreed to.

HON. MR. McMILLAN (in the absence of Mr. LOUGHEED) moved that the Bill be now read the third time.

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

**THE PAYMENT OF COMMISSIONERS.**

**MOTION.**

HON. MR. FLINT moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House a statement in detail of the amount of money paid to A. F. Wood, Esq., for services, &c., as commissioner for canals and railroads in different places in 1890.

He said: The House may recollect that two sessions ago I moved for a return of the amount of expenses in detail paid to A. F. Wood as Commissioner of the Trent Canal and the Murray Canal. Unfortunately, I have never seen that report. Again, last year I moved for a return, in the same manner, of the expenses paid to Mr. Wood as Commissioner on the Welland Canal. As I understood from a statement in a paper at that time, he was paid in 1889 for 190 days some \$3,000. There was a mistake in that, I find, and I wish to correct it by putting it in the proper light. I have not received that return. Mr. Adamson promised me last session that if it came down he would send me a copy of it. He has gone, and I have looked for it in vain. Finally, I found a statement for both years in the Auditor General's Report. At "D," page 152, I find that Mr. Wood received in 1888 the following amounts: for 195 days, at \$10 a day, \$1,950; and for travelling expenses, \$1,106.39, making a total of \$3,056.39 for the

time spent upon the Murray and the Trent canals. Allowing \$3 per day for his eating expenses, he received \$2.67 per day for travelling expenses. Now, this commissioner lives within a very few miles of both those works. He could take his horse and buggy and go in four hours to the Trent Canal, and in five or six hours to the Murray Canal. I am sure his economy is such that he would not spend any more than he could help, whatever he might charge. In 1839 Mr. Wood received from the Trent Canal ("B," page 321) pay for 39 days, at \$10 a day, \$390; living, at \$3 a day, for 39 days, \$117; transportation, \$78; stationery, \$3.50, and telegraphs, \$2—total, \$590.50. Then, again, he received ("B," page 323) for 30 days on the Rapide Platte, at \$10 a day, \$300; living expenses, \$90; travelling expenses, \$94.15—total, \$484.15. Then in the same year, for the Welland Canal ("B," page 326) for 114 days, \$1,140; living expenses, \$342; travelling expenses, \$336.85; W. F. Wood, copying, \$25.55; horse hire, \$69, in addition to his other travelling expenses; telegraphing, \$16.61; stationery, \$25.80, or enough to buy about five reams of foolscap paper; and then he has charged for a valise to carry his papers, \$6—total, \$1,962.41. Or, for 183 days' service he received \$3,037.06, a daily average of \$16.06. Now, I think that is altogether out of reason, and it is why I have brought this subject before the House again. Some may think that it is to persecute Mr. Wood, but it is not. I wish to see fair play in every respect, and it is no more than right that I should expose what I consider extravagant payments for public services. Now, let us take the amount that is paid for travelling. He received \$419.54. At 10 cents per mile, which is the general allowance, that would represent 4,195½ miles to go to these three places. Can anybody believe that it was necessary to do so much travelling in 183 days? Now, if you take off the travelling expenses it would leave \$13 a day for his own time and board. I know that in some of the places where he went it would be hard to find a public house that charges more than \$1 a day, and it could not be expected that a man could eat nine meals and sleep in three beds every day he stopped at a public House. Supposing he paid \$2 a day, as he paid at St. Catharines, he would have to eat 4½ meals and sleep in a bed and a-

half to be entitled to such pay. I mention this because I think it is time the Government took this matter in hand and reduced the expenses in such cases. In that year I could have hired men for \$1 a day. Is it not too bad to think that 13 men should have to work a day and board themselves to earn what this man received every day? Ten men working at \$1.25 a day would earn 50 cents less than was paid to Mr. Wood for one day's service. Come to the mechanic, and we find that six mechanics working at \$2 a day and boarding themselves received less by \$1 than Mr. Wood was paid every day. If you take a regular millwright, who receives \$3 a day, he would have to work over four days to earn the \$13 that was paid to Mr. Wood, and have to board himself in addition. Taking all these things into consideration, it is a little too much of a good thing to pay these commissioners such prices. I remember perfectly well when a Labour Commission was in session here. Four of them boarded at the Union and had a room to themselves, and they made the corridors hideous sometimes. They did not work more than three or four hours a day, yet they got \$10 each, and \$3 each for board, every day, according to Mr. Wood's scale of prices. Take the farmer: What farmer can make, with 300 days' toil every year, \$13 off each acre of land that he tills? He must have an extraordinarily good farm, and work it remarkably well, if he succeeds in clearing that much after paying the expenses of his farm. It is about time that we put a stop to these excessive payments to commissioners. Take the Senate and House of Commons: Last session we were here 122 days. Our indemnity was \$1,000 each—that is, \$8.19 per day—and out of this we had to pay our living expenses, which would average about \$2 for board and washing. That would leave us \$6.19 a day, while this gentleman got his \$13, or more than double what we receive.

HON. MR. McCALLUM—His work was well done.

HON. MR. FLINT—Well done to cover up, so far as I can see by the evidence and the report, a great deal of rascality on the Welland Canal, and he is just the right man to do it. I regret that I have to bring this thing up, but really I feel an interest

in this country, where I was born, where I have lived all my life and where I hope to die and be buried. The House may remember that on a former occasion I described what sort of a man Mr. Wood is. I need not repeat it further than to say that he is not a man to be trusted in any responsible position. Taking his indemnity as a member of the Legislature at Toronto, with other amounts that he receives, he must have laid up a large amount of money of late years. It may be thought that Mr. Wood is a very popular man: he was returned at the last election by acclamation for the North Riding of Hastings. Why was it so? Through the influence of the Government, or some member of the Government, brought to bear upon his opponent to get him off the track. Had not that been done Mr. Wood, it is almost certain, would have been left a long way behind. I know, in seven days after I returned from Parliament I did not see more than one Conservative (and I saw a number of them) who would have voted for him. When it was found that within 24 hours before he went on the hustings Mr. Wood's opponent had retired, there was a general feeling of indignation. Every Reformer would have voted against Mr. Wood, and many Conservatives with them, and he was sure to have been defeated had his opponent remained in the field. To a certain extent, I blame the gentleman who went up from here. I saw by the *Intelligencer* that he had arrived, and I blame him for getting this thing settled so that Mr. Wood could take his seat as a man elected by acclamation. I have made these remarks because I think it is high time that an improvement was effected. We have had a change of Premiers. Our late leader, much as we thought of him, has gone to his reward. We have now as leader a gentleman with whom I have been acquainted more or less for the last 25 years, and I have sufficient confidence in him to believe that when he sees anything wrong he will endeavour to make it right, and that if he cannot do so he will not remain long in the Government. I trust that he will look into these matters, and see that proper persons are employed as commissioners, and that they are paid reasonable prices. I do not believe that any man should work for nothing, but I do not think that anyone should be paid so much as to induce him

to drag out an inquiry in order to make a good deal out of it. I look upon the amounts paid to Mr. Wood as most extravagant, and I expect to find, when the return is brought down, that a large sum has been paid to him in 1890. I am inclined to believe that he has been employed up to the present time. If so, I hope that he will soon be found out, and that he will be stopped in his career, and that we will save the expense that we are incurring through him and give the money to some better man.

HON. MR. ABBOTT—My hon. friend will understand, no doubt, that I know nothing about this gentleman's occupation or employment during the past year. I shall have the return which he asks for made and laid on the Table, and I can assure him that if he will point out to me, when that return comes down, anything that is wrong about this man and his employment, br payment, I shall see that it is put right.

HON. MR. FLINT—That is all I can expect.

The motion was agreed to.

## SAFETY OF SHIPS BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill 44 "An Act to amend Chap. 77 of the Revised Statutes respecting the safety of Ships." He said: This is a Bill entirely for the purpose of safeguarding passengers in ships carrying explosives. It has come to the knowledge of the department that passenger ships have been in the habit of carrying explosives in sufficient quantities to send vessels and passengers to the bottom if an explosion occurred.

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

## INTERCOLONIAL RAILWAY BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (105) "An Act respecting the Intercolonial Railway." He said: This Bill is practically a definition of what the Intercolonial Railway is. It is proposed to declare that the Intercolonial Railway with its branches, the appendages



of those which are under the control of the Government as Government railways, shall be known as the Intercolonial Railway. This is the whole object of the Bill.

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

## MASTERS AND MATES OF SHIPS BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (12) "An Act further to amend the Act respecting Certificates to Masters and Mates of Ships." He said: This Bill is to make a better classification of the inland waters of the country. Several difficulties have arisen respecting the definition of these waters, and it is proposed to simplify those by dividing them into two classes, one to be called the inland waters, which will mean all the larger inland waters and lakes, and other navigable waters in Canada, excepting those waters and bays on the sea coast, &c., and the other class the minor waters of Canada, meaning all inland waters of Canada other than Lakes Ontario, Erie, Huron, Superior, Winnipeg and Georgian Bay. The rest of the Bill is for practically applying some of the provisions adapted to masters and mates of sea-going vessels to vessels sailing these inland waters. Some of the certificates issued apply under what is known in this definition as inland waters, and some of those apply to those which are known under the definition as "minor waters of Canada." These are the objects of the Bill.

HON. MR. SCOTT—I cannot understand the object to be attained by it. The minor waters mean all the inland waters other than Lakes Ontario, Erie, Huron, Superior, Winnipeg and Georgian Bay, and includes all bays, inlets and harbours of or on the said lakes and bay. Why are they not included in the expression "inland waters of Canada"?

HON. MR. MILLER—I suppose it is in contradistinction to the bays and inlets and harbours of the sea coast or ocean.

HON. MR. ABBOTT—"Inland waters of Canada" mean the rivers, lakes and other

navigable waters in Canada, excepting salt water bays and gulfs on the sea coast, which constitute part of the sea. Then the minor waters mean the other inland waters—in other words, the small inland waters not navigable.

HON. MR. MILLER—I take it that this Bill is largely assimilating to the inland waters the laws that refer to the seas and sea coast of Canada. The same provisions exist with regard to masters and mates of sea-going vessels as are provided for in this Bill to be applied to the inland waters of the Dominion, which I think a very wise thing to do, and I am only surprised that regulations have not been passed before to-day with respect to our great inland lakes and rivers. I think the Bill is a very necessary one, in the absence of any legislation for the object it is intended to provide for.

HON. MR. HOWLAN—The meaning of the Bill with regard to that point is, that the inland waters shall include the River St. Lawrence as far seaward as the line drawn from Father Point on the south shore to Port Orient on the north shore, and the Bill itself provides that all vessels, whether inside of Canada or outside of Canada, must have a certified master or mate, but the Minister may grant to every applicant who is reported by any one or more of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, the certificate called "A Certificate of Competency," to the effect that he is competent to act as master or as first or second mate on a sea-going ship, or as master or mate of a ship trading on the inland waters of Canada. The certificates issued by the Board of Trade in England will be recognized as well, and all vessels of 200 tons must have certified masters and mates under this Bill.

HON. MR. KAULBACH—Then, as I understand it, there are three classes of waters—coast, inland and minor waters?

HON. MR. ABBOTT—Yes.

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

## JUDGES OF PROVINCIAL COURTS BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (153) "An Act further to amend Chap. 138 of the Revised Statutes respecting the Judges of Provincial Courts." He said: This is a Bill to fix the salaries of the local judges in Admiralty. That is its only purpose, and it is such as I stated in the discussion in the House on the Bill itself. The judge at Quebec gets \$2,000; that is supplied by arrangement with the Imperial Government and continues during the incumbency of the local judge. The local judge of the district of Nova Scotia is to get \$1,000 per annum. He formerly got \$600 and fees, and it is considered advisable to do away with fees. That would be about \$850 to \$950, according to what has occurred previously; but it is thought best to do away with fees and make it a salary. The same with the judge of the district of New Brunswick, who is to get \$1,000. The local judge of the district of Prince Edward Island is to get \$800. The last year or two he has been paid at the rate of \$600 and fees. Previous to that he was not paid at all. The local judge of Toronto district now gets \$600, and that will be continued. The local judge of the district of British Columbia is a new one. He will now be appointed, and will receive \$600 per annum, the same as the local judge of Toronto district.

HON. MR. SCOTT—Who paid the salary of the judge at Quebec in former years?

HON. MR. ABBOTT—It was paid by the Canadian Government.

HON. MR. MACDONALD (B.C.)—Are these salaries fixed on the basis of the different provinces according to the number of ships that come into port? If so, I have been making a comparison of the business of the different ports in British Columbia with those in Nova Scotia, and if that is the basis on which these salaries are to be fixed the British Columbia judge ought to get a much higher salary.

HON. MR. KAULBACH—The judge of Admiralty in British Columbia will have comparatively nothing to do. In Nova

Scotia the Admiralty judge has as much Admiralty business as there is in the whole of the rest of the provinces put together, and if the salaries provided for in this Bill are on the basis of the work performed, I think the judge in Nova Scotia is not fairly treated. On such a basis he would be entitled to get very much more than is provided for under this arrangement.

HON. MR. MACDONALD (B.C.)—In the comparison I have made of the trade in the three principal ports of Nova Scotia as compared with the three principal ports in British Columbia I find the following result:—

#### "SHIPPING AND TONNAGE.

##### "Nova Scotia.

	No. of Vessels.	Tonnage.
Halifax.....	1,065	682,408
Lunenburg.....	242	23,971
Liverpool.....	301	25,023
	<u>1,608</u>	<u>731,402</u>

##### "British Columbia.

Victoria.....	707	662,217
Vancouver.....	319	277,542
Nanaimo.....	380	289,515
	<u>1,406</u>	<u>1,229,274</u>

"Difference in vessels in favour of Nova Scotia, 202."

"Difference in tonnage in favour of British Columbia, 497,872."

HON. MR. MILLER—Where are all the other ports of Nova Scotia?

HON. MR. MACDONALD (B.C.)—I do not know what the trade of the other ports is; I have taken three of the principal ports in each province.

HON. MR. MILLER—It is well known that Nova Scotia is the largest ship-owning country in the world in proportion to its population.

HON. MR. ABBOTT—In reply to my hon. friend from Victoria, I imagine that the salaries were fixed rather with reference to the population and the amount of business done. Nova Scotia is really the province in which the largest Admiralty business has been done—in fact, nearly as much as all the rest of the provinces put together, if I recollect rightly. I do not understand that there has been much of

this business done in British Columbia; but, of course, this is not a permanent salary. If it should turn out that the judge of British Columbia has more work to do than is now anticipated the salary can be increased.

HON. MR. POWER—The principle laid down by the leader of the Government, I think, is the proper one, that the judges should be paid in proportion to the work done; but I do not think that that principle is carried out in this Bill. The return which I submitted to the House some days ago, coming from the Department of Justice, showed that an average of only one case a year was decided in the Vice-Admiralty Court of Charlottetown. It seems to me that to pay \$800 a year to a judge for deciding one case is very liberal payment indeed, particularly as the judge in Halifax, as hon. gentlemen are aware, decides some twelve or more cases in a year, and gets only \$1,000 salary. I think that \$400 ought to be the outside figure paid to the judge in Charlottetown under the circumstances.

HON. MR. HOWLAN—My hon. friend would perhaps feel a little different on this question if he happened to be appointed a judge there himself; but I cannot see why there should be less ability required in a judge at Charlottetown than in a judge at Halifax.

HON. MR. POWER—It is not the principle that the Government have adopted.

HON. MR. HOWLAN—I do not see any reason why the judge in Charlottetown should receive a lower salary than the judge in Halifax, simply because some gentlemen unfortunately believe that Halifax is the greatest city in creation. There are others, however, who consider it a very slow-going place as compared with St. Johns, for instance. We have had some cases in Charlottetown that required a great deal of legal acumen and skill to decide; and as regards the duties of the Admiralty judge there they are more connected with vessels that come into Prince Edward Island than with Prince Edward Island itself. The questions we have had to consider before the Admiralty Court in Prince Edward Island have been principally in relation to vessels seized

for violation of the fisheries laws. They are very intricate cases, and require a great deal of time and ability, and knowledge of international law as well, to decide them; while in Halifax many of the cases in the Admiralty Court are connected with vessels seized for debt, and so on, and sold under power of mortgage. I do not see why, if, as the hon. gentleman alleges, we have only one or two cases a year in Prince Edward Island that we should require a judge of less ability to try them than the judge in Halifax; and I cannot see why he should have his salary reduced to \$400, as the hon. gentleman suggests. My hon. friend may be sent over to Prince Edward Island himself as a judge some day, and he will then consider that he has been playing a very poor game at the present time.

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

#### HARBOURS, PIERS AND BREAKWATERS BILL.

##### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (115) "An Act to amend the Act respecting Government Harbours, Piers and Breakwaters." He said: This is to establish a principle with regard to the payment of freight, tolls and dues. There seems to have been, and there has been, in fact, some doubt as to the persons who are liable for the tolls and dues of the harbour upon freight landed on or for the use of a harbour, wharf, pier or breakwater. This is to make it plain that the owner and consignee are both liable for the wharfage on their goods, and, in the case of a vessel, that the owner, master or agent is liable for the wharfage dues.

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

#### HUDSON BAY RAILWAY CO.'S BILL.

##### DEBATE ON SECOND READING CONTINUED.

The Order of the Day having been called for—

Resuming adjourned debate on second reading of Bill (119) "An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company," and on the Honourable Mr. Scott's amendment, that the said Bill be not now read a second time, but that it be read a second time this day six months.

HON. MR. CLEMOW—This subject has been under the consideration of this House upon two previous occasions. It is a measure for the purpose of assisting the construction of a colonization road from forty miles west of Winnipeg to an objective point on the Saskatchewan River. When the measure was first introduced here our worthy leader of the House presented the Bill to us in a short speech, and he was followed by the leader of the Opposition in a speech which, in my opinion, was very exaggerated as regards his description of the country. I must confess that at the time I felt a great anxiety about the Bill, inasmuch as if the description given by the hon. gentleman were correct it would be a great injustice that a road should be constructed in a country so unfit for settlement. In Ontario we have already experienced the evil resulting from the construction of colonization roads through sections of country unsuited for settlement. It has the effect of inducing settlers to locate themselves on lands totally unfit for agriculture, and in the end it results in ruin to the settlers themselves, and is a detriment to the prosperity of the country. Therefore, I looked with great apprehension to the provisions of this Bill. Since then, however, I have been supplied with evidence of a character which I think ought to convince every hon. gentleman in this House that the country is not such as it has been described by my hon. friend from Ottawa in an essential point. I have also taken the trouble to find out from private sources, parties who know and understand that country, and who agree that a great proportion of it is well adapted for settlement. Therefore, under the circumstances, particularly when we have the assurance of the amendment to be proposed by the leader of this House that the Government do not intend to allow this road to be constructed until they are satisfied that the country through which it will pass is fit for settlement and this grant will not be made, we should give every possible inducement for the settlement of that great country. I am rather surprised that on this, as on other occasions, there seems to be a determined effort to decry any effort that is made to settle this or any other part of the country, by a certain class in this Dominion. I think we ought to be more patriotic—that we ought to take upon

ourselves the responsibility of doing everything in our power for the purpose of facilitating settlement. It may be urged that we have a large portion of fertile territory still unsettled, though opened up for settlement. But people do not all want to go in one particular direction, and if people are unanimously of the opinion that a section of country is good and fit for settlement I do not think that any difficulty should be placed in their way, particularly when we expect thirty or forty millions bushels of wheat to come this year from the section interested in the construction of this railway. We all know that old Canada has done a great deal towards assisting the North-West. We know that possibly the people of this section of Ontario have lost by their efforts in that direction; because, if we had not assisted the North-West to the extent we had done we would probably have received improvements in our own section of the country that are badly required. I might refer, for instance, to the great Ottawa ship canal. We would have had that important canal built before now, I believe, if the Government had had the power to do it, and had their means not been exhausted by the opening up of the North-West. Still, we have opened up the North-West, and I think we are justified in doing everything we can for the purpose of promoting its interest. A great deal has been said, on other occasions, that we are going too fast. There may be some truth in that assertion, but countries, like individuals, sometimes go too fast, and sometimes find it to their advantage to discount the future and make arrangements for promoting their interests in the future. So it is with peoples and countries situated as we are in the North-West. A great deal has been said with respect to the subsidy to be granted to this road, but what does it amount to? It amounts to giving eighty thousand dollars a year for services to be performed. If those services are not performed the company will not receive this assistance, and really I do not believe it is any assistance at all to the railway. I rather think it is a barrier, because the land grant is mortgaged for the payment of this annual subsidy if they do not earn it. If the railway is constructed the Government must employ that railway for carrying its mails and for transport, as they may be required;

therefore, I look upon it as a disadvantage rather than anything else. I know, however, that there is a feeling in England that this subsidy is to be granted as a sort of security, and they look upon it with favour; but I think their eyes are being opened at the present time, and English capitalists do not consider that the guarantee offered by this Bill is of any very special advantage. Therefore, as far as that is concerned, the railway company will give value for this money, and they will not receive anything unless they do give value for it; and if it does not amount to the yearly sum of \$80,000 then they will be charged with the difference, and their land grand is held as security for that amount. I do not think there is any great advantage to be gained by this subsidy of \$80,000 annually to the road. It was represented the other day by my hon. friend from Ottawa that they could go into the English market and raise some two or three millions of dollars on this grant. I do not believe that they could do so at this time. I believe that the English people would prefer to advance money on land. We have had in this House a great many discussions on this subject, and this Bill seems to have excited a great deal of concern with a certain portion of the community, but they confound it with the other larger scheme—the Hudson Bay Railway. Whether that project is feasible or not I am not in a position to say. From all I have heard, it is rather premature—it is, in my opinion, a scheme as to which there is very grave doubt respecting its future; but that is a matter altogether outside of this. It is not connected with this measure in any way. We are to-day confined to considering a scheme to build a road, the objective point being the Saskatchewan, and if the country through which that line is to pass is susceptible of cultivation, the whole country will benefit, without detriment to any part of the Dominion. Therefore, I think there should be no further opposition as respects the grant proposed by this Bill, particularly when we have the assurance that proper steps will be taken to ascertain beyond all doubt whether this country is suitable for settlement. I have had communication lately with gentlemen who have traversed that country from one end to the other, and they assure me that, with very few exceptions, it is

susceptible of cultivation, and that this railway will be the means of settling a very considerable portion of it, provided this Bill passes. If that is the case, and if we can, by any means in our power, without injuring the general interests, assist this project, I think it is our duty to do so. If they do with that section of the Dominion what has been done with other parts of the country, we will have no cause to complain in the future; but we must be all guarded in what we do. It is well that the Government have taken this matter into their own hands, for the purpose of ascertaining beyond all doubt if the road is to pass through a country suitable for settlement. We all know the great evil that resulted in the past history of this country from placing population on land unfit for settlement. I may instance the case of the Opeongo road. Another pernicious system, which is largely carried on by the Ontario Government, is allowing men to locate lots of land within timber limits which are utterly unfit for settlement. The result is injurious to the settler and to the country. However, if the land through which this line is to run is what it has been described no such evil will occur. Under all the circumstances, I do not think there should be any further opposition to this Bill. There was some objection in my own mind until I heard the explanation that was given, but it has been removed by what I have heard; and if the country is what it has been described we are quite justified in passing this Bill and opening it for settlement. There is a unanimous expression in favour of this project in Manitoba and the North-West, all parties agreeing in favouring it and speaking highly of the character of the soil and the suitability of the country for settlement. Under the circumstances, we ought to assist them in every way in our power in facilitating the settlement of that country, and in the end it will enure to the benefit of the whole Dominion. I hope that in discussing this matter we will have but one object in view, the development of the North West. It is a great country, and if it continues to develop in the future as it has of late years the whole Dominion will feel the benefit. There is every prospect of an enormous yield of cereals this year, and as the population increases the production of grain will increase with it. Notwithstanding

that we have in Ontario made great sacrifices to open up that country, yet we feel that it belongs to us as well as to the people who are settled there, and, as a Canadian, I am glad to know they are so prosperous. We should do all in our power to increase their wealth, because if they are prosperous they will consume what we manufacture, and in return they will raise the cereals that we require in the east. Therefore, I hope there will be no further objections to the passage of this Bill. The hostility to the project in the past resulted from lack of consideration, but now that the matter has been laid fully before us, with the documentary evidence furnished by our hon. friend from Prince Edward Island the other day, there should be no voice raised against the passage of the Bill.

HON. MR. SCOTT—Does the hon. gentleman say that they will not be paid this \$80,000 a year subsidy unless they earn it?

HON. MR. CLEMOW—Yes.

HON. MR. SCOTT—That is a mistake. It may be a charge on the land, but they receive the \$80,000 a year.

HON. MR. CLEMOW—If they do not earn it, it becomes a charge on the land. The land cannot be made available, because the capitalists in England will not take it under such circumstances.

HON. MR. POWER—The hon. gentleman is like the lady in the play in Hamlet—he “protests too much.” He has apparently only recently made up his own mind that the course he takes is the proper one. He now does not see any reason why any other hon. member who has had no such reasons for changing his mind as the hon. gentleman from Rideau division should not immediately change his mind, as he himself has done. The hon. gentleman told us that the rule which we should lay down for our guidance in this connection was that we should do all we could for the North-West. I think that is a statement which hon. gentlemen here would not be unanimous in endorsing. It is perfectly true that we should do all for the North-West that fair-play, and a little more than fair-play, would demand, but we should consider the interests of

other parts of the country as well as the North-West, and we should only do for that part of Canada what is consistent with the well-being of the rest of the country. The North-West is a fine part of the Dominion, possibly the finest part of Canada—I do not say it is—but if it is, we have done a great deal for it, and under the beneficent influence of nature the North-West will be able to do for itself in a little while. I think that with respect to this matter the hon. gentleman has not been altogether fair. He began by attempting apparently to lead the House to believe that there was some political aspect in the question. There is not any. As far as I am concerned, I feel that the interests of the party to which I belong would be better subserved by the passing of this Bill than by its defeat. I think that what we should be governed by here is an honest regard for the welfare of the country at large. I understood the hon. gentleman to say that if this was a road intended to go to Hudson Bay he would oppose it.

HON. MR. CLEMOW—No; that was not under discussion at all.

HON. MR. POWER.—We know that on a former occasion a majority of the House were opposed to a road that would go to Hudson Bay. I think we ought to deal with this as a business matter. We are here as business men, and not as visionary enthusiasts or warm friends of corporators, or any of the other numerous forms in which men appear. We are here to transact the business of the country in a business way. I say we have not the information before us at all that we should have before we are called upon to pass a Bill of this character. The hon. gentleman has tried to belittle the amount of the charge which this Bill will impose on the country if it becomes law. The terms of the Bill are absolute. It provides that for twenty years the sum of \$80,000 a year shall be paid to this company for the transport of men, supplies, mails and material. Inasmuch as there are no men, supplies, mails or materials to go into that country, the company will practically get this \$80,000 for a great portion of the time, at all events, for doing almost literally nothing.

HON. MR. CLEMOV—There will be something to do after the road is built.

HON. MR. POWER—That remains to be seen. The only other reason which the hon. gentleman gave, as far as I remember, besides an enthusiastic desire for the welfare of the North-West, why we should pass this Bill, was the statements made by the hon. gentleman from Alberton. The statements which that hon. gentleman read were very interesting, but inasmuch as they referred to the country on the line to Grand Rapids, whereas we are given to understand by the hon. gentleman from Shell River that this road is to be built by Dauphin Lake, to a point near Cumberland House, some 140 miles from Grand Rapids, the information does not apply. The land between the Narrows of Lake Manitoba and Cumberland House and the land on the line to Grand Rapids are totally different in character. The first thing that is essential is that the Government, who have this measure in charge, should state to the House whether this road is intended to be a colonization road or to be a section of the line to Fort Churchill. Is it to be a part of a road to Hudson Bay that we are asked to subsidize, or are we asked to aid a colonization road, like the lines to Prince Albert and Edmonton, Bills for subsidizing which have already passed?

HON. MR. MACINNES—I believe it is to be on the same principle as the two roads you have mentioned.

HON. MR. POWER—The Minister of the Interior in the other House declined to commit himself to any statement of that kind. Perhaps the hon. gentleman from Burlington has received authoritative information recently which justifies him in making the statement which we have just heard. Take it that this road is to be built to Hudson Bay—and I believe that is the intention of the company, at any rate—then there should be several things shown which have not been shown. In the first place, it should be made clear that the navigation of the bay and straits is practicable for a time sufficient to get out the crops each year. The information which we have is adverse to the route. It shows that the navigation of the bay and straits is not practicable. In the first place, there are the reports of the Hudson Bay Com-

pany. The hon. gentleman from Shell River, when reminded of that, said that the Hudson Bay Company were prejudiced, and were anxious to leave the country under the impression that the navigation was not practicable. But we are not confined to the reports of the Hudson Bay Company's officers. This country has gone to the expense of sending three expeditions into Hudson Bay for the purpose of ascertaining to what extent the bay and straits were navigable. Not only were three expeditions sent into Hudson Bay, but there were men sent who spent two winters at various stations in Hudson Bay and Straits.

HON. MR. BOULTON—I do not know that the hon. gentleman is justified in opening up a discussion on that question.

HON. MR. POWER—The hon. gentleman should not interrupt me in that way. He himself went into the question of Hudson Bay navigation in discussing this Bill. What I am saying is perfectly germane to the question before the House. The Government went to the expense of having men live at stations in the bay and straits for two winters in succession. The instructions given by the Minister of Marine to Commander Gordon, which were read by the hon. gentleman from Ottawa, show that the Minister was anxious, apparently, from the language used, that it should be made to appear—that is, consistently with the truth—that the navigation of the bay and straits was of a practicable character. The report of the officer sent on this expedition is adverse to the navigation of the bay and straits. It goes to show that that navigation is not practicable for ordinary business purposes. That is one thing which the Government should have shown before asking us to pass this Bill, if this road is to be a portion of the line to Hudson Bay. In the second place, the Government should be in a position to show that surveys of this proposed line to Hudson Bay and an approximate estimate of the cost had been made. There is nothing of the sort. We are asked to take a leap in the dark; we know nothing whatever of the cost of the Hudson Bay road. We know that the cost of building 700 miles of such a line will be enormous. The cost of getting men and materials into that country will be very great. The character of the country be-

tween the Saskatchewan and Hudson Bay will make it difficult to carry on work and build a road, and then the work can be carried on during a comparatively short season of the year. The Government have failed in their duty in that respect. We have no report, no information as to any surveys, no approximate estimates. Then, again, the Government or the promoters of the Bill should be in a position to show that when the road was built, if it could be built at a reasonable cost, it would be of great service to the country at large, and particularly Manitoba and the North-West. That has not been shown, because that depends upon the character of the navigation of the straits and bay, and we are in the dark upon that point. Even if the Government did show that this road would be of value to Manitoba and the North-West, still the Bill might be reasonably opposed on the ground that it was going to injure the remainder of the country—that the expense of this road to the east would be unreasonably great, and that the deflection of the export and import trade of the North-West from its present channels would be so great an injury to the eastern part of the country that the Government and Parliament would not be justified in opening up this route. By-and-bye, if the North-West grows as rapidly as we all hope it may grow in population and wealth, the people in that part of the Dominion will be able themselves to secure the construction of this road, and I think with the aid that may be given in the future by the Government of Manitoba and the people of the North-West that the road can be built as soon as the business of the country requires it. In fact, there is no doubt about that—as soon as the business of the country absolutely requires the construction of this road it will be built. Capitalists will take hold of it then. The hon. gentleman from Burlington tells us that this is to be a colonization road. Taking that view of the matter, I think we are still not in a position to pass on the Bill, because if the Government are giving this subsidy, or asking Parliament to give this subsidy to what is to be purely a colonization road, the Government should indicate the route of the road. They should point out its terminus with reasonable certainty. We should not have the spectacle of two gentlemen advocating this Bill, one of whom locates the line between Lake Win-

nipeg and Lake Winnipegosis, and the other locates it west of Lake Winnipegosis. We should not have it proposed by one gentleman that the terminus of a road some 350 miles long should be located at the mouth of the river which runs from Cedar Lake to Lake Winnipeg, and another gentleman telling us that the terminus of the road will be located 140 miles east of that point. I think the Government should not come to Parliament and ask them to vote a subsidy without giving more information as to where the road is to run.

HON. MR. HOWLAN—I do not think it is information you want.

HON. MR. POWER—I certainly do want information, and there is just this difference between the hon. gentleman and myself, that I know that I want information and that he does not. This Bill should indicate the terminus of the road with reasonable certainty, and the route as well; and then again, the hon. gentleman from Rideau division and other hon. gentlemen who have spoken have completely failed to show another fact which is a necessary pre-requisite to our undertaking to spend all this money. They should show that there is not, at the present time, enough arable land open for settlement in the North-West for people going in there to locate upon. No one can say that that is the fact. The truth is, we have a great deal too much land open for settlement for the number of people going in there. It is a misfortune for the North-West that the settlement has been scattered in the way it has. If the population had been kept together, and fewer railways had been built, it would have been better for the North-West. We have this session given large subsidies to two new roads, one leading to Prince Albert, the other to Edmonton; and the leader of the Government gives only one reason, practically, for aiding this enterprise—that we have given those large subsidies. I look upon it in a different light. I say that in subsidizing in one session two roads leading to the best agricultural portions of the North-West we have done enough for one year; and the rest of the country should not be called upon to pay an immense sum to another road that goes we do not know where. With respect to the country to be traversed, the hon. gen-



tleman from Rideau division has been very loud in praising the land along the line of this road. I have information as to the country north of the Narrows of Lake Manitoba, at any rate between the two lakes, where the route of the Hudson Bay Railway lies, to the effect that for agricultural purposes the land is very poor indeed, and there are other hon. gentlemen in this House who have the same opinion, and the fact that that land has not been surveyed is evidence that the Government did not think it was very good land. There is the further fact that settlers have not gone up from Winnipeg to that country. But we have evidence with respect to the character of this land from hon. gentlemen of this House, which deserves some consideration. In the Senate *Debates* for 1877 I find that my hon. friend from St. Boniface made a speech on the route of the Canadian Pacific Railway. Hon. gentlemen are aware that at that time the Mackenzie Administration proposed to build the Canadian Pacific road by the Narrows of Lake Manitoba, the route which the hon. gentleman from Shell River says that this road will take. My hon. friend from St. Boniface said :

“ In passing so close to the great lakes as the Northern lines did, more bridging was necessary, and there were large marshes, which presented engineering difficulties which did not have to be encountered on the level plain to the south. He could not understand why the fertile belt extending from Winnipeg to the Saskatchewan should be departed from to run the line through a wilderness, where there were unsurmountable difficulties in the way of building a railroad. He had been informed that many of the surveys on that route had been made in the winter season, when the morasses were frozen and the real nature of the country could not be ascertained. At the Narrows of Lake Manitoba there was a locality known as Moss Portage, which extended for miles, and was covered with moss and mud knee deep. It would cost a large sum to build a line through such a country, and in the end it might be found necessary to look for a new route.”

Then the hon. gentleman, who subsequently became Secretary of State, and at a later date Lieutenant-Governor of Manitoba, said :

“ Those who were acquainted with the country through which the Northern route passed were aware that a great deal of it was a marsh, and he was informed that at the crossing at the Narrows at Lake Manitoba it would be necessary to pile to get a foundation.”

Now, this is the country which we are told is a good agricultural country, some of the finest land in the world. That evidence which I have just read, and which

cannot be questioned even by the hon. gentleman from Alberta, bears upon the other thing which the Government should do. They should show that if a colonization road is to be built, then the route proposed is the best for that purpose. The circumstances that there are no surveyed lands there, that this land has been reported on by gentlemen fairly familiar with the country, in this House, as not being of good quality—all tell against this route. It seems to me that if a colonization road is to be built up into the Dauphin Lake country the better way would be to go south of Lake Manitoba, where the land would be fertile all the way from Winnipeg to Dauphin Lake, and beyond there. I feel that we should not pass this measure, because, whether we regard it as part of the Hudson Bay Railway or as a colonization road, we are not in possession of information that we ought to have before being asked to vote. The hon. gentleman from Alberton, and I think some other hon. gentleman, made reference to the practice in the United States of encouraging railways. With the exception of, I think, two of the Pacific railways, the hon. gentleman cannot point to any railway which, within the last 30 years, has been subsidized by the United States by money grants. Certain States have given land grants to railways.

HON. MR. HOWLAN—What is the difference?

HON. MR. POWER—Very great. We are giving land grants, and we are asked to give money grants as well. Some of the States have given land grants, and the Federal Government has given land grants in some of the Territories, but only two roads have been aided by a money subsidy by the United States Government.

HON. MR. HOWLAN—The two transcontinental railways received money grants from the Federal Government, and the other roads have been aided by the States by large grants of land.

HON. MR. POWER—That is what I have said. Now we are not in the position of a State. We are in a position similar to that of the United States Government; the Provinces are in a position corresponding with that of the several States. The

United States Government allows the several States and Territories to encourage their own railways, and that is the business-like thing to do.

HON. MR. HOWLAN—What is the difference whether the State gives a million acres of land, or the same land is given away by the General Government?

HON. MR. POWER—The hon. gentleman will persist either wilfully or unintentionally—I have no doubt unintentionally—misapprehending what I say. I do not object to the land grants; I object to the pecuniary grant. If you give a railway company land without money it is an inducement to the company to get settlers on the land; if you give them a large money grant it is often an inducement to them to hold their lands for speculative purposes. In the United States, owing, I believe, to that policy, the railway companies have acted as the very best immigration agents, and have filled up Minnesota, Dakota and Wisconsin with immigrants, while our railway companies have not done that. I think that Parliament has dealt very liberally this year with the North-West, and if we are overflowing with money there are numerous other places where the money might be better spent than between Lake Winnipeg and Lake Winnipegosis. I think, for instance, the hon. gentleman from Alberton ought to be more anxious to see some steps taken towards the construction of the tunnel to his own Province. There is a large population in that island. There is a soil which, without meaning to say anything against the North-West, I take to be better than the soil in the North-West, and I think that this grant of some \$1,500,000 would go a very long distance towards securing the tunnel. I think we have done quite enough for the North-West this session, and we had better try to do something for the rest of the country. I understand that the hon. leader of the Government, in reply to a delegation from the Province of Ontario which waited on him some time ago, intimated that it was not the intention of the Government to give new subsidies to railways during this session. I am sorry that the Government have apparently changed their minds in a very short time, and will, perhaps, give a subsidy to a road which is to go we do not

know where, and through we do not know what sort of country. I wish to say in conclusion that we should regard this in a business-like way. We have not full information with regard to this road, whether it is to be considered as a road to Hudson Bay or as a colonization railway. The Government have not given to Parliament the information which Parliament should have before passing on the Bill, and I think, under the circumstances, particularly as there is a great deal of railway construction going on in the North-West and a great deal of good land open to settlement now, we might let the matter stand for another year or so, until the Government are in a position to give us the information we are entitled to before we are asked to vote upon the Bill.

HON. MR. ALLAN—It has been very often said that there is a good deal in a name, and I think in the case of the present discussion before the House the name has had a good deal to do with the hostility that has been excited against the Bill. I think the name "Hudson Bay" has acted very much as a "red rag to a bull," in the minds of a great many members. We all know of course that the construction of a railway to Hudson Bay in connection with a line of steamers running thence to Great Britain for the purpose of providing a short and direct route for carrying the production of the great North-West to Europe has all along been a very favourite project with our fellow-subjects in Manitoba and the North-West. It is looked upon as a perfectly feasible undertaking by large numbers of intelligent men, deeply interested in the prosperity of that part of the Dominion, while there are others who consider that in view of the reported character of the country through which the road would pass and the difficulties of navigation through Hudson Straits that the project is really one which can never be carried out, and I confess I must number myself for the present amongst the latter. At the same time, it becomes one to speak with caution, when we remember what took place before the inception of the Canadian Pacific Railway—how the idea of the settlement of the North-West was pronounced to be perfectly absurd, and the utter incredulity of well-informed and intelligent men as to the capabilities of the country. We have only to recall

the evidence that was given before the committee of the Imperial House of Commons when the subject of the transfer of Hudson Bay Territory to the Dominion was under consideration. Gentlemen stated in evidence before that committee that the whole of the North-West was utterly unfit for settlement—that it was impossible to grow cereals there, and these statements, hon. gentlemen will remember, were made not only by those who were connected with the Hudson Bay Company, but by gentlemen who were perfectly independent, and who had no interested motive to sway them, and who, we may assume, gave perfectly honest and independent evidence. This should make us hesitate before we pronounce dogmatically upon the feasibility of any great work, such as the construction of a railway to Hudson Bay and communication by steam thence through Hudson Straits to Europe. Undoubtedly, so far, the information which has been laid before the House and the country has not been favourable to the project. The report to which my hon. friend from Halifax alluded, of Commander Gordon, and of the observers who were stationed along the shores of Hudson Straits for some 18 months, to my mind, goes to show that there are at least grave doubts as to whether it would be possible to make the Hudson Bay route a paying commercial route. Nevertheless, there are a great many very enthusiastic about this project, and believe that some day or other it will certainly be carried out, and I have such faith in the North-West that I quite believe if it goes on prospering and increasing in population as it has for the last few years, with an ever-increasing breadth of land being brought under cultivation, we need not fear that there will not be an abundant carrying trade for all the means of transport for the produce of that great country, not only through old Canada, but by this new route, if it is ever completed. For the present, however, I do not think that we have sufficient evidence to satisfy us that the scheme is one which is likely to be successful from a commercial point of view. Nevertheless, if this road which is now the subject of debate should, apart from the special objects which it is at present designed to serve, ultimately become a link in the line of the Hudson Bay Railway, I do not think that should consti-

tute an objection in the mind of any hon. gentleman in dealing with the Bill. Suppose we look for a moment to what the project really before the House is. As I understand it, it is for the purpose of assisting in the building of a colonization road from Winnipeg to the Saskatchewan. Two routes have been suggested, and referred to by various speakers, and a good deal of confusion has arisen in consequence of these two routes not being properly distinguished one from the other. As I understand it, one route is proposed to be carried north from Winnipeg between Lake Manitoba and Lake Winnipeg along the eastern shore of Lake Manitoba to the Narrows of Lake Manitoba, there to cross, and thence to proceed along the western side of Lake Winnipegosis in a northeasterly direction, and so on to the Saskatchewan. The other route is to follow the same line as the first from Winnipeg until it passes the upper end of Lake Winnipeg; then it is proposed to be continued due north or north-east between Lake Winnipeg and Lake Winnipegosis to the Saskatchewan. During the short adjournment, I took a good deal of trouble to obtain as much information as I could with reference to these two routes, and that from parties from Winnipeg and its neighborhood who are not interested in the railway one way or the other, and the information I have received is this: that the country, taking it as a whole (including the first forty miles through which the railway is already built from Winnipeg), is for 120 miles going north between the two lakes a good agricultural country, and is capable of being cultivated to advantage.

HON. MR. MILLER—That is between the lakes?

HON. MR. ALLAN—Yes; 120 miles from Winnipeg to the Narrows. I am informed that this 120 miles is a good country, well adapted for agriculture, and that there is already a very considerable settlement in that section. I am informed that in going further north on a straight line between the lakes the country is not adapted for farming purposes, and at present there is little or no settlement there. If the road is taken to the west, crossing the Narrows and passing round Lake Dauphin in a north-easterly direction to the Saskatche-

wan, it will pass pass, I am told, through an exceedingly fine country—that there are already a great many settlers around Lake Dauphin, and that the country at the foot of both the Porcupine Hills and Duck Mountain is of an exceedingly fine quality for agricultural purposes, and that there is no doubt it is already in need of railway facilities, and if these railway facilities are furnished them they will be the means of settling up the greater part of the country along the western side of Lake Winnipegosis. So far as I have been able to learn from the sources of information at my command, this is an honest description of the country through which these two proposed lines will pass, bearing in mind that for the first 120 miles the line will be the same in either case; after that, one line is proposed to go straight north and the other round the west side of Lake Winnipegosis. As I have already said, the mere fact that this projected road may one day be destined to form a part or link in the Hudson Bay road is not one which would induce me upon that ground to oppose it, but at the same time I only support the Bill on the express assurance which was given by the Premier in introducing it to this House, that the Bill is for the purpose of subsidizing a colonization road, and that a colonization road it is intended to be. Hon. gentlemen will admit that the Premier would hardly make a statement of this kind if it was contemplated to take this road through a country which was totally unfit for colonization purposes. In the first place, as far as the promoters of the road are concerned it would be folly for them to take the road through a country where there would be no settlers, and consequently no support; and the Government would justly be held responsible for granting aid to a scheme to build a road through a barren country, devoid of settlers, and where there was nothing to attract settlers if the road were built. The Government, however, have not only declared positively, in introducing the Bill into this House, that the road is intended as a *bonâ fide* colonization road; but since the Bill was introduced into the House the Premier has given notice of an additional clause to this effect:

“That when the House is in Committee of the Whole on Bill (119) ‘An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company,’ he will move that the following clause be added to the said Bill:

‘The line of railway to be constructed by the said company south of the Saskatchewan River shall not be commenced until the location thereof shall have been approved by the Governor in Council.’”

It seems to me, with such a clause as that placed in the Bill, the Government are in such a position that they are certainly bound by the very shape in which the Bill will probably pass to carry out to the letter the assurance which they have given to this House that the road is to be a colonization road; because, should it turn out that the promoters of the road, for the sake of any ulterior object, seek to take it through a country unfit for colonization, where settlers are not likely to go in, certainly the Government would hardly place themselves in such an unfortunate position as to give their consent, when they have it in their power to say where the road shall go, to the construction of a railway which cannot by any stretch of the imagination be supposed to be a colonization road. For these reasons, I propose to vote for the Bill. As I have already said, I should not vote for it if it were simply a project for building the first link of the road to Hudson Bay, because I think until the feasibility of that work has been more satisfactorily established than it has been up to the present time it would be utterly unjustifiable to spend the money of the country in any such undertaking. At the same time, I do not think that we have any right, in the present state of our information, to say positively that some day or other the road to Hudson Bay may not be built and I do not think, if that should ever be the case, we should have done anything wrong if the road contemplated by this Bill which we are now asked to pass should, in addition to the special objects for which it is designed, at some future day furnish one of the first links in the greater and more extended undertaking.

HON. MR. MACINNES (Burlington) moved the adjournment of the debate until to-morrow.

The motion was agreed to.

The Senate adjourned at 5:50 p.m.

## THE SENATE.

Ottawa, Wednesday, August 5th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (135) "An Act further to amend the Act respecting the London Life Insurance Co." (Mr. McKindsey.)

Bill (48) "An Act to incorporate the Manitoba Life Insurance Co." (Mr. McKindsey.)

Bill (30) "An Act to confer on the Commissioner of Patents certain powers for the relief of Jay Spencer Corbin." (Mr. McMillan.)

## MONTREAL AND ATLANTIC RAILWAY CO.'S BILL.

## THIRD READING.

HON. MR. SCOTT moved the third reading of Bill (29) "An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes," as amended. He said: I desire to make a few observations explanatory of the measure, inasmuch as it probably is not thoroughly understood by those gentlemen who were not present at the Committee to which this Bill was referred. The Committee on Railways devoted very considerable time to its consideration, and heard all parties *pro* and *con*, and came to a very decided vote in favor of reporting the Bill, making decided changes in the interests of those who dissent from the principle of the Bill as not protecting their interests. The object of the Bill is to relieve the *cestui que* trustees of their trust which they have for the last eight years been holding for the bondholders of the South-Eastern Railway. Under the general law of this country, as set forth in the Railway Act, it is laid down as a true policy that railroads shall not be operated by individuals but by companies; and there is a clause which provides that upon any individuals purchasing or acquiring a railway they must within a short time give notice to the Minister of Railways, in the meantime they are debarred from operating it, and they must at the very next session of Parliament

seek incorporation—not only that, but in order to relieve themselves of the trust which they have been obliged to hold longer than originally anticipated, the *cestui que* trust now ask Parliament to incorporate the trustees as the owners of the road. That is the principal object of the Bill. In order that the points of the Bill may be properly understood, I shall for a moment go back to the Quebec Act, which authorized the issue of bonds under which this road is now held by the *cestui que* trust. In 1880 the South-Eastern Railway, having been exceedingly unfortunate from its very inception, applied to the Legislature at Quebec, and set forth in the Act that they had borrowed money, and that they had undertaken to pay an amount which they were unable to meet:—

"That the said company has been unable to pay the interest secured under the said bonds, and the same is now in default, and the earnings of the said company are insufficient to pay such interest; that the holders of a large majority in amount of the said bonds have agreed to accept therefor, upon terms which have been arranged between them and the company, new bonds to carry first mortgage and charge upon the entire property of the company."

This was the condition of things in 1880: an accumulation of debt had then obtained amounting to considerably over two millions of dollars. The Act sets forth that they had issued bonds to the extent of \$150,000, and they had another issue of \$150,000, and a third issue of \$12,500 per mile upon its entire length of 140 miles, making a total of \$3,000,000. All of the latter issues were not actually sold, inasmuch as buyers were not disposed to take them, and the company asked the Legislature to allow them to compound, practically, and the then existing shareholders were disposed to take new bonds at a reduced figure. It was practically a recognition that the road was not a paying concern, and the parties who held the three millions of bonds practically said to the Legislature, "It is a hopeless thing going on in this way—allow this three millions to be cancelled and we will undertake to issue two millions of bonds at a reduced amount." The effect of that was, necessarily, to wipe out a very large number of persons who had claims against the road, or rather persons who had invested in the road. The road originally was a local concern, favoured entirely by people living in the locality of the Eastern Townships, and a very considerable amount was paid in by them for stock. This stock, of course, was wiped out by this particular

Act. The Act sets forth that if the interest of the bonds is not paid punctually for a period of two years the trustees who are named in the mortgage which was executed by the company to secure these bonds should take possession of the road and own it for the bondholders. That condition of things was realized in due course of time. In 1883 the railway, not paying its interest on these bonds, the trustees, in the interest of the *cestui que* trust, took possession of this road and have continued for some time to run it. They did so. I have here a statement made by the trustees, and I may mention that a general impression has prevailed in the minds of some gentlemen that this road was run and managed entirely by the Canadian Pacific Railway Company. I may say that the trustees have been an entirely separate body. It is quite true that the President of the Canadian Pacific Railway is one of the trustees, inasmuch as the Canadian Pacific Railway Company hold a large part of the bonds—a two-thirds interest I believe. There are but three or four parties interested in the bonds, the Canadian Pacific Railway owning by far the largest portion and the dissentients, those who oppose this Bill, being much the smaller, holding only one-tenth interest. The trustees were obliged, of course, to exhibit statements of the earnings and expenditure of the road from time to time. I heard no complaint on the ground that there was any attempt at concealment, because it would be quite impossible that trustees could conceal from those that they represent the true state of any trust that they assumed, whether for a railway or any other corporation. Mr. Robinson, who appeared before the Committee, stated that he had applied to a Mr. Farwell, who lived in the Eastern Townships, and who professed to know very little about it. Had he applied at the court or at the office of the auditor (because there is an auditor and a distinct set of officials for this concern), had he applied to Mr. P. O. Ryan, who audits for the trustees, he could have got the information. I hold in my hand the annual statement of the earnings and expenses of the road up to the present day. I may say that for a portion of the time the road had no possible connection with the Canadian Pacific Railway—that is, for the years 1884, 1885 and 1886. It was not run for them in any way. In 1885 there was a direct loss of \$35,000, and in 1886 of

\$20,000. It would appear, therefore, that while it was being run by the trustees the concern was getting further into debt. The general statement that I have here of the earnings and expenditure for a period up to the 30th of June of the present year, shows only a loss of \$54,000, not a very serious loss, and one that it is believed can be wiped out and a very considerable profit shown; if the authority asked for under this Bill is granted to the owners of the road it will be a loss of a little over \$6,000 a year. In 1887 the trustees, finding that it was running at a loss, asked the Canadian Pacific Railway Company to run it for them, and they have since that time been running it and accounting to them for the receipts and charging the actual expenditure. As I am advised, the road has been run at a loss because of the original construction, the grades being too steep and the curves too sharp, so that an extra engine has been required to haul freight at certain points of the line. The trustees simply carried on a railway that never was in a complete or finished condition, and they were unable to make repairs and improvements to the road and to purchase proper rolling stock in order to make it a success. The trustees now ask to be divested of their trust and to hand this over to the bondholders in order that they may incorporate themselves into a company for the purpose of owning the road. Those who favour the Bill represent 90 per cent. of the interest and the dissentients represent the other one-tenth. I believe the dissentients are a family known as the Robinson estate. The chief objection to this Bill is that it authorizes the owners to raise money. That is one of the reasons why they come to Parliament; they are unable to raise money without this legislation. The Bill asks that they be allowed to raise \$25,000 a mile, in order to put the road into proper shape. It has been suggested that that is too large a sum, but if a larger sum is raised than is necessary, the balance will belong to the owners and the Robinson estate will receive their proportion. At the meeting of the Committee, as hon. gentlemen who were present will remember, Mr. Robinson made the statement that he was unable to obtain any information as to the receipts and expenditures. A telegram has been just put into my hand from the solicitor of the road in Montreal, Mr. O'Halloran, which is as follows:—

"The statement is not true that Mr. Robinson could never get information as to the receipts and expenditure. I know that he frequently got monthly statements. I offered to furnish him information as often as he desired."

The Bill abundantly protects every interest affected by it. Clause 13 provides :

"This Act shall in no way affect any suit at law now pending to which the trustees are a party, nor shall it affect or invalidate any contract or quasi contract now existing to which the trustees are a party, &c."

Now if the trustees have been negligent of their duty, or if they have been guilty in any way of rendering false accounts—it is not pretended that they have been, Mr. Robinson did not pretend that they had not faithfully discharged their trust—if this Bill passes it is open to him or any of the dissentients to apply to the Court in order to have a proper statement of the accounts made. Under clause 15 their rights are protected. It provides that :

"Nothing in this Act shall prejudice or affect any right of the Government of the Province of Quebec, in respect of the tax imposed by law on commercial corporations, nor any claim against the trustees in respect of their acts as such trustees."

So that the dissentients' interests are amply protected under this Bill. The only argument used is this: Mr. Robinson says, "My interest is very small; why do they not buy me out?" That is not a principle that Parliament could at all recognize. Otherwise, it would be impossible for us to manage and administer joint stock companies or any other companies. We know that in ordinary transactions, companies act in a general way according to the votes of a majority of their shareholders. In extraordinary cases, such as granting mortgages or dealing with the property *per se*, either by lease or by sale, the rule laid down by Parliament is that there must be a two-thirds majority. A two-thirds majority may do practically anything. We have reduced the stock of a bank when two-thirds of the stockholders have asked for it, and we have laid down in the Bank Act that a two-thirds majority may do anything they please with the stock. Here the proportion is much larger—nine-tenths to one-tenth. This one-tenth says: "You must do as I say, otherwise I will oppose the legislation." That is not a reasonable proposition. It can only be based on the assumption that the one-tenth interest will not be fairly respected by the nine-tenths. There is nothing to justify any

assumption of that character. It is not pretended that this statement is untrue in any particular. It was open to the parties at any time in the last ten years to make the trustees account under oath, and I assume they have done so, according to Mr. O'Halloran's telegram; so there is nothing, except that the Robinson estate find that they have made a foolish investment, and they apply to Parliament to be let out, and to compel the nine-tenths of the stockholders to buy them out. I say it would be the adoption of a very improper principle and one that would embarrass us exceedingly in the future, because we have all along acted on an entirely different principle—that a certain portion must have the absolute control. Under the charter by which the nine-tenths acquired those bonds, they did not for one moment anticipate that any extraordinary legislation was ever afterwards to be enacted to place them in any different position from bondholders holding under similar circumstances, and therefore I say it would be an exceedingly dangerous position for Parliament to assume. There is nothing in this legislation that is unusual. It is admitted that the road is not earning enough to cover expenses. The Robinson estate has had nothing on its bonds up to the present time. I do not know how long they have held the bonds, but they certainly have had them for eight years and they have got nothing in that time. They may have held them for some time before—I do not know that. Now, the bondholders say: "If we are allowed to spend a reasonable sum in the improvement of the road we think we can make it a paying concern." To refuse them that privilege would be to cast a very improper imputation on the purposes to which they expect to devote the money that they desire to raise. If any amendment is moved, I will have a further opportunity of discussing that question.

HON. MR. POWER—In rising to move the amendment to this Bill of which I have already given notice, I desire first to express my great regret that I feel obliged to differ from the hon. gentleman from Ottawa. I do not raise any question as to his entire good faith in the matter; but, looking at the thing from a perfectly disinterested standpoint, I cannot see it in the same way that he does. I propose to show to the House the grounds on which I go and upon which

the amendment is based. I am glad that there is no substantial difference of opinion between the hon. gentleman and myself as to what the real position of things is under the Quebec Act and the mortgage which was given in pursuance of the provisions of that Act. Section 6 of the Quebec Act to which the hon. gentleman has referred, provides that, after default has been made, the company shall be absolutely divested of all interest or claim in or to the said railway franchise and other property, and the same shall thereupon immediately be and become vested absolutely in the said trustees or the holders and owners of the said bonds as in the said conveyance may be provided. The mortgage, which was submitted to the Committee, provided that the bondholders upon the coming into force of this section of the Quebec Act should be the absolute owners in common of the road. They are not creditors of the road; they are not bondholders; they are not shareholders; they are the owners of the South-Eastern Railway. That is a point which the House should bear in mind. Who are the trustees? There were three trustees: one, a Mr. Farwell, to whom the hon. gentleman has referred, has, I believe, taken no active part in the discharge of his duties as trustee under this Quebec Act and under the mortgage. The two acting trustees are the President of the Canadian Pacific Railway Company and the President of the Boston and Maine Railway Company. Those two companies work together to operate a line between Montreal and Boston. Now, these are the trustees for the bondholders, and these two companies themselves own nearly all the bonds. The whole amount of the face value of the bonds is two millions of dollars. The Canadian Pacific Railway Company owns \$1,350,000 worth. The Boston and Maine Railway Company owns \$400,000 worth, the Boston and Concord Railway Company, which works with the Boston and Maine, I think, owns \$40,000 worth, and Mr. Robinson and Mr. Kathan own \$210,000 worth. Now, the position is this, that the parties who were originally the creditors of the South-Eastern Railway Company and the holders of the company's bonds are now the owners of the South-Eastern Railway as tenants in common; that is, they are practically in the same position as tenants in common of real estate. Under these circumstances the majority of the owners of this property say:

"We wish to become incorporated and put the road into good condition, and own and operate the road." The majority have a perfect right to their view upon that point, but the minority say: "We do not want to go into a corporation; we do not want to operate this road; we wish to realize the value of our interest in this road and to get whatever money we can for our claim on the road and leave it to be managed and run by the people who wish to do so." I think that the case of the minority is very clear and reasonable. The hon. gentleman said that there was no precedent for it. He said there were many precedents for the action proposed to be taken by Parliament in passing this Bill. He will have a good deal of difficulty in pointing to any previous case like this one, a case where the majority of the owners of property wished to become incorporated, where the minority did not wish to be incorporated and where the majority without the consent of the minority forced incorporation. I think that is something unprecedented. It was alleged before the Committee that this very important action was taken without any meeting being summoned, at any rate within the past two years, to decide upon this action. Certainly if the majority wish to take this action they should at least have had a meeting prior to giving notice of their intention to apply to Parliament, and should have given the minority an opportunity to be heard. I understand that has not been done. There was a meeting some two years ago, but there was no meeting immediately prior to the application to Parliament. In order to make the case a little clearer and to bring it more home to us, suppose those gentlemen, instead of being tenants in common of a railway property, were tenants in common of a valuable piece of real estate; we will suppose that there are nine heirs who own a piece of real estate as tenants in common and that eight of those heirs think it would be a profitable undertaking to establish a hotel on this piece of property and to become incorporated as a hotel company. Suppose the ninth heir says: "No, I do not wish to risk my interest in a hotel company and I shall not go into it; you pay me whatever my interest is worth and take the property for yourselves." Does any hon. gentleman mean to say that any legislative body in the world would compel that ninth dissenting heir to go into this speculation against his will?



That is exactly what this Bill proposes, that the minority of the owners of the South-Eastern Railway shall go into a speculation against their will. What would be the natural course to take in the case that I have supposed? The majority wishing to go on with this undertaking would try to agree with the dissenting heir for a price to be paid for his property. If he was unreasonable, they would apply to the court to have the value of his one-ninth portion of the property fixed in a fair and equitable manner. That is just what this amendment proposes. The parties have been unable to agree. I understand that the minority were willing to take 50 cents on the dollar for their interest in the property; that offer was not entertained, and this amendment proposes that an application shall be made to the court of the district of Bedford, a perfectly unbiassed and impartial tribunal; and that court is to appoint commissioners who will appraise the property; and then the majority are to pay the minority the value which the court finds to be the value of their interest. If, looking at all the circumstances of the case, the property is held by the appraisers to be worth nothing, then the minority get nothing. If it is held to be worth anything, then the minority get their proportion, one-tenth of the value. Is there anything unfair or unreasonable about that? On the contrary, I think it is a most fair and reasonable proposition. The objections made to this course in the Committee, and by the hon. gentleman from Ottawa on the floor of the House, were, I think, only two or three. One objection was that the legislation asked for by the majority does not change the position of the minority; but, surely, that cannot be seriously contended. As the parties stand now they are independent—the minority are independent of the majority. They are owners in common of the property, and they are not under the control of the majority. Force them into this corporation, and immediately they will be under the control of the majority, and the property will be dealt with as the majority pleases. What is the course that is proposed to be taken? If hon. gentlemen will look at the Bill they will find that the 11th clause provides:

“The company may issue bonds, debentures or other evidences of debt to the extent of twenty-five thousand dollars per mile of its railway actually constructed, and may mortgage all or any of its properties as security therefor.”

Clearly, as stated by the hon. gentleman

from Ottawa, the intention of the majority, when they become incorporated under this Bill, if it passes in its present form, is to issue bonds on this road to possibly the extent of \$25,000 a mile. That is about altogether some five millions of dollars. There are 200 miles of road, and that would make it really five millions of dollars. Supposing they issue bonds to the extent of only \$20,000 a mile, they encumber all the property to the extent of four millions of dollars, and practically wipe all the interest of the minority out. The new mortgagees, the new bondholders, will be practically the owners of the road and the interest of the minority will be gone altogether. I was rather surprised to hear the hon. gentleman suggest that the new company might borrow a great deal more money than they wanted and divide the surplus not required for the purposes of the road amongst the shareholders. I was rather surprised to hear what I must regard as so immoral a proposition as that made on the floor of Parliament.

HON. MR. SCOTT—To take up their own bonds?

HON. MR. POWER—Yes.

HON. MR. SCOTT—It is done constantly by railway companies. By the new issue they take up so much of the old.

HON. MR. POWER—If they, for instance, borrowed four millions of dollars and it was found that \$10,000 a mile was enough to put the road in a good position, then there would be two millions of dollars to divide amongst the old shareholders.

HON. MR. SCOTT—Or to extinguish the old mortgage.

HON. MR. POWER—That seems to me to be rather an extraordinary proposition. It may be that that is the practice of railway companies, but I think, if it is so, it is a principle which should be repudiated. The statement that this legislation will not change the position of the minority will not stand. I say that their property will be completely obliterated and destroyed by the borrowing and bonding. Then the hon. gentleman said that the earnings of the road might be larger after the money had been spent on it. Probably

the earnings would be larger. I do not know very much about railway book-keeping, but I know this much about it, that it will be practically impossible for anyone who is not a very great expert in railway book-keeping to tell whether the South-Eastern section of the Canadian Pacific Railway is making money or not. When you come to apply the doctrine of long haul and short haul and all the other—I do not say schemes, but all the other contrivances that are in use by railway companies, to this road, situated as it would be in the middle of the main line of the Canadian Pacific Railway, between the Canadian Pacific Railway and the Boston and Maine, it would be impossible to tell whether or not that particular part of the road was earning money or whether it was not. But there is no doubt about this, that the road would be of very great value to the Canadian Pacific Railway and to the Boston and Maine Railway Company. It lies right in the middle of their joint line from Boston to Montreal.

HON. MR. SCOTT—Only a fraction of it out of the 200 miles.

HON. MR. POWER—I shall deal with that presently. I have not said that the whole of the South-Eastern Railway lies that way, but part of it does. It is said that the road is of no value. I think we have very good evidence to the contrary, for, if the road was of not value, I do not suppose that the promoters of this Bill would take power to mortgage it for \$25,000 a mile. It must be of very considerable value, if it can be mortgaged for that amount, even though the bulk of the money is spent on it. What are the facts? It was stated before the Committee that only five miles of the main line of the Canadian Pacific Railway were identical with any portion of this South-Eastern road. It is true that on the Short Line, so-called, that is the road from Montreal to St. John, there are only seven miles of the South-Eastern road; but on what I consider the main line, and whether you call it the main line or not it is certainly the most important line, the line from Montreal to Boston, there are 65 miles. All the distance from Farnham to Newport, the trains of the Canadian Pacific Railway run over the South-Eastern road. It is absurd to claim that 65 miles of railway on the main road between Boston and Montreal is of no value.

It must be of very considerable value. But we have one or two criteria that will give us some assistance in deciding what the value of this road is. One is the fact that in 1883 the Canadian Pacific Railway offered \$3,750,000 for this road which they now allege to be valueless. Has the road become of less value since that time? I imagine not, although the hon. gentleman says the trustees could not spend money on the road. There is no question of the fact that they could spend money to keep the road in running order.

HON. MR. SCOTT—I said that they could not raise money.

HON. MR. POWER—They have spent money on it, and Canadian Pacific Railway trains run over it at a rapid rate. There is an immense traffic over it, so that the road must be worth more than it was in 1883. It is true that in 1880 the South-Eastern Railway Company was, as alleged by the hon. gentleman from Ottawa, in a very bad condition, but that was something which happened before the flood. Since then, the Canadian Pacific Railway Company have taken hold of this road which was in its then condition not very valuable, because the railway was attempting to compete with the Grand Trunk Railway Company, and the company were in no condition to carry on this competition. Now those 65 miles of road are part of the Canadian Pacific Railway Company's main line to Boston, and that is a competing line between Boston and Montreal with the Grand Trunk Railway, so that what the road was worth in 1880 can give us very little idea of what it is worth to-day. We have given one criterion of what the value of this road is, the offer made by the Canadian Pacific Railway themselves in 1883, of \$3,750,000 for it. We have another criterion. As I have before stated, the Short Line runs over seven miles of the South-Eastern Railway, and I find on referring to the last annual report of the Canadian Pacific Railway Company, that that company paid rent to the South-Eastern Railway Company, or to the trustees of the bondholders of the South-Eastern Railway, at the rate of \$200 per mile per year. The road is 200 miles long, and if the rent is a fair criterion of the value of the road it is worth \$40,000 a year, and still the hon. gentleman tells us that the property is

of no value. There was another point taken, that any right of action which the majority have to-day they will have after this Bill passes. That is, any right to apply for the sale of the road ; and I wish to direct attention to the exact language of the latter part of the clause 13 to which reference has been made :

"13. This Act shall in no way affect any suit at law now pending to which the trustees are a party ; nor shall it affect or invalidate any contract or quasi-contract now existing to which the trustees are a party ; but with respect to all such suits, contracts and quasi-contracts, as well as all other liabilities and obligations, the company shall stand in the place and stead of the trustees, and be held to have assumed all their rights and liabilities ; and all rights, actions and remedies, which any one could urge or enforce against the trustees previous to the passing of this Act, may be, after the passing of this Act, urged and enforced with equal validity against the company and against the company only."

Now what is the position of the minority, with respect to these trustees ? Those three gentlemen, the President of the Boston and Maine Railway Company, the President of the Canadian Pacific Railway and Mr. Farwell are the trustees for the bondholders. The owners of the road have no right of action against these trustees unless they have embezzled the funds or dealt improperly with the property ; because they are trustees to hold the property and own it on behalf of the bondholders, and to run the railway. They are not trustees to sell or dispose of the road, and consequently the minority have no action to-day against the trustees ; so that this provision is really of no value to the minority at all. I have not myself the slightest interest *pro* or *con* in this question : I mean the slightest personal interest. I wish the Canadian Pacific Railway success, and am glad to see that they are being successful. Mr. Robinson is a gentleman whom I never saw until I saw him before the meeting of the Committee, and a gentleman whom I do not expect ever to see again ; but I feel that it would not be creditable to the Senate of Canada to undertake to confiscate the property of a minority even though the minority is small and composed of foreigners. I think the Senate should refuse to confiscate the property of the minority ; and if the majority think their interests are to be served by this incorporation then let them give the minority a chance to get out. The amendment I am about to move I think will give a fair and equitable mode of ascertaining what the

value of the property is, and if it should turn out to be worth nothing then the minority get nothing. I should not, as a Canadian, wish it to be said in other countries that Parliament could be guilty of confiscating the property of innocent people, without giving them any chance to get compensation. It may be alleged that there are no funds to pay them, but any hon. gentleman who looks at the returns of the profits of the Canadian Pacific Railway will see that there is sufficient profit on the earnings of one month to pay the bondholders of this road, so that there will be no difficulty about that. I shall, therefore, move the amendment of which I have given notice : That the said Bill be not now read a third time, but that the following clause " A " be added to the Bill :—

" That within forty days after the passing of this Act, any holder of bonds of the South-Eastern Railway Company, upon notice to the other holders of bonds of said company, by publication in the *Cowansville Observer*, a weekly newspaper published in the County of Missisquoi, in the district of Bedford, and Province of Quebec, for two successive weeks, the first insertion to be at least ten days before the application, may apply to the Judge of the District Court of said district of Bedford, for the appointment of three Commissioners who shall, upon notice to such other bondholders as the Judge of said Court may direct, appraise the value in money of the South-Eastern Railway and franchise, and other property covered by the mortgage specified in this Act, and that the title to said railway and franchise and other property, or to any part thereof, shall not vest in the company hereby incorporated, nor shall said company take possession thereof until it has paid to such bondholder his proportionate share of such valuation."

HON. MR. BOULTON—When this Bill was before the Railway Committee the day before yesterday, I was inclined to take the same view that the hon. gentleman from Halifax has taken before this House to-day in regard to this Bill ; but since then I have taken pains to inquire into the position of matters, and I see reason to alter the views that I expressed on that occasion. The facts in regard to this Bill are, that a gentleman appeared before the Railway Committee when the Bill was before the Committee, who represented one-tenth of the bonds of this company, and before this company was transferred from the custody of trustees to an incorporated company he wished to be protected in his holding of one-tenth of the bonds lest as a shareholder and proprietor his interest would be jeopardized, and I felt at the time that this Bill might be an interference with the vested interest that he pos-

sessed. I took very much the same ground as the hon. gentleman from Halifax took when he cited as an illustration the fact that ten people might own a piece of land jointly; that nine of the holders may wish to put up an hotel to utilize the land and try to force the tenth holder to invest his money in putting up this hotel to the extent of his share. I did not go as far as that, but I supposed that if ten people owned a piece of land jointly and nine of them wanted to build, they had no right to do so until they had obliterated the holding of the tenth, and I believe still that law holds good unless there is a special agreement to the contrary at the time that the ownership is created. This simile that the hon. gentleman from Halifax put is not a proper one as far as this railway Bill is concerned, because there is no question of building an hotel on the property or altering the investment in any way. The proposition is to improve the railway for the purpose of making it a better paying road. I find on inquiry into the Act that created this corporation and these bonds, that they carry with them all the obligations necessary to the proper working of the road under trustees, or, in other words, it was set forth in the mortgage under which the bonds were created that should the road become a non-paying road and fail to meet the interests on the bonds, that it should then be managed by trustees who would be duly appointed and who could hold meetings of the bondholders, and that any bondholder might call a meeting to inquire into the affairs of the trustees and that the majority should rule. That is all set forth in the mortgage.

HON. MR. POWER—As to the management of the property, not the disposal of it.

HON. MR. BOULTON—They had no power to dispose of the property; that is the weak point in the present position. The trustees are trying to manage this road, and the receipts and expenditure have not met by \$57,000 in the last seven or eight years, and the deficiency has been about \$7,000 a year in the cost of running the road, according to the statement of the auditor. The trustees have no power to borrow money to put the road in a better paying position. The only way they can manage is to allow the road to run into debt for any deficiency, and after the debt has accumulated to a sufficient amount it might be authorized to

be sold under judgment. We have two interests to consider in this matter. One, the interests of the public, and the other the vested interests of the people who seek legislation at the hands of this House and it is not in the interests of the public certainly that the road should be managed that way, because it is neither economical nor is it a safe way of managing railway property. Therefore, we have now to consider whether it is wise for us to change the status of this company from proprietors who were bondholders, but at the present moment in the hands of trustees, or to give them the full authority of a corporate body to manage the road and to borrow more money in order to put it in a better paying position.

I feel that according to the information I have ascertained and from what I have read in the mortgage there is no interference with vested interests in doing that—it is merely changing the position of running the road by trustees to managing it through a corporation. The amendment of the hon. gentleman from Halifax, I consider, is an interference with vested interests, because while he has attempted to protect a minority vote, he is compelling a majority vote to do something that they do not wish to do, that is, to compel them to buy out the interest of the minority holders at a valuation to be arrived at in a certain way. That is an interference with the vested interests of the majority, and the vested interests of the majority are quite as dear to this House as are the vested interests of the minority. I think myself that the amendment is uncalled for under all the circumstances of the case as interfering with the legislation which created these bonds originally. More than that, I think from what fell from the lips of the promoter of the Bill, it is quite possible that the minority may be benefited by this legislation, because apparently it is the intention to raise the \$25,000 a mile bonds on the road to expend a sufficient amount to put it in working order, and then take up the old bonds with anything that is left.

HON. MR. POWER—The old bonds have ceased to exist already.

HON. MR. BOULTON—In that way it is quite possible if that is carried out, which is not a question raised by the hon. member's amendment that it would give 50 cents or 25 cents on the dollar to the minority hold-

ers along with the majority holders while still maintaining the proprietary rights. Whatever property the majority holders will possess in the road will be enjoyed by the minority holders as well in their proportion. I wish to make this explanation, because I am taking an opposite view from what I did, when not so well aware of the facts in the Railway Committee.

HON. MR. VIDAL—As Chairman of the Committee I took very much interest in the discussion on the matter and I must confess I have a very warm feeling for Mr. Robinson which, I know, was participated in by a large number of the Committee and if it were possible in any way legally to protect his claim it certainly was the desire of the Committee to do so. If I understand the position Mr. Robinson, representing one-tenth of the bondholders, aright, it is no longer that of a creditor of the road. There was a very strong attempt made on his part to impress upon the minds of the Committee the fact that his position was that of a creditor and that he had a claim on the road. It was very distinctly shown to the Committee that the operation of the Quebec Act was such that when this transfer took place to the trustees and when the road failed to pay the interest on its bonds, these bonds ceased to exist, but the bondholders became *de facto* owners of the railway, so that, except in mere matter of form, they are really a railway company with equal interest, all of them, in the assets and property of that company. They are shareholders in all but the name. It strikes me that when we know that they are, at the present moment, shareholders of the road in all but name, and that this merely asks us to make that name a reality, in the doing of which they may have the opportunity, as owners of the road, to improve it and make it a paying road, and to give some value to the stock, it appears to me that instead of being an injury to the minority, it would be conferring a benefit on them. The illustration given by the hon. gentleman from Halifax has really helped me to a clearer understanding of the position than I had before. I think, when I have done with it, I will convince the House that it will favour my view of the matter more than his own. Supposing this piece of property, held by these ten people, to be property of that character, that is utterly valueless unless there is an expenditure of a large sum of money in the

way of drainage, or levelling, or excavation, or something by which it may be made of use to build upon, and it then becomes of value to the owner; in its present state it is so marshy that nobody will give anything for it, but by the expenditure of a sum of money by which the water shall be drained from it, and the ground converted into good solid land, you can easily see that the minority interest is promoted, advanced and made something, by the fact that the other nine have the power of borrowing money—not taking money out of the minority's pocket—and by the use of that money making the property valuable. That is the position, using the illustration that the hon. gentleman has given.

HON. MR. POWER—They cannot encumber the tenth man's interest without his concurrence.

HON. MR. VIDAL—Here is a great property in the hands of trustees. It is proposed by the majority that, by becoming a company, and having the authority and the power to borrow on the security of the road, and expending the money on it, they can convert it into a paying property—what would be the position then of the minority shareholder? Will it not be that his shares will become valuable? He will have his tenth of the value of the road under the improved circumstances, so that the process by which it is proposed to act under this Bill is one that, in my judgment, will be of benefit to the minority holder himself. Then, we have another objection, on a different ground, to the amendment proposed by the hon. gentleman from Halifax, and it is this: It appears to me to be the introduction of a new principle altogether in legislation—an entirely new principle—to say by legislation that we shall compel these parties to become purchasers of property they do not want. It would be opening the door to a regular deluge of Bills on the part of holders of shares in companies that did not succeed very well, and who would like to get out of the company. It would be a very inconvenient precedent to set. The man who put his money into it knew what he was doing. He took the risk in the hope of making money. His loss is serious in the meantime, and has been for years. We can feel for him, and if it is at all in our power to help him we would like to do so; but I feel it is not in our

power to help him in the way that is proposed by this amendment to the third reading of the Bill.

HON. MR. SNOWBALL—My feelings in this matter are entirely in sympathy with the parties who apply for the passage of this Bill and its promoters ; but I feel that this House and the country are entitled to more information in reference to it than we have received up to the present time. I have listened with a good deal of care to the gentlemen who have spoken on both sides, and I came here this afternoon to, if possible, get some information that would lead me to believe that there is nothing unjust in the Bill placed before us ; but so far from this, I feel that there has been an attempt to override the rights of private individuals. I am pleased to see the moderation with which every person has met the case. I must say that my feelings are so strong on the matter that I can hardly speak with moderation on the subject or on a Bill such as this is. We are told that there is a railway in the Province of Quebec, the South-Eastern Railway ; that the original stock has passed out of the company, and that the road is practically in the hands of a receiver. Not having a legal turn of mind, I may be excused for using some expressions that will not bear out what professional men might express. This road, then, is in the hands of receivers or trustees for the benefit of the bondholders. The hon. gentleman who spoke last says that the bondholders—the now owners of the road—put their money into this particular railway knowing what they were doing,—knowing that they would have to submit to the majority in disposing of the bonds. I maintain that they did not put their money into this railway ; the stockholders put their money into the railway. The bondholders are a different set of people who, later on, when the road got into difficulties or wished to borrow money for some other purposes, went into the market and borrowed it from the bondholders, for which they gave as security a first mortgage on this road. What do you now wish to do with those people ? You want to take away the rights of the first mortgage claim and compel the bondholders to become stockholders. Why compel any man who invests his money legitimately in an enterprise chartered and subsidized by the Province of Quebec who have gone into the market and have bought these

South-Eastern bonds feeling they were protected by the laws of this country to now become stockholders ? The Canadian Pacific Railway Company, we are told, has bought \$1,350,000 ; the Boston and Maine Railway Company \$400,000 ; the Boston and Concord \$40,000 ; making in all, \$1,790,000, out of the \$2,000,000 of bonds. Now, these three railway companies own \$1,790,000 of the \$2,000,000 issued of bonds. They bring this Bill here before us and they very properly and very nicely it appears, in the twelfth clause, a portion of which reads :

“ Provided that the agreement has been first sanctioned by the consent, in writing, of every shareholder of the company, and by the Governor in Council ; or failing such consent, of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose.”

Guard every person's right. They tell us that nothing was to be done to prejudice the interests of the remaining \$200,000 minority. The promoters of this Bill have more than the two-thirds of the shareholders' bonds in the pockets of one individual. And yet they tell us there is no injustice to the minority opposing it if we pass this Act. What justice can these people ever expect to receive ? In the very last clause of the Bill before us—the 17th—reading thus :

“ 17. This Act shall not come into force until after the holders of three-fourths in amount of the said bonds sign a consent in writing thereto and file such consent in the office of the Secretary of State at Ottawa.”

They appear to be even more magnanimous. They say this Act shall not come into force until there is a three-quarter vote in favour of it. The three-quarter vote is already in the safe of the Canadian Pacific Railway Company, and because these people hold only \$200,000 worth of bonds they are ignominiously ignored. I heard the statement of a gentleman “ who holds the larger portion of the minority interest in these bonds,” the other day before the Railway Committee. I disclaim being moved by pathetic appeals. I am not easily moved by appeals of the kind, but when I heard a gentleman come forward and make a statement which is still uncontradicted—he stated that “ As soon as he heard that these bonds were being asked for he came forward and offered his bonds on the same terms as others had been bought for, but was told in reply they did not want his bonds, they were valueless.” He said : “ I wish to show

that I am not trying to put any obstacles in the way of the proper working of this road; I will take 50 cents on the dollar, whereas you have paid 100 cents on the dollar for the bonds you now possess. If you acquire my bonds you have the entire road in your possession." If this statement is true—and it has not been contradicted—it is an important one in view of the assertion that we heard here to-day. The hon. gentleman from Halifax stated that the Canadian Pacific Railway Company had offered \$3,750,000 for this road a short time before.

HON. MR. SCOTT—I am informed that that statement is entirely untrue. They made a very foolish bargain in buying what they did. They were very sorry for it afterwards; it was a terrible mistake.

HON. MR. SNOWBALL—I am not responsible for the statement. I mention what had been stated before in this House and the hon. gentleman kept his seat quietly when this statement was made.

HON. MR. SCOTT—I did not want to interrupt the hon. gentleman but I felt that it was a very unwarrantable statement.

HON. MR. SNOWBALL—The leader of the Opposition states that the Canadian Pacific Railway Company made a very foolish bargain in buying at the rate they paid. Who will give them credit for making foolish bargains? Will they go on the stock exchange and say that they make foolish bargains? Judge Clarke says that the bonds are not in the hands of the Canadian Pacific Railway because they have not money to buy stock, but they are in the hands of Sir Donald Smith and Lord Mount-Stephen, but can anyone believe, with the history of that road before him, that the Canadian Pacific Railway Company did not know what they were doing? Will anyone say that when they bought these bonds at \$1,350,000 they did not know the value of them? It looks too weak and as if they were playing with the credulity of this Parliament. This is a statement to which we can expect hon. gentlemen of this House to attach but little value. That is not the way the Canadian Pacific Railway Company has succeeded in business. The attorney for this Bill stated the other day before committee that one of the reasons why they did not feel disposed to settle

with these people was that they did not want to be coerced in such a transaction. Is this a logical reason, and to satisfy their pride should we be asked to legislate to force the minority and deprive them of their property. If they do not want to be coerced why try to coerce these people who have a \$200,000 interest in the road? I say it is but fair to take the interests of the minority into consideration when we are dealing with this Bill. We are told that the Quebec Act contains the powers they ask for. If it does, why not act under it, as the property is in Quebec? The terms of the mortgage they tell us transformed these people from bondholders to stockholders.

HON. MR. POWER—Not at all.

HON. MR. SNOWBALL—I maintain that this is not so. These people certainly become proprietors of the road under this mortgage, but they did not in my estimation lose the lien that they had by virtue of that mortgage claim; but this Bill makes an attempt to wipe out the claim. It clause 8, which reads:

"8. Upon the name of each such holder being entered on the said register, he shall become a shareholder of the company owning paid-up shares in its capital stock to the aggregate amount of the said bonds and coupons, or either of them, then held by him, after which his shares shall be transferable in all respects as if he had subscribed for them and obtained them in the way usually adopted with respect to shares in joint stock railway companies."

By this they convert the bondholders into shareholders of that road, and by another clause they are given power to issue bonds to the extent of \$25,000 per mile. Let us see the position the minority are in now. According to this Bill, bondholders holding bonds to the extent of \$2,000,000 have power to convert themselves into stockholders to the extent of \$3,200,000. I do not know why they are going to do this, but if so, how is it to be disposed of, divided among themselves, or what course they are going to pursue. Satisfactory explanation has not yet been given why the bondholders holding \$2,000,000 of bonds are not in a better position than they would be on this road with common stock to a like value. Clause 11 gives power to bond the road to the extent of \$25,000 per mile. As I must now deal with the length of the road and other statistics, I will deal with it from the Railway Statistics issued by the Dominion Government Department of Railways in June

last. In that you will see that the South Eastern Railway is put down as being 260 miles in length. I do not know any section of it myself. I give such figures as this railway return which I hold in my hand furnish. I repeat they convert \$2,000,000 bonds into \$3,200,000 of what I call worthless stock, \$200,000 of which is to be forced on the present first mortgage bondholders. They then mortgage the road for \$25,000 a mile, amounting to \$6,500,000. They thus can put on that road \$9,700,000 of debts or claims the moment this Act is passed. What is it required for? Has there been any justification shown for it? They say the road is poor, that it is virtually bankrupt and worthless. Where, then, is the security for this enormous claim. I think I can show that the road is not in as bad a condition as represented. I know nothing about it personally: I never heard of the South-Eastern Railway until the Bill was before the Railway Committee for consideration, I heard Mr. Robinson's appeal to do justice to himself and a widow, I think his sister-in-law, and I am acting, as I believe every hon. gentleman here is acting, on purely conscientious motives and look for information. We are too apt to look superficially at those things. I am surprised that someone did not go deeper into this matter and show us what is meant by the action that is being forced here to-day. They say that the ground of this application is that the road is bankrupt, and they appeal to us to give them power to procure money and to put the unfortunate bondholders in a better position than they now occupy. This I take it, then, is their strongest point, and this I will endeavour to show is not so. They say that the bondholders have a common interest in this road—that the minority bondholders have an interest in common with the others, and that the majority have no interest outside the minority. How absurd. Can you persuade this Parliament that the bondholders of  $\frac{1}{10}$  of the 260 miles of the road—say 26 miles—have the same interest that the Canadian Pacific Railway Company possesses, owning 5,085 miles? These minor bondholders have only  $\frac{1}{205}$ th part of the interest that the others have. Are the Canadian Pacific Railway Company who are virtually acquiring the road, going to consider the interests of these people? No. They wish to get this property—a line on which their trains now run between Montreal and

Boston. They run over 65 miles of the road.

HON. MR. SCOTT—They pay for it. It is not part of their system.

HON. MR. SNOWBALL—Possibly they do. Does the hon. gentleman mean to say that the 65 miles almost approaching the Atlantic has not more traffic in proportion to mileage than the rest of their road further west? Has it not a larger earning power? Then, again, my hon. friend from Halifax says that seven miles of the road is run over on route from Montreal to Halifax—as main line of Canadian Pacific Railway. Has that section of the road no more earning power than the Canadian Pacific Railway track in the west, in passing from west to east and east to west. The Canadian Pacific Railway has to go over that 65 and seven or 72 of the South Eastern Railway track, and I maintain that that portion of the road must be worked to a far greater extent than any other portion of the Canadian Pacific Railway.

HON. MR. SCOTT—If you could lop over the rest of the road.

HON. MR. SNOWBALL—I was pleased to see the cautious and careful manner in which the hon. leader of the Opposition introduced this Bill. He seemed hardly confident in the position he was taking. If this road is so utterly worthless, I would now refer you to the railway returns to see what the earning powers are. Look at page 37 of the Railway Statistics, and you will find that the earning power of the road for the year ending 30th of June last was \$589,529. At page 41 you will find that the expenses of the road were \$479,566. Somebody's veracity is slightly called in question. How is that amount made up? It is made up with liberal expensive charges under every head, and still this short report, which has been sworn to, shows that there was a profit that year on the running of the South-Eastern Railway of nearly \$110,000. What has become of that money?

HON. MR. SCOTT—They can apply to the court if there is anything wrong about it.

HON. MR. SNOWBALL—These statements are sworn to by the gentleman who



makes these returns. Our position here forces us to go at the bottom of these transactions. Will the hon. gentleman from Ottawa give me a copy of the report which he read from?

HON. MR. SCOTT—Certainly. It is signed by the auditor. Mr. Robinson did not complain that there was anything false about that statement at all. He said he was quite satisfied.

HON. MR. SNOWBALL—Mr. Robinson came before the committee and put his statement before them as strongly as anyone could. I understood him to say that he was too poor to employ an attorney to look after his case. He made a good case himself. He could not stay here forever. We have had this matter discussed here all afternoon and there is a lot to be said about it yet.

HON. MR. SCOTT—Did not Mr. Robinson admit before the committee that he was quite satisfied that the statements of receipts and expenditures were correct. He did not find fault with them. This Bill protects him. If there has been any error in the statement, Mr. Robinson gets the benefit of it.

HON. MR. POWER—Mr. Robinson complains that he could get no information.

HON. MR. SNOWBALL—Mr. Robinson before the committee made these statements. He says: According to the terms under which the Canadian Pacific Railway Company hold this road they are bound to make quarterly returns of the earnings and expenditures in all matters connected with this road. Mr. Robinson says that they utterly failed to make those returns, and that he was for four years unable to get information as to the position of the road; that he had gone to the office of the railway company and could not get it. This occurred a week ago, and remained unchallenged until to-day, when the hon. gentleman at the last moment reads a telegram denying Mr. Robinson's statement. It looks ominous. I do not say that any member of this House will lend himself to anything improper, but we find that people dealing with money matters, such as banking directors, cashiers, &c., abscond here and there, and that, in dealing with such large amounts, it is dan-

gerous to trust too much; we cannot take statements brought in at the last moment and unvouched for as gospel. The statement which the hon. gentleman from Ottawa has handed to me shows that in eight years there was a deficiency of \$54,000 in the running of the road. It has not been stated that the Canadian Pacific Railway Company had it for eight years; as a matter of fact, they had it only four years. Now, what do we find in the four years? The deficiencies on the South Eastern Railway, as shown by the Canadian Pacific Railway manager, would be only \$28,758; but I find in the four years they give for 1888 \$516,000 earnings; for 1889 \$547,000, or \$31,000 of an increase; in 1890 \$596,000, a further gain of \$49,000 in the earnings of the road. They give in 1891 \$489,000 as its earnings. What has happened? Are we in the midst of depression? Will the hon. gentleman say that the return is completed, or will he admit that there is \$100,000 to be added to that year's earnings. I want information. I say the earnings this year should show an addition of over \$100,000 to the amount the hon. gentleman from Ottawa has shown and he should have candidly informed this House, as he has admitted to me personally, that the earnings for this year are not given in full, returns not being all in, whereas the expenditure is complete, and when the return is completed it will show \$80,000 at least this year to the good, and if completed it would be very nearly as much in favour of the road as the Government returns of last year show. But there is more evidence. I want to show this House, the statement in the blue-book here is just the information that this country wants in reference to the road. I find that the South Eastern Railway carried during last year 381,171 tons of freight. Now, I divided that freight by the number of miles, 260, and show what it carried per mile; and I found that it carried a little over 1,466 tons per mile. I find that the Canadian Pacific Railway carried 3,006,684 tons during the same period. Divide this by their mileage, 5,085, and you have a mileage freight of 590 tons, showing that the main line of the Canadian Pacific Railway did not carry much more than one-third of the amount of freight this road carries. And still they tell us that the Canadian Pacific Railway Company has had enormous profit while this is a bankrupt road. Where is the explanation now?

HON. MR. ROSS—My hon. friend is trying to prove that the road has realized large profits. If that is correct, I do not see why the minor shareholders complain so much.

HON. MR. SNOWBALL—I am glad that the hon. gentleman sees this; I will show the reason why. These statements do not agree with the statements furnished in the official reports. The official statements say that the road is earning; the other private returns, that it is not. It is merely a matter of book-keeping. The official Government return was not made in favour of this road, but furnished for public information by command of the Government. This Bill desires to make this small road subservant to the 5,000 miles of the Canadian Pacific Railway.

HON. MR. SCOTT—It is not part of the 5,000 miles at all; it has nothing to do with it.

HON. MR. SNOWBALL—Is the hon. gentleman sincere? Can he be sincere? Is there any gentleman who has had anything to do with a railway that would doubt for one moment that he cannot be sincere in making such a statement after this Bill merges the South Eastern Railway into the Canadian Pacific Railway, or even now, under the management of the president of the Canadian Pacific Railway, as it is. Provided a car load of pork or flour came from Chicago or Manitoba over the railway to the seaboard or to Boston for shipment, what proportion of the freight will they give the South Eastern? Will the South Eastern get for carrying that freight from Farnham to Newport \$2 a car, or \$25 a car? That is where the book-keeping and management comes, and who are the parties who make that rate? Or who is supposed to make that rate? Is it the one-tenth of the road that makes the rate or nine-tenths who are only represented on the Board, and are the Canadian Pacific Railway? Is Mr. Robinson represented? Every one of the parties on that Board have an interest in giving the South Eastern Railway a minimum amount for the freight and other work done.

HON. MR. SCOTT—One of them is a banker.

HON. MR. POWER—The banker does not go at all.

HON. MR. SNOWBALL—That is what I supposed; the banker does not act at all. I have dealt slightly and only slightly with the freight traffic. Now, I come to the passenger traffic. By those returns I find they got from passenger traffic \$266,812, a very nice sum for this little territory. Divided by mileage again, it brings it to \$1,026 per car mile. What did the Canadian Pacific Railway do in that time? The Canadian Pacific Railway carried, of course, a much larger number, and realised therefore \$2,685,730 which divided by their mileage makes only \$528 as their earnings per car mile. How does this sound in the ears of my hon. friend? The South Eastern road earned \$1,036 from passengers per car mile, against the Canadian Pacific Railway's only \$528, per car mile. The through rates on those passengers always tell against the longer and in favour of the shorter road, and the inference is that the passengers carried on the South-Eastern Railway had to pay more per mile than those on the longer railway. Still, I repeat the assertion, as coming from the promoters of this Bill, that one is a bankrupt concern while the other is on top of all railways, not only of Canada, but almost of America. But there is another significant return in this book which may strike hon. gentlemen as telling against the South-Eastern. That is the statement of engine mileage it takes to conduct this work, according to this return. The South-Eastern engine mileage, to do their work, was 571,233 miles, or 2,197 miles per mile of track; whereas the Canadian Pacific Railway ran 11,531,471 locomotive miles, or 2,267 miles per mile of track, making a large excess of track miles run by the locomotives of the Canadian Pacific Railway to do less than half the work done on the South-Eastern Railway. How is this accounted for? I tell you it is all very well, and hon. gentlemen can laugh, and possibly the hon. gentleman from Wolseley is laughing at this statement, or may be amusing himself with something else, and does not want to get information on this subject; but I tell the hon. gentleman that it is unfortunate, and will sound unfortunate in the ears of this country when it is known that every gentleman sitting in this House has in his possession a pass over the Canadian Pacific Railway. Of course, it does not influence them and it is not intended to influence them. You are too honest to be influenced in that

way ; but I tell you it influences your feelings in some respect, even if it should not do so. Now, to resume : The earnings of one road were \$585,529 gross, or \$2,267 per mile, against the earnings of the other, \$15,572,985, or \$3,062 per mile. I have shown that the smaller road ran 2,197 locomotive miles per mile, whereas the larger road ran 2,267 locomotive miles per mile. I have explained fully to you why the smaller road did more work but got less pay—it is because the larger road had the making of the differential rate over this road, and it is impossible that the smaller road, carrying two and a-half times the quantity of freight, running less miles and burning less coal, did not earn more money on a proper apportionment of the rate. A stronger argument, to my mind, cannot be used than these blue-books to sustain the position of the minority of the South-Eastern Railway. According to these returns, there was a net surplus last year of \$109,963. No one can dispute the correctness of this statement. Capitalize that amount at 4 per cent., a reasonable value for money at the present time, and we find there was enough surplus earned last year, if capitalized, to borrow in the markets of the world \$2,240,000, and what do they want of more ? Can a road be bankrupt with the earnings here shown ? Can there be any justification in authorizing, by this Bill, the issue of bonds and stock to the extent of \$9,700,000, as asked for ? If there is, there is something in railway book-keeping, or in members' consciences, that I have never had any experience of before. If these are not facts which I state, controvert them if you can. I will go still further ; I will say, and it is only fair to state, that had that shorter road been given the same rates for carrying, which the returns show were got by the larger road, they would have earned last year \$795 per mile more than they did. Put these two roads on a par for earning power, and there is no reason why they should not be put on a par, as I have fully proven, and what do you get ? You will find that they would have earned \$208,500 last year more than shown. If so, we capitalize again ; now we have got the earnings, giving them the same rates for carrying the goods, and not counting for the extra quantity of goods carried, they would show a net earning power of \$318,463. With such a showing let them go into the money markets and they can borrow \$7,900,000, as they

could show by these returns that they could pay interest on every dollar of it. There is much more to be said on the same point, going through this book and taking page by page of it. Without occupying more of your time and wearying the House, I cannot do any more than ask you is this blue-book reputable ? Are those statements, as sworn to by the Canadian Pacific Railway Company, true ? If these statements are true, and these other memorandums read from are not sworn to—if, I say, this blue-book is correct, what justification have we in passing this Bill ? I have no objection to granting this company bonding power, and I would judge that the road is clearly entitled to borrow \$8,000,000 on the earnings it shows ; and if the road is in that position, why not put these minority petitioners in a position they are entitled to be in and allow them to hold their positions as bondholders on the road ? They are there now as owners in common or bondholders. If we give them power to issue \$25,000 a mile, then give the minority \$200,000 of the new bonds and then justice will be done. Let them come in as owning \$200,000 out of an issue of \$6,500,000 bonds, instead of that amount out of \$2,000,000, bonds as now. It seems to me most objectionable to have companies coming here year after year asking for legislation almost on the same subject. There is too much of this legislation coming to Parliament—coming to ask us to pass Acts to take away some few people's rights. I must say, hon. gentlemen, if you do it in this case I am deceived in my impressions of the integrity of this House, or I must come to the conclusion that the gentlemen who are promoting this Bill have some information that they, for some reason, have withheld from the House.

HON. MR. KAULBACH—It is evident from the remarks of my hon. friend that he is very much excited.

HON. MR. SNOWBALL—I am not excited, but you must be, to think so.

HON. MR. KAULBACH—He has referred to many matters with which we have nothing to do. If these accounts are true there is a proper court to go to for redress, and this man's rights are not interfered with. As regards the proportion of the rate, they are under the control of the Government themselves. The Railway Act shows how

these things should be regulated. It is unfortunate that my hon. friend should hold a pass from the Canadian Pacific Railway, because he may himself be influenced by it.

HON. MR. SNOWBALL—I hold one, but not as a member of Parliament.

HON. MR. KAULBACH—My hon. friend has passed over the road under a pass, and I am surprised that he should say that members who hold passes may be unconsciously influenced by having accepted them, if he himself is free from such influence. I do not think that any hon. gentleman should come to the House and insinuate anything of the kind. My hon. friend has referred to a matter which, as I said before, we have nothing to do with. This unfortunate man, who is opposing the passage of this Bill, has, like other people, lost a good deal of money in this investment. I have lost a good deal myself in such investments, but I never expected to come to Parliament to ask them to give me relief or ask the majority of a company to pay me what I had invested. The South Eastern Railway Company have their existence under a Quebec Act. That company asked in 1880 for permission to mortgage their property to pay the claims against it. It was allowed to do so on certain conditions, and failing those conditions, default being made, the road became the property of the trustees absolutely and the bondholders became virtually stockholders or trustees in common. Now, their rights are not interfered with. The hon. gentleman from Halifax says that we are confiscating—that we are actually changing creditors into shareholders in this property. We are doing nothing of the kind. Their rights, whatever they were, have been legislated on by the Act of the Province of Quebec, and we do not interfere with it. What is the position here? These trustees hold the property. They have been running the road for a number of years—they are virtually running it now, and the Canadian Pacific Railway Company are the agents of those trustees, and with what result? The property has been run until it is in debt some \$50,000, and my hon. friend's contention is this, that the property is now virtually worth nothing. The trustees cannot run it any longer on the earnings of the road. They may continue to go in debt, but they cannot borrow money on the secu-

before the courts for falsifying their accounts; rity of the road. Now, it is our duty to preserve the rights of the majority as well as the rights of the minority, and the majority on this roads feel that it is in their interest that the road should be no longer held in trust—that if it is, the result will be utter ruin; but by the trustees being incorporated and formed into a company the property will become valuable to all who have invested in it. My hon. friend has shown that at present the earnings of this portion of the road are so great that in the future it will become valuable again, by allowing it to go into the hands of persons who will work it so as to make a profit for the minority as well as for the majority. I say we would be adopting a new principle here to coerce the majority of the shareholders in that road into paying a certain amount of money to the minority. I say it would be an unwise principle to adopt, and the very remarks of the hon. gentleman from Chatham show that we would be undertaking something which does not come within the purview of Parliament. The gentleman who came before the committee made no complaint against the trustees. As far as we could infer, he considered their conduct was in the interests of the bondholders. He did not take the proper means even to get an account, but the presumption he created before the committee, was that the trustees were acting fairly towards all the shareholders in the road. It was admitted to be a fact that the way the road was being run by the trustees it could never become valuable, but would depreciate in value. By what we are doing here we are not confiscating the rights of the minority. We are not going to change them from creditors to shareholders, and what has been done has been under an act of the Province of Quebec, over which we have no control. The company itself has put them in the position in which they are. We simply want, if we can, to place this company in such a position that not only the minority, but all interested in the road, will find the stock in the future, as I hope it will be, valuable property.

HON. MR. SCOTT—I think it is exceedingly unfortunate that very much has been introduced into this debate that has no proper place here. If the statements made by my hon. friend opposite, are true, that the trustees in this particular case have been recreant to their duty, they ought to be cited

but Mr. Robinson made no such charge before the committee.

HON. MR. SNOWBALL—I did not make it either.

HON. MR. SCOTT—If the statements made by the hon. gentleman opposite are true, the trustees ought to be indicted. They have not only been derelict in their duty, but according to the hon. gentleman's statement they have been guilty of fraud. There is no other deduction to be drawn than that; but Mr. Robinson took no such position at all. He did not for a moment say that the trustees had been derelict in their duties. He knew that if the trustees had been guilty of dereliction of duty to the extent of one dollar, the courts could have at once punished them. If there was any surplus of earnings over expenditure on that road in the operating of it Mr. Robinson could have compelled them to pay him, by a short process, his proportion of it. There are plenty of lawyers in Montreal and everywhere else who would only be too willing to take up the case and proceed against the company. Mr. Robinson himself is a lawyer and Judge in one of the courts of Illinois, and is it to be considered that he would, for a period of ten years, see himself defrauded out of a large amount of money and take no steps to protect his own interest? The proposition is absurd, and it is outrageous to make a charge of that kind. It could not have any possible foundation.

HON. MR. SNOWBALL—Would it not be easier for the hon. gentleman to explain that blue-book.

HON. MR. SCOTT—I have produced a statement for the last eight years by the auditor of this Company. If his statement is wrong he is guilty of a criminal act, and he can be indicted for it. The hon. gentleman from Halifax made a statement also which has no possible foundation in fact. He says this Bill means confiscation. We have often, in the public interest, been obliged to confiscate property, but in this case there is no attempt made to change the position of the parties. If they issue \$15,000 per mile in bonds, and they find that they have a margin over and above what is required by the road, it can be easily distributed amongst the shareholders. Is it to be believed that the Cana-

dian Pacific Railway Company would lend itself to a fraud of the kind suggested by the hon. gentlemen? It is humiliating that an hon. gentleman should suggest such a thing. Let me ask hon. gentlemen what is the history of the Grand Trunk Railway? Bonds were issued that were a first claim on the property; they were held by widows and orphans and other investors in England. They can recollect when we were asked not to interfere with those bonds; what was the answer? It was said the railroad must stop or we must wipe out the old bonds, and what did Parliament say in the interests of the people? "We have to wipe out the first bonds; these bonds have not been earning money, and the road has been going down, and it has to be kept up;" and preference bonds were issued, not only once, but second and third preference bonds in the interests of the road—to maintain a public highway that has to be kept up in the interests of the people of the country. And has not a large amount of money been lost on this road? I have no doubt that farmers all through that country, when this road was inaugurated in 1886, were induced to take shares in it because it was a local concern. What was the consequence? The company went to the Legislature of Quebec, after a time, and said: "We cannot get on; we must issue bonds to raise money." Bonds were authorized to be issued, and the shareholders had to stand aside. There was not only a first issue of bonds, but a second and third, and those are all swept away. We find history repeating itself. This South-Eastern Railway is an unfortunate road. The hon. gentleman says it is a part of the Canadian Pacific Railway system. The road is 260 odd miles in length; 60 odd miles is on the line to Boston and 7 on the line to St. John. It has got to carry a dead weight of 188 miles, and is wholly unproductive. In calculating the earnings of the road we have to take it as 260 miles. Probably if the Canadian Pacific Railway did not occupy some 77 miles of the road it would be in a very much worse position, but because they do occupy that much of it they are able to bring it up to a certain level. I felt as keenly as any one did that it was unfortunate for Mr. Robinson that he held this interest, but I have had my feelings of sympathy aroused many times before because people have made unfortunate investments. We have all made unfortunate investments.

I have been in companies where I was wiped out because I was not strong enough to go on, and everyone here has had a like experience. In large companies the one-third has to stand aside and see the two-thirds manage the business.

HON. MR. POWER—That was after they had gone in ?

HON. MR. SCOTT—Mr. Robinson was in before the Canadian Pacific Railway Company was. He was the holder of bonds.

HON. MR. POWER—He is not in the company.

HON. MR. SCOTT—Yes ; he is a holder in the same way as the others. Those four parties, holding different proportions, own the property. It is made perfectly evident and clear that this property is unproductive, and we know very well that railway property is improved because you draw on the future earnings. If you issue bonds for twenty-five or thirty years you discount, in a measure, the future earnings of the road. As it is now, the trustees cannot go into debt ; they have got to live from hand to mouth. They have got to pay for everything as day by day goes on. The people who favour Mr. Robinson think his case is a hard one. Suppose we come down to \$12,500, what would his position be then ? The owners of the road would have a debt upon it of \$25,000 a mile. That is a very small mortgage debt in this country ; there are no shareholders, they are all wiped out. They are now the owners. I say it is a very poor property that will not earn a dividend on \$25,000. I have explained what will be the effect of reducing the amount to \$12,500 per mile, assuming they use all of that money ; but they will not use more than is actually needed to put the road in proper condition. The hon. gentleman from Chatham taxed me with not having brought full information before the House. I produced a statement from the auditor, and when it was alleged here that Mr. Robinson had been refused copies of accounts I thought it an absurd statement, because on his applying to the court any day they would be compelled, under mandamus, to furnish accounts. He was one of the owners of the road. He could look after his own property. The trustees had to account from month to month to him. Mr. O'Hal-

loran, the solicitor of the road, states distinctly that he has had repeated conversations with Mr. Robinson, and that he did not want to see the accounts. He was satisfied that everything was straightforward, putting more confidence in the trustees than my hon. friend does. He looks upon them, apparently, as a gang of thieves. If they were practicing a fraud—as the inference of the hon. gentleman's language is—they might be indicted as criminals, but I think my hon. friend will be disposed to modify that view on further reflection. I cannot accept the amendment.

HON. MR. ABBOTT—I do not usually take part in the discussions between individuals as to private Bills, but on this occasion I think I must say a word or two on some of the points that have been raised, because they involve questions of public policy which I should be sorry to see dealt with in a way that I consider erroneous by the Senate. My hon. friend from New Brunswick mistook the position of the parties before the House entirely in the whole of his argument. In point of fact, the former bondholders are no longer bondholders. The bonds were extinguished by the acquisition of the road by the trustees. The mortgage was a very peculiar one : instead of providing for the sale of the road by some process, as mortgages usually do, it provided for a practical sale of the road by lapse of time—that is to say, if there were a default which lasted for a certain length of time, after due notice to the company the road became the property of the trustees, without the formality of a sale, and they are the owners of it, exactly as if they had bought it ; but they are owners of it as trustees for the bondholders, which bondholders no longer exist, except as proprietors of the road, through the three persons who became proprietors of it under the mortgage. These gentlemen, therefore, are now the owners of the road—in other words, are exactly in the same position as shareholders would be. They each hold an undivided right in the road to the extent of the portion of bonds that they previously held, and they are now in the position of, we will say, three parties being the owners of this property. It is quite a fallacy, it appears to me, to argue with respect to this property as if it were a farm or a house, which could be sold with almost as little difficulty as goods, wares or mer-

chandise, on the occasion of the owners getting into trouble. It cannot be dealt with that way. It cost, probably, three or four millions of dollars, and the mortgages on it amount to nearly three millions of dollars, with a lot of interest accumulated, which, I suppose, brings the claims up now to the extent of three millions of dollars. But they are the owners of property which, apparently, cost three millions of dollars amongst them. That property is producing nothing. It is not to be supposed that there is a purchaser at every doorstep who can afford to pay millions of dollars for a railway, and to bring it to a sale would be simply, as everyone knows, to sacrifice it and to put a large amount of expense on it with no earthly possible necessity for it. The sale of a railway is usually made to divest the company of it when they have become bankrupt. It is sold to clear the property itself, in order that it may be placed in the hands of a company and worked in a proper way. That is exactly the position of this road. The company became bankrupt, and the property of the trustees, under a very stringent statute, which vested it in them as if it had been bought. Now comes the question of policy. It is not the policy of the Government, or of the country, that a railway should be in the hands of private individuals and run by them. It is contrary to that policy, and there is a specific clause of the Railway Act which applies in spirit, though not absolutely in letter, to this case, that is: that when parties become proprietors by purchase of a railway they may run it for a short period of time without a charter, but they are compelled to come to Parliament and ask for a charter within a reasonable time. If they do not wish to do it within that time they may run it for a while longer by license from the Government. But, excepting in that way, a private individual cannot and ought not to run a railway, because there are many provisions in the Railway Act which are made for the purpose of protecting the public, and are so framed that they can only be effectually enforced against a railway company. It is for that reason that the Railway Act, sections 101 to 104—I daresay everyone is familiar with them—makes specific provision that if a railway, or any section of a railway, is sold to individuals, those individuals shall only run it for a very limited space of time, and during that time they shall make

an application to Parliament and get a charter for it, in order that they may be brought strictly and literally under the Railway Act. It is important for the interest of this road that it should be vested in a company, and that this charter should be granted. Then comes the question: Is it a matter of public policy that if, under authority of law, persons invest in railway bonds, and any change intended to be beneficial, and necessary, in fact, to the profitable existence of that railway, should be attempted to be made, that the minority of bondholders may come before Parliament and procure such enactments as to compel the persons who hold the majority of the bonds to buy them out before they will be allowed to improve their own property? That, I say, is contrary to every principle that has prevailed in Parliament since I have been a member, and that is a longer time, I regret to say, than I care to think of. During the whole time that I have been in Parliament, when it has been made clear that in the interest of a great majority of the bondholders of a railway or its creditors certain arrangements must be made, certain sacrifices must be submitted to by everybody, Parliament has invariably given the authority to make those changes and compelled the making of those sacrifices, always, of course, on equitable principles, and not injuring one party for the purpose of benefiting another, but frequently reducing, in all ways and shapes, the rights of holders of bonds, holders of stock, holders of preference stock and holders of property in railways and railway corporations, for the benefit of the great mass. I do not think I can call to mind any case where Parliament has compelled a majority, as a condition of putting a property into a shape profitable for the great mass of persons interested in it, to buy out the minority in order to attain that object. I know of no instance of the kind. It would be unfortunate that such a principle should be introduced into our railway or corporation legislation, because it appears to me that it would have the effect of deterring people from putting their money into railways or into corporate bodies of a financial or commercial description for fear that, if the property got into difficulty, if they had the misfortune to be large holders, they would not only suffer loss in common with the rest, but have to buy out the small holders too. That, it seems to me, would be a gross in-

justice. It depends on a socialistic principle which we have never sanctioned, and which I hope we never shall. There is one objectionable feature in this Bill, and that is why I rose to speak about it: the property is proposed to be mortgaged for an unreasonably large sum. I do not think it requires so large a mortgage as is proposed to be put on this road under the Bill to do what is necessary for the repairing and putting in order of this road. The road exists, and I think it cannot possibly cost \$25,000 a mile to put it in repair and fit it for profitable use. I should hope that my hon. friend would reduce the power with regard to the mortgage.

HON. MR. SCOTT—One-half. ~

HON. MR. ABBOTT—That would leave the parties in a better position. The minority would have a better chance. They say they are likely to be swamped by this large mortgage. They will have a better chance of having a share of the profits of the road when it is put in good shape for effective working. I think if the mortgage were half the amount it would be quite sufficient.

HON. MR. SCOTT—I am willing to make that change. I will move that the amount be one-half—\$12,500.

HON. MR. SNOWBALL—Had we received the explanation that we have just heard from the Premier it might have modified the opinions that have been expressed. There is one thing to which I wish to direct his attention. Under the 12th clause, can they sell to any other than one of those companies? I directed the attention of the leader of the House to the fact that I find in the railway statistics that the Atlantic and North Western Railway is a portion of the Canadian Pacific Railway. Here they have the option to sell to the Canadian Pacific Railway and Grand Trunk Railway. Would it not be just as well to give them power to sell to other companies?

HON. MR. ABBOTT—My hon. friend will see that that is contrary to the principle that we have adopted. We always insist that we must know the persons to whom it is to be sold.

HON. MR. SNOWBALL—I think it is rather unjust to me to contradict the state-

ment that I furnished. I did not prepare the statements with reference to the earnings of this road. I merely found them in the blue-book. How can the hon. gentleman from Ottawa state that I perverted any statement?

HON. MR. SCOTT—You made your own deductions.

HON. MR. SNOWBALL—I would direct my hon. friend's attention to the fact that I did not make any deduction as to the net earnings of the road. According to the blue-book, the amount is \$109,000 over the expenses, and how can he reconcile that with the statement he has made to the House?

HON. MR. O'DONOHUE.—The measure before the House is one that deserves great consideration; but, before entering upon it, I would observe that a point was made by the hon. member from Chatham which should be accepted by this House—that is, that the minority of the holders should receive from the company now sought to be incorporated new bonds of those intended to be issued to the amount of the old bonds held by them. It seems to me that that would be a fair adjustment. Unless it is the desire to cancel their bonds, that would seem to be extremely equitable. I do not think that the company sought to be incorporated had any right to dispose of the bonds held by the minority, and if this Bill be granted and the company allowed to bond the road anew to the extent that they desire, or even to the extent that the Premier has indicated, then these bonds become perfectly valueless. It seems to me to be against every principle of right to coerce the minority and compel them to come into a company to which they object. Although it has been said that the illustration advanced by the hon. gentleman from Halifax is not in point, I fail to see that that objection is well taken. I think it is quite in point, and that the property here is held, as the Premier himself has said, by the parties as tenants in common, and that any number of those tenants can deal with that property without the consent of the whole or the authority of Parliament. Parliament sometimes grants authority to take private property when it is in the interest of the public. In this case the property is not of that character; it is as much private property as the house in which a man dwells. It is as



much his private property as his house, because no persons have come before the Dominion Parliament to ask for a gratuity or subsidy.

HON. MR. SCOTT—They got a subsidy from the Province of Quebec.

HON. MR. O'DONOHUE.—I did not say that they did not get a gratuity; what I did say was that they got none from the Dominion, and I think that, properly speaking, they ought to be relegated back to the province, where they got their gratuity and their charter, to obtain the privileges for which they are now looking. Why do they come to this Dominion to look for these privileges? They have never come here before. Several Acts of Parliament have been passed and charters granted time and again to this company by the Province of Quebec. Why have they not gone there to ask for this incorporation? Perhaps it may be that they rely on the influence of the company in the province and in the Dominion. We know that those who are seeking this company have a large influence, not only here but all over the Dominion. We know that it is of a tangible quality in the Parliament of Canada. It is necessary to refer to this in order to put hon. gentlemen on their guard, and that they should not be carried away to do injustice to any private rights when legislation of this kind is sought. It is, in so many words, the Canadian Pacific Railway Company coming before the Senate of Canada stating that they want this railway formed into a company. They are now controlling it and have made no returns of what it has been producing. They state in their report, where they are giving an account of their earnings, that this road is not accounted for. The South-Eastern Railway is not included in their returns. Why is it left out? Why is there not some account given of the earnings of that road as well as any other portion of the Canadian Pacific Railway?

HON. MR. SCOTT—It is no part of the Canadian Pacific Railway.

HON. MR. O'DONOHUE—Although it is no part of the Canadian Pacific Railway, does not the company give an account of other lines besides what is the Canadian Pacific Railway proper? This is the only

portion of the Canadian Pacific Railway which is expressly left out of the question. Is that in anticipation of coming to this House to look for legislation, so that this House should have no means of knowing what the earnings were? My hon. friend from Ottawa stated before the Committee that accounts were spoken of as having been given. The gentleman whose money went into this railway to the amount of \$200,000 was here day after day endeavouring to make known his case, and he stated that for over six months he has been applying and has never been able to get a report showing the earnings of this road. That is not the way it should be. They should furnish accounts of this road just as they do of others. A very able advocate of the Canadian Pacific Railway Company was present and did not contradict Mr. Robinson. Therefore it is fair to say that the statement which that gentleman made is true. What we are asked here is to allow the company who bought up the bonds that they hold at par to the extent of \$1,350,000 to purchase the rest. The Canadian Pacific Railway Company tell us that these bonds are valueless, but how can you hold that the Canadian Pacific Railway Company gave \$1,350,000 for something that was valueless? I asked in Committee what the Canadian Pacific Railway Company gave for the bonds. His Honour Judge Clark stated that they gave par for them, but that it was a most foolish act of the Canadian Pacific Railway Company. Now the Canadian Pacific Railway Company, if there is any talent to be found throughout the Dominion to manage its affairs, secures it at any price.

At 6 o'clock the Speaker left the Chair.

#### AFTER RECESS.

HON. MR. O'DONOHUE resumed his speech. He said: When the House rose I was about saying that it might be felt, in the words of the hon. member from Ottawa, that the application made here was by a set of trustees for the benefit of the bondholders. Now, it is as well for us to understand that the application is made here virtually by the Canadian Pacific Railway Company and there is nothing to be gained by calling this Bill anything else. The powers sought for here are sought for by the Canadian Pacific Railway Company. It

is virtually the company. It has made itself so by the purchase of this stock. Between the Canadian Pacific Railway Company and some smaller companies, some of them working with it, they control the whole stock of this road, with the exception of \$210,000 held by private individuals. Mr. Robinson, a citizen of the United States, owns \$200,000 of those outstanding bonds. He was here last week and he felt greatly aggrieved at this legislation, and by every means in his power entered his protest against it. The proposal here is to organize a company by means of a register being opened, registering stock on that register by the first of September next, and by producing that register, with a record on it of those bonds, then the company of itself forms without more. No ceremony at all about it—just have the bonds and produce the statement and the company is formed and they are then in a position to borrow on the road. They propose to borrow four millions of dollars. With the four millions of dollars, it is to be presumed that they can pay themselves for the bonds that they hold and as to the balance appropriate it just as the company think fit. But at any rate, the four millions would be a first charge upon the road, and these individuals who hold the \$210,000 stock are left to whistle. All they can ever hope for is that if the road earns largely and became very profitable after paying the four millions off, then they would have some secondary rights. That is the position that it is sought to place these individuals in, and the Canadian Pacific Railway Company comes here and asks the Senate of Canada to aid them in that legislation. The Senate has its functions, and if it has any function higher than another it is that it holds forth its strong hand in favour of the weak against the strong; but here we are asked to fall in with a colossal institution, the greatest railway corporation in all the Dominion, and to assist in making the strong stronger and the weak weaker by confiscating the few hundreds of thousands that vest in these individuals. That is neither just, fair nor right. If they want to get a company formed let it be formed, but before they shall confiscate the property of the minority let them be, as the amendment states, bound to settle equitably with those people that hold the bonds. They are not asked by that amendment to pay 100 per cent., or cent per cent, or dollar for

dollar: they are only asked that the value of the outstanding bonds be ascertained by a judge of the district in which this road lies, and whatever that value may be that they shall pay it to these bondholders. Can anything be fairer than that? To me it commends itself. I believe it is only simple justice, and to this Senate I would say, in their own honour, that this is an occasion to make itself felt and respected. On another occasion when a railway was in question here, the vote of the Senate raised it high in the estimation of the community; and I hope that that action will be followed by a vote in this instance where the independence and honour and honesty of the Senate will become visible to the people of Canada. It was suggested by the hon. Premier to the promoter of this Bill, the member for Ottawa, that the sum asked for should be reduced to half the amount, so that instead of giving bonding power to this company for \$25,000 per mile that they should reduce it to \$12,500, and he said in that there would be some relief. He did not say what that relief would be, but that there would be some relief to this minority. I cannot see any relief whatever to the minority in the proposition, excepting this, that there is a greater probability of \$2,000,000 being paid off and giving the private bondholders a charge upon the road than there would be in paying off the larger sum of \$4,000,000, but in principle there is no difference. The Premier stated that in his large practice he had known of no case where the minority was able to stand between the majority and the acts they desired to perform. On that score I differ entirely from the hon. Premier. There is no law for railroads that there is not for any other species of property except it is conferred upon them—except Parliament gives them additional and exceptional power. They stand in the same position, in the same plight as any other property does, and I submit to the hon. Premier himself, than whom there is no better judge of the law, perhaps, in the Dominion, that where a number of persons take property real or personal in unity of title, no one or more of them can dispose of that property without the concurrence of the whole. It is a different matter, quite a different matter from the case where the company forms and gets a charter with power conferred on the majority of that company to pass by-laws or to govern or to control the

minority. Here there is nothing of that kind. These are left to the common law and that common law, I venture to say, is that where a number of persons take any unity of title, no one of that number can dispose of that property without the concurrence of the whole. The Premier stated that the principle of law was in that way. An employé, and from the fact of his being that he must be a man of good reputation in the law, wrote a letter to the holder of these bonds and he said to him this in reply to a letter to Mr. O'Halloran, an attorney of the Canadian Pacific Railway Company, asking him about the status of these bonds, and he wrote February 5th, 1890 :

"One of two courses will have to be taken in the interests of the road. Either the Canadian Pacific Railway must acquire all the bonds and re-organize the concern and make the necessary expenditures to make the property up, but the minority interests must come in and bear their share of the burden. The situation is embarrassing, and the Canadian Pacific Railway people who are the largest holders for them feel now how hopeless it is to expect the minority voluntarily to contribute and they are powerless to compel them. Under the circumstances he says : 'I think if the private holders were disposed to sell their bonds at a price not too much above their actual value the Canadian Pacific Railway people would be disposed to arrange.'"

Now, that is what Mr. O'Halloran says, that the Canadian Pacific Railway would be inclined to arrange. That is all we ask. That is all those bondholders ask ; they say, and that gentleman said to our Committee that he did not want to stand in the way of the company getting its charter—all he asked was to be protected ; all he asked was to get the value of the bonds. He did not ask to get the face value or any particular value ; but he says : " Find the means of ascertaining the value and give us that, and then take the road into your hands, organize a company and we shall in no way embarrass you or stand in the way." So that while the hon. Premier holds the law as he stated it, Mr. O'Halloran an employé of the Canadian Pacific Railway Company, states it as I have read it, and this statement was read by this gentleman, the holder of these bonds, in the presence of Judge Clark, who was present as the advocate of this Bill and of the Canadian Pacific Railway Company. It appeared strange to me that while the Canadian Pacific Railway Company has been in possession of this road and operating it for the last four years that there is no return for it. This gentleman stated that up to the present hour since he invested his money, he never

got one cent as a bondholder. It is very strange that during the four years there is no return made from which any profit would go to these bondholders, and while the Canadian Pacific Railway Company makes its report to its shareholders, reporting every other road, it states at page 8 of the return, after giving the earnings of the different roads : " The earnings and working expenses of the South-Eastern Railway, which is worked by the company for the account of the trustees, are not included." Who are the trustees ? The trustees are the Canadian Pacific Railway Company—the Vice President, Mr. Van Horne.

HON. MR. SCOTT—He is only one.

HON. MR. O'DONOHUE—They are composed of the two small railways, one of them working with the Canadian Pacific Railway Company and Mr. Van Horne. Mr. Van Horne represents these bonds nearly in their entirety. He represents, out of the \$2,000,000 bonds, \$1,350,000, so that he has the controlling power amongst the trustees and is in a position to prevail, of course, in anything he wants done. Now, while the Canadian Pacific Railway Company's annual report for the year 1890 of the proceedings at the tenth annual meeting of the shareholders held on Wednesday, May, 1891, states that there is no return respecting the South-Eastern road in our blue-books and in the returns made to the Government there is a different story. At page 31 of the Railway Statistics of Canada for 1890 the South-Eastern is entered as 260 miles. There seems to be some other piece of a road joined to it, for the road we are speaking about is only about 200 miles long.

HON. MR. SCOTT—There are several small branches to it.

HON. MR. O'DONOHUE—The earnings of the road are given here for that year as being \$187,197.15 for passenger traffic ; for freight \$364,965.22 ; mails and express freight, \$17,826.61 ; other sources, \$19,538.61, making the gross receipts \$589,529.59 for one year. It also gives the expenses of that year. For maintenance of line, buildings, &c., for the same period, \$7,196 ; working and repairs of engines for the same period, \$11,200 ; then it gives the general operating expenses and the gross expenditure on ac-

count of running of the road for that period at \$178,865.82. So you have to deduct that sum from the net earnings, and you will find that the difference makes the net receipts for that year. The road has been operated for four years and if other years were equal in their earnings, there would be four times that amount. It is inconceivable to me that in their report to the shareholders this road is not accounted for at all, while in the report to other shareholders they give the result that I have now laid before you. Why? I cannot tell. They have made the statement that this road is worthless; they say that the bonds are worth nothing. That is what they stated before the Committee. That is what they say to their attorney and counsel, Judge Clark — that the bonds are no good. The question was put to him, why did you buy them or what did you give for them? He said: "We paid par for them," and he follows that up by saying they never did a more foolish act in their lives than to buy them. The Canadian Pacific Railway Company were very foolish on that occasion; they had been operating this road; they knew all about it and made a very foolish bargain in buying these bonds. One would think that the Canadian Pacific Railway Company was a baby in swaddling clothes; that it did not know what it was doing—that its guardians or its nurse was away while it was buying these bonds. While they say the bonds are worth nothing, they come here and ask us to give them power to borrow four millions of dollars on that worthless road.

HON. MR. POWER—Five millions.

HON. MR. O'DONOHUE.—Yes, five millions. I have made a mistake. However, as to that, the Premier suggested to the promoter of the Bill that it would be better to fix that at half the amount, to which the member for Ottawa assented. It seems to me that the amendment proposed should commend itself to this honourable House. There is nothing asked but what is fair, the value of these bonds. They are in the hands of private individuals and these private individuals have invested in them their all. It will not impoverish the applicants very much to take these bonds at a valuation, because if they be as they say valueless, they will have nothing whatever to pay. If they are of some value they will only have to pay that value,

what they are found to be worth, and no wrong is done, and in equity and justice it is only fair and reasonable, and doing otherwise would only be perpetrating an outrage. Mr. Robinson, the gentleman who holds \$200,000 of these outstanding bonds, a most respectable American citizen at the closing of his case before the Committee said: "A more daring outrage upon the rights of a minority of actual owners of property could not be perpetrated or conceived."

HON. MR. PERLEY—I had no idea of saying anything on this question, though I was on hand yesterday in the Railway Committee at the very commencement of the discussion on this Bill, and I paid the best attention I possibly could to it in order that I might acquaint myself with all the facts connected with the measure, and thus be able to give a fair and just vote that would be creditable to myself and to the House of which I have the honour to be a member. I have been in my place here to-day from the commencement of the debate, and there has not been a word said that I have not listened to, endeavouring to inform myself on the question, and I may say that it is my intention to vote as my judgment dictates, and I feel sure that my hon. friend on my right will do the same. My hon. friend from Chatham, when I laughed this afternoon (for which I received a castigation), told us that we were influenced in our vote from the fact that we might have passes from the Canadian Pacific Railway Company in our pockets. I may say that I did not laugh at the hon. gentleman. His remarks were neither witty nor eloquent; but I tell him that I laughed at the ridiculous sum he mentioned which created an appearance of disgust on the face of the hon. gentleman from Ottawa, and that is what caused me to laugh; and I may say now that if I was a little rude and laughed too loud, I am sorry for it, because it brought upon this honourable House a censure which I think they are not entitled to—that is, that they are influenced in their vote on this question because they have passes from the Canadian Pacific Railway Company in their pockets. If I believed for one moment that for the pass that I hold in my pocket the Canadian Pacific Railway Company expected to get my vote, they have no train on their road that would carry that pass back to Montreal fast enough in my case, and I believe that I voice the

sentiment of every hon. gentleman in this Chamber on this question. I may say that the hon. gentleman who has cast that reflection on me and on every hon. gentleman in this House has been a member of the Reform party, and it is reported that he said on a recent occasion that his politics were changed by reason of the position he now occupies as a Senator in this House. It is only a rumour, but I would infer from the reflection he casts on hon. members in this House that he himself might be influenced by having a pass of the Canadian Pacific Railway Company.

HON. MR. DEVER—When the debate took place in this House before I knew very little of the merits of the Bill, but by listening to the discussion on both sides it enables me to give my vote according to my belief. I have listened with a good deal of care to the gentleman who put this question from a legal standpoint before us, and I have no hesitation in saying, from the explanation given by the Premier, my opinions have changed very much. I have also had my opinions changed very much from the argument of the hon. gentleman from Toronto, another lawyer, who said that the property of these parties, meaning the minority, would be confiscated in this case. I cannot see it in that light. I hold that the majority of the stockholders, at a meeting held at any time, have a legal right to order how that stock shall be placed. The gentlemen to-day who hold the majority of stock, or bonds, which represents stock, according to the statement of that hon. gentleman, amounting to two millions of dollars, I certainly think, and this House should think, have a right to control that stock, and if their action is not satisfactory to the minority I do not see that the minority are in any way blocked or estopped from getting a majority of the bonds. Why do not these gentlemen come in and obtain a majority of the bonds, the same as the gentlemen who are making application to this House for legislation? There was nothing to prevent them from doing so. I know that I have been placed in such a position myself that I have been obliged to acquire stock that I did not want in order to place myself with the majority. The hon. gentleman says that the earnings of the road at present have not been made public. One good reason is that that road was a non-paying affair before the

Canadian Pacific Railway people got hold of it, and I do not see that they have any right, since they have got hold of it and made it a good road, to represent to the outside public or to these minority stockholders that it is a paying road now, when it only pays by the skill, ability and power of the later owners. I think that is the secret, and there is no reason why this minority should insist that the road should not be run by the parties who are competent to run it, when they could not by their own actions do so profitably themselves. The majority of the bondholders have a perfect right to ask for legislation to enable them to control the road in such a manner as would be most beneficial to their own interests. On that basis I have heard nothing to alter my opinion that they have not a legal and proper right to do so in this House and before the country.

HON. MR. CLEMOW—From the discussion that has occurred to-day it must be evident to every hon. gentleman in this House that there is a strong feeling of sympathy for the other parties who are interested in this transaction. If this party invested his funds at the time when this company was organized, having stockholders to a large number and having a large amount of indebtedness, I consider his position is better to-day, because these stockholders are wiped out and all these debts are paid, and the minority party becomes possessed of a property at a very low rate in comparison with what it was at the time he invested. The extraordinary doctrine propounded by the hon. gentleman from Toronto astonished me. He made a proposition that the company should raise this amount of bonds, and out of the proceeds of these bonds they should pay the Robinson family \$200,000 in money.

HON. MR. O'DONOHUE—No; the value of the bonds.

HON. MR. CLEMOW—I understood that out of the proceeds of the bonds they should indemnify the Robinson family.

HON. MR. O'DONOHUE—To the value of what they hold.

HON. MR. CLEMOW—If he does not mean that, of course I shall not continue that line of argument. What would be the

effect on this road if nothing was done? Supposing both parties were to say: We shall not advance any money to run this road; you shall not apply to Parliament for the necessary power to raise money, but we shall leave the road as it is; would that improve the position of those parties, or would it be an injury to them? If it is true, as has been stated, that this road can be made remunerative with a small investment of money and become a profitable asset in the future, is it not rendering a substantial service to the minority shareholders by doing what is proposed to be done by this Act? A good deal has been said about statements not being furnished. I took particular care before the committee to ask Mr. Robinson if he had any cause of complaint on that score, and he very frankly said he had not, as he had been absent from the country a long time and he could not say but that the trustees had performed their duty fairly and honestly; so that we may remove that element from the question altogether. If the trustees have not performed their duties in a satisfactory manner the courts are open to the stockholders, but I think it is a dog-in-the-manger policy for those parties to say that they shall do neither one thing or the other. In the case of a lot of land, it is said they would be tenants in common. In Upper Canada we all know it would be an impossibility to force one man out unless he was agreeable; but this case is diametrically opposed to that, and on a different basis altogether. There was an Act of Parliament passed, and I supposed this gentleman knew before investing his money the conditions upon which he invested it, and took the risk upon himself, and I do not think it lies in his mouth now to come here and say that he was not aware of the circumstances under which he was induced to embark his money. Under all the circumstances of the case, I do not think any serious wrong will enure to those parties. The business is largely increasing and the profits last year were largely in excess of those of the previous year, with a good probability of a large increase in the future. All it requires is a judicious expenditure of money on it to make that road a paying investment, and if the parties were inclined to act in a manner that would serve all interests they would go to work as business men and try to make the most of it. That is the true way that this matter

should be considered, and I believe that Mr. Robinson, if he were living in this country, would see the advantage of that position; but, I suppose, like other men, Mr. Robinson thinks if he can get 25 cents on the dollar now it will be better than to wait for the chances in the future. He does not live in this country, and has not perhaps the same confidence in it that we possess, and thinks that if he can get some value for his bonds now it will be better than to wait for the future. It is all very well for this gentleman to say that he has realized nothing on his investment; but, remember all this time the trouble and difficulty has been with the trustees to raise sufficient funds for the purpose of carrying on that undertaking. In ordinary business affairs every man would have to contribute *pro rata*. Of course, there is no legal authority by which he could be compelled; still he has had the advantage of other people supplying the capital, and if it enures to the benefit of the road he participates in a share of it.

HON. MR. POWER—Would the hon. gentleman be kind enough to tell us out of what fund they supplied those moneys.

HON. MR. CLEWOW—I do not know, but I know that the road has been kept going, and there has been a loss of some \$50,000 in the operating of it. That money must be supplied by somebody.

HON. MR. O'DONOHUE—From the earnings of the road?

HON. MR. CLEWOW—No; I am told that there has been a dead loss. That money, of course, must have been lost by somebody. Mr. Robinson never contributed towards the payment of a solitary cent of the money necessary to keep that road in running order.

HON. MR. POWER—He said he paid an assessment of 10 per cent. at one time.

HON. MR. SCOTT—Not since 1880.

HON. MR. CLEWOW—One thing is true, that there has been a loss, and that loss must have been paid by the trustees or somebody, and it has enured to the benefit of Mr. Robinson. The majority would have the benefit to the extent of nine-tenths and the

minority would benefit to the extent of one-tenth. If it is a loss, it is only fair that the minority should contribute to the extent of one-tenth of the loss. He should feel thankful to those people for keeping the road in working order, and making it a paying concern in the future. It may be said that they are going to sacrifice this man, but I do not think the Canadian Pacific Railway are likely to do that. There is another point, respecting the proportion of rates. That is all settled by parties outside—by experts, and, if they do not agree, then by the Committee of the Privy Council. As far as that is concerned, every road in the country receives what is just and fair, being in proportion to the amount of travel over that road. However, if the rights of the parties were exceeded he had his recourse against the trustees. A clause of the Act gives him that right, and he can continue any action he pleases in the future for the purpose of making these men account to him fairly and justly for whatever is fairly due. I did not intend to speak on this question, but as I took some interest in the matter before the committee yesterday, and as I found from Mr. Robinson he had no cause of complaint against these trustees, but his sole feeling is that he would like to get back his money, or that the trustees should pay him. That is very natural, and I sympathize with him, and I believe every hon. gentleman in this House sympathizes with him in the same way. As a true business man, if he would settle with the Canadian Pacific Railway now to put that road in proper shape he would be satisfied in the future that he had done the best thing under the circumstances.

The House divided on the amendment, which was lost on the following division:—

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Vidal.—41.

THE SPEAKER—The motion is now on the third reading of the Bill.

HON. MR. SCOTT—I propose to ask the House to refer the Bill to a Committee of the Whole, with special instructions to reduce the bonding power of \$25,000 to \$12,500 a mile.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

HON. MR. ROSS—I should like to know if the promoter of the Bill is in a position to state to the House that this amount of \$12,500 is necessary to repair the road and put it in good order, or what is the intention of the promoters of the Bill in asking that bonds be floated to that amount? What induces me to believe that this point has not been discussed enough is the fact that we have come down from \$25,000 a mile to \$12,500 a mile at one stroke. We must have been very much astray at first or we are very much astray now. I think that this question deserves some explanation, and for my part I desire very much to have it.

HON. MR. SCOTT—It never was intended to issue the \$25,000 per mile. In the committee of the other House there was a blank in the Bill, and the question was asked: "What amount do you want?" The gentleman who was acting for the company did not know, and he said: "We will put in \$25,000." The trustees will use no more than is necessary. They only will issue what is actually necessary. Supposing they issued to the extent of \$10,000 or \$15,000 a mile, there would be a surplus that would go back into the treasury; but there is no desire to issue a larger amount of bonds than is actually necessary. To-day the question arose

that it could not be possible that that large amount would be issued. I applied to the gentleman who knows the views of the vice-president, and he said there would be no objection to bring it down to \$12,500. It is not like a company that want to build a road on their bond issue. They only want to repair the road and improve their rolling stock.

HON. MR. ROSS—Is it possible that \$12,500 will be necessary?

HON. MR. SCOTT—I am not prepared to answer that. It will require a very careful study before one would be able to say.

HON. MR. ROSS—The promoters of the Bill ought to be able to declare to the House that a certain amount of money is wanted before they get the right to issue bonds for that amount.

HON. MR. POWER—I quite agree with the hon. gentleman who has just sat down, but I desire to congratulate the committee on the vastly improved moral tone of the hon. gentleman from Ottawa from what it was when we met this afternoon. At the opening of this debate the hon. gentleman did not see any objection to raise \$25,000 a mile on the road and paying the minority with the portion that would be unnecessary for the purposes of the road. I am very glad to see the change in the hon. gentleman's views.

HON. MR. SCOTT—It is not a matter that is worth discussing.

HON. MR. PELLETIER, from the committee, reported the Bill with an amendment.

The amendment was concurred in, and the Bill was then read the third time, and passed.

### STEAMBOAT INSPECTION BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (85) "An Act further to amend the Steamboat Inspection Act." He said: This is a Bill principally for the purpose of meeting a case which repeatedly occurs now, and it is the advent of steamers from the other side of the Atlantic that had

been inspected in England, where there is a regular system of steamboat inspection, like our own. Such a steamer comes here and carries freight for the season, returning in the fall, and it is to avoid the necessity of these steamers, which have certificates of inspection from the British Board of Inspection, seeking for similar inspection, examination and certificate here. There is a large amount of tonnage engaged in the trade of this country in that way carrying coals from the Maritime Provinces, and it is considered it would be a great grievance to compel these steamers to go through an inspection here, when they possess a certificate of inspection from the English Board. There are some other minor details in the Bill which will appear when we take it up in the committee.

HON. MR. KAULBACH—I do not understand the 7th clause, which provides that the inspector—

"Section fifty of the said Act is hereby repealed, and the following substituted therefor:—

"50. Notwithstanding anything contained in section six of this Act any inspector may, at any time, visit any steamboat and inspect and examine the same, and if he consider such steamboat unsafe or unfit to carry passengers he shall report thereon to the Minister, who may order that such steamboat shall not be used or run until permitted by the Minister."

Does that apply to steamers having British register as well as to foreign steamers also, or does it apply only to vessels registered in Canada?

HON. MR. ABBOTT—I think it applies to all vessels in Canadian waters. It is obviously for the protection of lives of passengers. I think it is the old law.

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

### NORTH-WEST TERRITORIES REPRESENTATION BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (148) "An Act further to amend the North-West Territories Representation Act." He said: This is a Bill to effect a reform which is about being made in the Controverted Elections Act. It is to avoid the technicality which arises in making a deposit, which must be made now in gold or Dominion bills. It is to enable the deposit to be made in ordinary currency.



HON. MR. SCOTT—Is the change being made throughout Canada?

HON. MR. ABBOTT—It is being made universal, but in this Bill it is for the North-West Territories alone.

HON. MR. McINNES (B.C.)—I do not rise for the purpose of opposing this amendment to the North-West Territories Representation Act, but I rise to state that when the Bill is up for the third reading I will move that the 51st section of that Act shall be repealed, and that the 45th, 46th, 47th, 48th and 49th sections of the Dominion Elections Act shall be added to this Bill. There are some hon. gentlemen here that are not, perhaps, aware that the ballot does not apply to all the for the election of members of the House of Commons. When this North-West Territories Representation Act was before the House in 1886 I moved myself an amendment to the Act—and it came within three of being carried—that the ballot should apply provinces and territories of the Dominion to the North-West Territories as well as to the other portions of the Dominion. I was supported, and very warmly supported, by a great many followers of the Government at that time in this House, and I claimed then that there were no valid reasons why the ballot should not be placed in the hands of the people of the North-West Territories as well as in other provinces of Canada. I could not see why this anomaly should exist. A few years ago, in 1885, the Franchise Act was passed, and the principle on which it was based was that the franchise should be uniform all over Canada. Now, if it is necessary to have a uniform Franchise Act all over the Dominion, is there any reason why the people living in the North-West Territories should be deprived of the same privileges and rights in exercising the privileges that are granted to the people living in the provinces? I claimed at that time that it was a gross insult to the intelligence of the people in the North-West. It was tantamount to saying that they were not sufficiently intelligent to use a ballot. I have some knowledge of the North-West Territories, and I think the hon. gentlemen from that part of the country who are here to-night will agree with me that, comparing the population there, man for man and woman for woman, with the population elsewhere in Canada, they are as intel-

ligent a people, yes, as will be found anywhere in the world. Whatever reasons may have existed then for not having granted the ballot to those people, I claim there are none to-day. It must appear strange to foreigners who visit the North-West to find that the ballot is used in every other part of Canada but that section. In 1886 the principal reason given for continuing open voting in the North-West was because of the number of half-breeds there. We have probably as many half-breeds in British Columbia as there are in the North-West Territories, but the ballot has been in use in our province ever since we entered Confederation, and no difficulty has been experienced because of the half-breed population. I hope the leader of the Government and the House will see their way to supporting the amendment in the direction I have mentioned. I merely make these remarks now, so that the hon. leader of the Government may take advantage of my suggestion. I shall move an amendment such as I have suggested at the third reading of the Bill.

HON. MR. SCOTT—When the House is in committee?

HON. MR. McINNES (B.C.)—I shall move it in Committee of the Whole, and, if it is not carried then, I will move it at the third reading of the Bill.

HON. MR. KAULBACH—Instead of its being an insult to exempt the North-West Territories from the ballot, it is the very highest compliment that could be paid them. It shows that the population there is able to exercise the franchise independently. My hon. friend is out of order now in discussing a question that is not before the House.

HON. MR. ALMON—I would prefer that the leader of the House would bring in a Bill to do away with the ballot altogether. It is acknowledged to be a total failure. The only time I ever spoke in the House of Commons, while I was a member of it, was when I rose to say a few words against the adoption of the ballot. I am convinced still that I was right, and that the majority were wrong. The argument in favour of the ballot was that it would do away with bribery. Has it done away with bribery? Is there any election in which a Conservative is re-

turned that the Liberals do not attribute his success to the influence of bribery and boodle? Then, again, if a Grit is returned, while our papers are much more charitable, do they not always mention bribery as one of the causes of his election? What earthly good has the ballot done? It has done harm. It has demoralized our people and reduced them to the same state as our cousins over the border, where bribery and corruption reign. I would much rather that the leader of the Government, if it is at all possible—I do not know that it is—would bring in a Bill to do away with the ballot altogether, and likewise that he could return to the old property franchise.

HON. MR. MCINNES (B.C.)—In reply to the hon. gentleman from Lunenburg, I may state that there is a desire in the North-West Territories for the ballot, inasmuch as I am informed by an hon. gentleman from the North-West that it is used in municipal elections, and surely when they have it for municipal elections they should have the privilege of using it in the Dominion election.

HON. MR. VIDAL—It must be gratifying to the leader of the Administration to hear such a tribute to his party from his opponents. When such a high character is given to the intelligence of the people of the North-West Territories, who have been wise enough to send such warm supporters of the Government to represent them here, he pays the Government a very high compliment.

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

### THE BODY-SNATCHING BILL

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (1) "An Act for the punishment of the offence generally termed Body Snatching.

(In the Committee.)

HON. MR. POWER—I should like to ask the hon. gentleman from Delaunaudière what is the exact meaning of the words in his proposed amendment to the third subsection of the third clause of the Bill—"or providing for the disinterment of any corpse buried in any church, chapel or cemetery in the province."

HON. MR. BELLEROSE—There is no longer a necessity for it, the Bill having been amended in the direction desired. My intention was to reserve all the Acts which might be in force in all the provinces.

HON. MR. POWER—It would be better that the words suggested by the hon. gentleman from Delaunaudière should form part of sub-clause (a.) I doubt whether it is desirable to give the large scope as to disinterment given in one of the proposed amendments. I think that the right to interfere with the remains of deceased persons is one that should not be encouraged or extended.

The motion was agreed to.

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

### COPYRIGHT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (141) "An Act to amend the Copyright Act." He said: This Bill is the first step towards making the Copyright Act, the Trades Mark Act and the Patent Act uniform. In this respect the proceeding, which had to be initiated by the Attorney General on the relation of any man who is thought himself aggrieved, and therefore had to be initiated in a circuitous way, may, under this Act, be initiated directly by the party himself, the same as in other suits. That is the sole purpose of this Bill.

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

### CONSOLIDATED REVENUE AND AUDIT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (137) "An Act further to amend the Consolidated Revenue and Audit Act" He said:—Under the law which prevailed with reference to the Auditor General previous to the consolidation of the statutes of the Dominion in the Revised Statutes he had the power to promote and dismiss his own employes, the object being to make his department as independent as possible,

inasmuch as the country looked to him for an impartial audit of his accounts. In drawing up the revision of the statutes the distinction between his power and department and those of other Ministers was overlooked, and since the Revised Statutes were adopted he has not had that power; but it is considered advisable that he should have it, as it was considered when his office was established, and this Bill is for the purpose of replacing him in the same position that he had before these statutes were revised.

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

### PATENT ACT AMENDMENT BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (142) "An Act to amend the Patent Act." He said: This is another Bill in the same line as the Copyright Act—to give a man the right to apply to the court for a remedy.

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

#### THIRD READINGS.

The following Bills passed through Committee of Whole without amendment, and were read the third time and passed.

Bill (44) "An Act to amend Cap. 77 of the Revised Statutes, respecting the Safety of Ships." (Mr. Abbott).

Bill (105) "An Act respecting the Intercolonial Railway."

The Senate adjourned at 10:10 p.m.

### THE SENATE.

*Ottawa, Thursday, August 6th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

Bill (123) "An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the

name thereof to 'The Oshawa Railway Company.'" (Mr. Sullivan.)

Bill (124) "An Act further to amend the Act to incorporate the Great Eastern Railway Company." (Mr. DeBoucherville.)

Bill (84) "An Act respecting the Saskatchewan Railway and Mining Company." (Mr. Perley.)

Bill (121) "An Act to amend the Act to incorporate the Montreal Bridge Company." (Mr. DeBoucherville.)

### THE BAIE DES CHALEURS RAILWAY CO.'S BILL.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, presented the following report on Bill 82 "An Act respecting the Baie des Chaleurs Railway Company, which was read by the Clerk as follows:—

"THE SENATE,  
"COMMITTEE ROOM No. 8,  
"THURSDAY, 6th August, 1891.

"The Select Committee on Railways, Telegraphs and Harbours, to whom was referred the Bill from the House of Commons, intitled: "An Act respecting the Baie des Chaleurs Railway Company," have, in obedience to the Order of Reference of Wednesday, the twenty-ninth day of July 1st, examined the said Bill, and now beg leave to report with respect thereto as follows:—

"1. That your committee be empowered to send for persons, papers and records required for the purpose of affording evidence as to any matter arising out of the examination of the said Bill.

"2. That for the purpose of such examination your committee be authorized to employ a shorthand writer.

"All of which is respectfully submitted.

"A. VIDAL,  
"Chairman."

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

The motion was agreed to.

HON. MR. MILLER—In connection with that report I beg leave to submit the following motion —

That the Select Committee on Railways, Telegraphs and Harbours be and are hereby empowered to send for such persons, papers and records as may from time to time be required by the said committee for the purpose of affording evidence under oath as to any matter arising out of the examination by the said committee of the Bill from the House of Commons (No. 82) intitled: "An Act respecting the Baie des Chaleurs Railway Company;" and that the said Committee be and are hereby authorized to employ a shorthand writer for the purpose of said examination.

I did not look at the report closely until now, and I see that the words to "take evidence under oath" are omitted from it.

HON. MR. VIDAL—It is not necessary to insert them.

HON. MR. MILLER—I think it is necessary, and if the House will allow me, I will add the words “under oath” to the report, as they are neither in the report nor in my resolution.

HON. MR. VIDAL—Since the Confederation Act was passed the Imperial Parliament has given the power to take evidence under oath.

HON. MR. MILLER—And our Act has supplemented the Imperial Act, giving the House the powers I am now asking for under this resolution.

The motion was agreed to.

### HUDSON BAY RAILWAY CO.'S BILL.

DEBATE ON SECOND READING CONTINUED.

The Order of the Day having been called :

Resuming adjourned debate on second reading of (Bill 119) “An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company,” and on the Hon. Mr. Scott's amendment, that the said Bill be not now read a second time, but that it be read a second time this day six months.

HON. MR. MACINNES (Burlington)—It will be remembered that when my hon. friend, the senior member for Halifax, had finished his speech, I moved an adjournment of the debate. That hon. gentleman, in the course of his remarks, tendered the advice that hon. gentlemen in addressing this House should use arguments of a practical and business character. I cordially agree in that remark, but example is stronger than precept. He violated his own precept by addressing the main part of his speech to the Hudson Bay Railway scheme, which is not the question before the House. The question before the House is a Bill for the construction of a colonization road. I may state here my opinion with reference to the Hudson Bay Railway scheme. It is my opinion that we have not sufficient information of a reliable or positive character to justify us in deciding for or against the practicability of navigating Hudson Strait, and it is my opinion also that it would be premature and unwise on the part of the Government to pledge the credit of the country to the railway to Hudson Bay, at all events, until we have information of a more

reliable and exhaustive character than we at present possess. As I have stated, the question before us is the granting of aid to a colonization railway from Winnipeg to the Saskatchewan, a distance of about 300 miles. Forty miles of this distance has already been completed. True, it was commenced, and its promoters intended it to be the Hudson Bay Railway. It was intended to continue it on to the Hudson Bay, but the Government have not left us in any doubt as regards their intention with respect to the Bill now under consideration. The Minister of the Interior, in introducing the Bill in the other House, stated most distinctly that it was to be a colonization railway, and that aid should be given to it to the Saskatchewan, and no further. We have had very much the same assurances from the hon. Premier in this House. There has been a good deal said as to the route. I should say, however, that very great latitude is given in the North-West in laying down routes for railways, much greater latitude than is possible in the older provinces of Canada. More latitude is given, as a rule, without detriment to the interests of anyone. There are two routes laid down on the map which is on our Table here, one proceeding in a north-westerly direction to Lake Manitoba until it reaches the Narrows—crossing at what is called the Narrows, and then proceeding westerly and northerly to the Saskatchewan. The other proceeds to the same point on the same route to the Narrows, but continues all the way on the east side of Lake Manitoba to the Saskatchewan. We are not left in any doubt with reference to the character of the country on both these routes. My hon. friend from Alberton gave us very valuable and exhaustive information in the admirable speech which he delivered to the House a few days ago. In his remarks I think he confined his description of the land to the country east of Lake Manitoba on to the Saskatchewan. The hon. gentleman from Toronto, in his interesting speech, also gave us information concerning the character of the country by both these routes. He, during the recess, took the trouble to get independent information from friends in the North-West with reference to the character of the country, and this information is to the effect that the land is of a very excellent character all the way by the route which crosses the Narrows and proceeds west of Lake Manitoba on to the Saskatchewan. The character of the land on the other route

proceeding from the Narrows on up to the Saskatchewan, most of it, is not quite so favourable as on the other route, but the amendment which the Premier has proposed places the power in the hands of the Government to fix the route, and I am perfectly willing to give the Government my confidence, believing that they will select the best route in the public interest. Before any route is adopted it has to be approved by the Governor in Council; and not only that, but the plans and specifications have to be submitted to the Railway Department for their approval, and until that approval is obtained the company cannot put a spade in the ground towards its construction. There is something more than that required. An agreement has to be entered into between the Hudson Bay Railway Company and the Government stating the terms and conditions on which the aid is given. That has to be signed and executed both by the company and by the Government. As I have already said, I am perfectly satisfied that the Government will protect the public interest, both as regards the route and as regards the terms of the agreement. I happen to be a director of the first railway to which aid was given in the North-West in the same manner as that proposed under this Bill—the Long Lake Railway. The Act incorporating that company is almost word for word the same as this Bill; but there is an additional clause here, the third, which reads as follows—and this clause contains the pith of the whole thing:—

“In contracting with the company for the aid given in accordance with the first section of this Act, the Governor in Council shall take from the company an obligation for the transport of men, materials, supplies and mails for twenty years on the company's line between Winnipeg and the terminus on the Saskatchewan River, in consideration of the said aid; and the Governor in Council shall stipulate that in case the amount so earned by the company by transport aforesaid does not amount to the sum to be paid by the Government, the deficiency shall form a lien on one-third of the land grant which may be earned by the company on the line between the end of the forty miles of the said railway as now constructed and the Saskatchewan River.”

Now, this plan, from experience, has been found to be very effective in ensuring the construction of railways in the North-West. Under this plan the money is obtained for the construction of the road, and it is built rapidly, and to the satisfaction of the Government and the people. It has been done in a much more expeditious and complete manner than subsidized railways in the older parts

of Canada, which usually drag along, and are built 50 or 100 miles at a time, as hon. gentlemen well know. In this case the roads are complete in a rapid and satisfactory manner, and the lines so far constructed—the Qu'Appelle and the Calgary and Edmonton—are of a character equal to that of the prairie sections of the Canadian Pacific Railway. From a financial point of view, also, it is a very satisfactory way, in my opinion, to build roads in the North-West. In this case, the Government retain one-third of the land grant as security in case of any deficiency. If the country becomes populous the security of the Government is ample to protect them from any loss through aid given in this manner. The prospect of the present crop is such as to warrant the most sanguine expectations that immigration will proceed to the North-West more rapidly than has been the case so far. It is true that we have all been disappointed in the settlement of that country, but it has been the experience of our friends to the south of us in their territories that the settlement of the country in its first years is slow and gradual. The settlement of the rich lands of Dakota, of which we have heard so much, was very slow for a period of 14 years, but with the construction of railways it advanced rapidly; so, in giving aid to railways in this way we are promoting the interests of the country. It appears to me that we do not half appreciate the great property which Canada owns in the North-West. I believe it will become the backbone of this great Dominion, and it will go on increasing from year to year, and the old parts of Canada will be well repaid in the future for any liberal treatment which may be extended to that country in the way of constructing railways and promoting its settlement. This Hudson Bay Railway will participate in that prosperity, and therefore I have no hesitation in supporting the Bill which is now before us.

HON. MR. KAULBACH—In rising to speak on this question I have great hesitancy in deciding whether I should confine myself to the question really and purely before the House—that is, with regard to this railway from Winnipeg to the Saskatchewan—or whether I should follow the precedent of the leader of the Opposition, who went through the whole question of the Hudson Bay Railway and the financial resources of this country. If I should make

a review of the whole question as introduced by the leader of the Opposition I might take up more of the time of the House than would be fair or reasonable. The question strictly before the House, and what we have chiefly to do with, is this road from Winnipeg to Saskatchewan, and apart from what any gentleman may feel on the subject of the Hudson Bay route (which is not the question before us), we must look upon this independently of the other great question, and ask ourselves whether it is a project which justifies the expenditure of this money. Now, we are told by the Bill before us that it is to aid the company in procuring the construction of a railway as far as the Saskatchewan; and the Government have made, in my opinion, a very hard contract with them, by which the company are to perform certain services for the Government for a period of twenty years, during which period the company are to receive \$80,000 a year, and not until after the road is completed.

HON. MR. McINNES (B.C.)—What services?

HON. MR. KAULBACH—Does my hon. friend ask that question to interrupt or to get information?

HON. MR. McINNES (B.C.)—For information, of course.

HON. MR. KAULBACH—It is for transporting material, mails, and anything else the Government require. This contract is for the ostensible purpose of aiding the company to construct a railway as far as the Saskatchewan River, and we have the assurance of the leader of the House that it is to go through an excellent country. That assurance I am ready to accept, and on that alone I am prepared to support the Bill. But we have, in addition to his assurance, the statements of hon. gentlemen who are familiar with that country, who have travelled over it and know something about it.

HON. MR. POWER—Name.

HON. MR. KAULBACH—The hon. gentleman from Alberta (Mr. Perley).

HON. MR. POWER—He does not live there.

HON. MR. KAULBACH—He tells me that he has gone through that country up as far as Grand Rapids, and he knows something of its resources and of its capabilities, of the character of its soil and of the engineering difficulties, and he knows something of the population of that country. Therefore, when we are told by the hon. gentleman that we have no information to guide us as to the character of that country he is in error. But we have also the reports of a large number of men who have located the line and travelled over the route from Winnipeg to Grand Rapids, some of which the hon. member from Alberton has already quoted from. We have the reports of Mr. Neilson, the engineer who located the line; of Mr. Shelford, an English engineer; of Mr. Gillespie, a contractor and explorer; of Mr. S. H. Fowler, a land examiner; of Mr. D. J. Warner, Crown timber agent; of Mr. Leacock, Land Commissioner; and of Prof. Bell, of the Geological Survey—all speaking highly of that country.

HON. MR. POWER—A land flowing with milk and honey.

HON. MR. KAULBACH—You may almost say as much as that. They tell us that it is a country suited for agriculture—affording good pasturage for cattle, and well adapted to the raising of grain. It is suited for varied farming. All those men who have visited that country during the last six years speak highly of the character and resources of the country, and of the facility with which a railway could be constructed there. They have spoken to the people settled there, and all of them seem to be satisfied. They tell us that the country is capable of sustaining a population of some 100,000 people. We have also the assurance of the hon. member from St. Boniface, who derives his information from authentic sources, that there is in the country lying between the road already constructed and the Grand Rapids a population of nearly 6,000 people.

HON. MR. SCOTT—Oh, oh!

HON. MR. KAULBACH—My hon. friend from Ottawa says "oh, oh;" his ideas of the future of our North-West are so infinitesimally small that I cannot accept his view of its prospects or character. He told us the

other day that he had an interview with some Hudson Bay officer who said there might be some 100 people in that country beyond the 40 miles of railway already constructed, and on that the hon. gentleman based his argument; but my hon. friend from St. Boniface gave us the different townships and the population of each, showing that there were 5,663 people in the district I have referred to, and some 2,000 on either side of the section of 40 miles of railway already constructed. I think that is a complete answer to the hon. gentleman's assertion. I may say that a Hudson Bay officer is not the best authority as to the resources and prospects of the North-West; he is not inclined to speak favourably of any part of it. You would suppose, to hear the officials of that company, that they are full of patriotism and philanthropy, and that their main object in doing business in the North-West Territories is to employ the poor Indians and to keep them from starving; but we know that their real object is to keep that country as a fur preserve, and they give as little information about its resources as possible. If we had relied on them for the information necessary to open up that country we would have remained in ignorance of its real character up to the present hour. Therefore, I think we have ample evidence on the subject. The leader of the Opposition seemed to harp a great deal on the route of the railway—whether it was to go to the Narrows on Lake Manitoba or to Grand Rapids. I mean to say that we have had all the information that is necessary for us between the lakes up to Grand Rapids. There are no engineering difficulties in the way. There is a small river to cross, and we know there is population there, and the route of the railway is known by all the gentlemen I have named. Then it reaches a natural place to cross the Saskatchewan, at a portage where there is a fall of 100 feet in height, I believe, and it will eventually be a centre for large manufacturing industries. About the other route I do not know anything—whether there are any engineering difficulties on it or not. The hon. gentleman from Marquette went there as one of the early settlers of that country some six or seven years ago, with his young family and a wife not enured to the toils and hardships of pioneer life, and planted himself in that vast country far from settlement, far from railways, and he knows more about that

country than the hon. gentleman from Ottawa: and what has he told us of that route if the railway should go there? He says it is a good country, fit for settlement, and the railway would develop an immense area of fertile land. It is the views of such men that we must depend upon in preference to the *ipse dixit* of the leader of the Opposition. As for myself, I do not care which way the railway goes. I am a strong believer in the success eventually of the Hudson Bay Railway scheme; but apart from that, we are now discussing a colonization scheme from Winnipeg to the Saskatchewan. It is immaterial to us which route it takes. Either way, it goes through a good country. I have abundance of proof of that—whether it goes south of the lakes, or between the lakes, or east of the lakes, it will be going through a good country that we want to see developed and opened up for settlement. My hon. friend did not seem to be so anxious about the other railways. The two points are generally given between which railways are to go. We have incorporated the Regina and Long Lake Railway going up into that country, but we do not know the route it is to take. We leave it in the hands of the promoters, who have invested a large amount of money in the enterprise, and the Government will not interfere with the route further than to see that it goes through a proper country. These men want to enlist capital and labour for the scheme, and bring population into the country. These railways are the best immigration agents we have, and their promoters will locate them where they believe they will be the best paying concerns, and where they will develop the country and increase the value of the land that they get in their grant. The hon. gentleman from Ottawa, in speaking of the money that this company is to get, puts it at about \$2,000,000. I do not make it anything of the kind. If it were a cash payment to-day \$1,000,000 would cover it. It is to be paid only in twenty years. The payment is not to be commenced until such time as the road is built, and we do not know how long that will take, and then it is only the balance between what the road earns from the Government and the grant that they will get. For that we get ample security, three times the value of the money invested, in the land that the company own outside of the 40 miles. It is not only that we are getting ample security for the money, but as the hon. gentleman from Prince Edward Island has said

we are increasing the value of the whole of the other lands in that country. What is the good of all the lands we have in the North-West if we do not open them up by railways? I believe that the first thing we must do in that country is to open the land for settlement and improve it. We look upon the North-West as our great inheritance. I never look upon it in a sectional light at all. It will be eventually the home of millions of population. It will take all the surplus population of the British Isles and the countries of Europe as well, and will provide homes for millions of prosperous and happy people. That is the inheritance that we are going to hand down to our children, and there is no one in Canada who glories in that inheritance and is more anxious to have it opened for settlement than I am. When we consider that hitherto England has had to look to foreign countries for her bread supply it is assuring to feel that in the future we have a country capable of producing sufficient grain to feed the surplus millions of the great British Empire, if the crops of every other country should fail. We will have plenty and enough to spare for the whole empire if we only get the people into the North-West to cultivate it. The policy of the Government is to be carried out unless it is disturbed by the policy of the Opposition, which has always been a policy of obstruction to railway enterprise ever since Confederation, and it insures for the North-West Territories a great future. If the country had adopted the policy of the Opposition, where would the Canadian Pacific Railway be to-day? We would have broken faith with British Columbia. I have heard the leader of the Opposition, on the floor of this House, tell us that it was a mad scheme to attempt to keep our pledge to British Columbia. In the other House a prominent member of the party called British Columbia a sea of mountains, and declared that it would cost more millions of dollars to build the railway there than the country could afford, and would take twenty-five years to complete it. The trade with China and Japan was spoken of as a myth, and we were told that the trade of the railway was to be simply a local trade, and he derided the whole thing. Is the hon. gentleman from Ottawa, who took the same view of the Canadian Pacific Railway, a prophet we are to follow in his prognostications to-day? When my hon. friend prophesies about the

future of the country I cannot but feel that he is a false prophet, who would delude the country, and if we had followed his advice in the past we would be a poor, miserable and helpless country at the present day. I must return to the first position the hon. gentleman took on this question.

HON. MR. POWER—Do not spare him.

HON. MR. KAULBACH—I will not spare the hon. gentleman from Halifax either. I say that my hon. friend started from false premises in the first sentence he uttered in this debate, and he followed it up with fallacious reasoning, false terms and garbled extracts from reports, and devoted very little attention to the real issue before the House, and tried to blind the members of the Senate as regards the real question before us. He got off on the Hudson Bay and Hudson Strait scheme, and endeavoured to prejudice the minds of a number of gentlemen of this House who had no confidence in the Hudson Bay scheme. I have confidence in the Hudson Bay; I have had confidence in it from the time our late friend from Victoria (Mr Ryan) took the question up. He was a man who had no fads. He was an intelligent gentleman, with a large grasp of subjects. He took this question up and satisfied the House that the scheme was one worthy of consideration, and succeeded in having an exploring party organized and sent out there. I believe in his scheme; I stated at the time that the Hudson Bay was a mighty sea, and that the value of that sea as a fishing ground was equal to that of the best prairie land in the west, and I hope those splendid fisheries will soon be developed. My hon. friend's first sentence was that this road was to be built for the transporting of men, supplies and mails for the next twenty years. That was not what the road was projected for. That provision was inserted merely to allow the railway to give some equivalent for the money they are getting. The object of the road is to colonize the country, as stated by the leader of the House, and as stated in the Bill itself. My hon. friend from Ottawa started his argument with a proposition that was fallacious, and afterwards followed it up by fallacious reasoning and extracts that have given a false impression of the report made of the Hudson Bay to this House. He stated that there were only about six or eight



weeks of open water in the bay. I know I would weary the House by reading the report at any length, but I have taken notes. Commander Gordon estimates the period of navigation from the 15th of July to 15th of October, with a possibility of navigation from the 4th July to the 1st of November. There are three months of open navigation, at all events. My hon. friend referred us to this report and would make us believe that the Hudson Bay district is a terrible country, where life and property would be sacrificed. He knew well enough that as far as the Straits are concerned they have been navigated for 200 years, and even with the kind of vessels they used then he cannot show that there has been any loss of life or property there. I say that what my hon. friend has led us to infer from his reading of this report would certainly not be borne out, and is not justified on a reading of the whole report. My hon. friend, and every other gentleman who spoke on that side, endeavoured to divert the attention of the House from the real subject at issue, and to draw the House from a proper conclusion on this matter. My hon. friend from Ottawa spoke of the enormous debt of this country; he said it was some \$300,000,000, and he warned us that we must be careful how we increased it. He was thinking probably of how the Government of which he was a member piled up the indebtedness while they were in power. They had nothing but deficits, and there was no expenditure on capital account out of revenue. The amount of the deficits was an absolute loss to the country. They had no faith in themselves and no faith in the future of the country, but they went on lavishly expending money on a land and water route—a sort of amphibious line—and they left monuments of their incapacity all over the country.

HON. MR. SCOTT—The Neebing Hotel.

HON. MR. KAULBACH—Yes; the Neebing Hotel, the Fort Frances lock, the steel rails in British Columbia, and the Georgian Bay Branch Railway. They spent millions of dollars for no earthly use. Had they remained in power to this day the country would have been ruined; they would have done nothing towards developing its resources. My hon. friend from Ottawa says that we have too many railways in the North-West. I think we have not half enough. The best

policy is to bring in English capital and English labour and colonize our vast territories. While they remain undeveloped they are of no value to us. These railway companies are the best immigration agents; they accomplish more for the country in that way than the Government can do by spending money to promote immigration. A country like our North-West can only be settled by building railways through it. It is capable of sustaining an enormous population; it is rich in natural resources. The land requires no fertilizer: "tickle it with a hoe and it laughs with a bountiful harvest." It is a country suited for settlement and calling for population. When I was travelling abroad I felt proud of my native country. I felt that I was not merely a Nova Scotian, but that I was a Canadian, and I was proud of it. I think the present Government has expended money wisely in developing the North-West Territories. The hon. gentleman from Ottawa told us the other day that the United States is our natural market and that we export more to that country than to Great Britain, the difference being, he claimed, some eight millions of dollars. I was surprised at the statement and I looked up the reports. I find that in 1890 we sent to Great Britain \$48,353,000 worth of goods, while the same year we sent to the United States only \$40,520,000. The balance of trade was nearly eight millions the other way. Then the hon. gentleman also stated that the taxation per head in this country is twice as great as that in the United States. He made the same mistake there. The reverse is the case.

HON. MR. POWER—I rise to a question of order. I do not see what the language that the hon. gentleman is using has to do with the colonization railway.

HON. MR. KAULBACH—I would ask my hon. friend what his language had to do with it either. It had about as much reference to the question before the House as my language has.

HON. MR. POWER—Then the hon. gentleman should have called me to order.

HON. MR. KAULBACH—The hon. gentleman has been deriding our country; he has been stating that we are crippled with debt. That is the report that he would give.

to the world. How can we expect people to come to a country whose public men speak of it in that way? As I have shown, the trade with Great Britain is greater than with the United States, and I may add that it increased 14 per cent. last year. Whatever our friends may say, the Canadian farmer must look to England as the only reliable market for his products. We own in this country one-third of the whole empire, and we should have faith in its future. My hon. friend from New Westminster is opposed to this project; he stands alone amongst the representatives from Manitoba, the North-West Territories and British Columbia. This road is demanded by the people who know most about it. We find the present Liberal Government of Manitoba giving \$1,500,000 to aid this railway. They have spent some \$300,000 in building forty miles of it. Would my hon. friend discredit the judgment of the people of Manitoba and the North-West? They have given an earnest of their great desire to have this railway constructed. Why should we obstruct them in the laudable enterprise that they have undertaken? Why should we jeer at the character of the land in that section of Manitoba and deride the policy of the Local Government in endeavouring to open it up? But the party to which my hon. friend belongs have always been "flies on the wheel." It is the same now as when they were in power—when they told the poor people who were starving for bread under their policy: "You must eat less and work more." But we have no paupers in this country now. Look at British Columbia—see what railway construction has done for that province. When I was at Vancouver, a few years ago, there were only some huts on the shore of the inlet; now there is a city there lighted with electricity and a harbour filled with shipping. My hon. friend from New Westminster himself claims that the tonnage of British Columbia, in proportion to their population, exceeds that of Nova Scotia. Where would British Columbia have been had the Mackenzie Government remained in power? I remember a few years ago when somebody was laughing out against the building of the Canadian Pacific Railway my hon. friend from British Columbia gave him a castigation; but times have changed since then, and he has changed with them. Now, everything connected with the Canadian Pacific Railway, in his opinion, is all

wrong. He would destroy the work that has been done in the development of this country, and would have this House prove false to the principles it has advocated. He says that this railway project which we are now asked to subsidize is all a sham; he forgets that for the last ten years and more we have endorsed it as a scheme worthy of assistance. My hon. friend, the leader of the Opposition, dwelt at some length on the increase of the public debt of the Dominion. Let us look at that increase. From 1875 to 1878, while his party was in power, the debt was increased by \$22,000,000, for which the country had little to show; from 1887 to 1890 the increase has been but \$14,000,000, showing that our debt is not increasing rapidly. He says our debt has reached \$300,000,000. In that he is astray; our net debt is between \$230,000,000 and \$240,000,000. During the time that the present party has been in power there has been \$31,000,000 spent out of revenue on capital account. That money has not been wasted; there are monuments to the enterprise of the Government in every part of the Dominion. Had the Mackenzie Administration remained in power to this time and continued their policy the debt would have reached, by this time, an enormous sum. They had no faith in the country or in themselves, but they went on expending the revenue of the country lavishly, and every year there was a deficit. Now, I have faith in that North-West country—in every part of it. I believe that there is great natural wealth in the immense inland sea to the north of us. We know that the United States whalers frequent it; we know that the waters in that vast expanse of sea—some 300,000 square miles in extent—teem with fish, and it is for the people of this country to go in and develop and make productive that great natural wealth. We find those who live inland coming down to our coasts to invigorate their systems by inhaling ozone from the fresh sea breezes. The people of the North-West have a sea near their own homes, and when they can get access to it they will frequent it, as the people of Ontario do the coasts of our maritime provinces. They can go there and recuperate their wasted energies, and catch fish, catch anything from a herring to a whale. We are not jealous of them; we do not think they will catch enough fish to overstock the markets, and it is possible, as some hon.

gentlemen has said, that we may yet have a direct trade between Nova Scotia and the North-West Territories by way of Hudson Bay. I can remember when I was a little boy that the possibility of navigating the St. Lawrence was questioned. We know how trade has developed by that route, and we should have sufficient faith in our country to go on developing new routes, feeling confident that a trade will be developed which will tax all the avenues of commerce that we may possess or provide in the future. Nobody who has faith in the Dominion grudges the expense which is necessary to develop the great North-West. I can speak for Nova Scotia, and say that we look upon it as the proper policy. Eventually the mother country will come to look upon it as a matter of Imperial importance, and will contribute to the success of this policy. No matter what hostilities may arise between the empire and other nations, we can raise in that vast country millions of tons of food, safe from interference by any hostile power. I do not know particularly what my hon. friend from New Westminster said the other day, but he read extracts from debates in the other House. It was improper and in bad taste to do so.

HON. MR. McINNES (B.C.)—I rise to a question of order. The House has been altogether too indulgent in listening for at least an hour to a speech which is wholly irrelevant to the issue before us.

HON. MR. KAULBACH—I am referring now to the comments which the hon. gentleman made, and his quotations from speeches delivered in another place.

HON. MR. MILLER—There is, and always has been, very great latitude allowed in this House in debates of this character, and I can only say, from my own experience as a member of the Senate, that if the strict parliamentary rule were applied we would not have one-fourth of the speaking that we have in this House. I do not think that we have too much speaking, and as we are not pressed with business there is no reason why the hon. gentleman's speech should be interrupted. I do not think it is wise to make an exception of the hon. gentleman from Lunenburg, when almost everyone but the Premier himself errs in the same way.

HON. MR. KAULBACH—I do not want to violate any rule, but the hon. gentleman from New Westminster read a number of extracts in the course of his speech and now, when I rise to comment on them, he raises a question of order. The hon. member thought he had made a capital point when he discovered that some member of the other House was reported as saying that steamers had been running to Hudson Bay for 200 years. Now, that must have been a typographical error; the gentleman who made the statement in another place was too intelligent and too well informed to assert that steamers were running to Hudson Bay before steamers were known. It was discourteous to the other branch of the Legislature and unseemly to make such a comment. It is something that is unusual in any parliamentary body that I know of. I now come to the remarks of my hon. friend the junior member from Halifax. He is more eloquent than profound. He has more wit and good humour than profundity in debate. He says that the money called for by this measure would be better spent in Halifax. Well, Halifax is in favour of this project. He says the people of Halifax want the railway extended into their city. Well, they have the railway there already, and they have a large elevator, a wharf, a freight depot and a passenger station in the middle of the town. But my hon. friend wants \$400,000 more spent in Halifax. I do not believe that the Government will grant it. The city itself does not want it. When my hon. friend tries to get sympathy hereby saying that the money would be better expended in building a tunnel under the Straits of Northumberland or a wharf at Halifax he will fail in accomplishing his object of diverting the money from this legitimate undertaking. I hope to live long enough to see the railway built to the Saskatchewan and extended to the utmost limits mentioned in the charter. Not only will the capital invested in the enterprise prove remunerative to the company, but it will be a great benefit to the country. It will provide another outlet for the constantly increasing products of the North-West. We who live in the east and have our canals and railways, and other means of transportation, need not be jealous. This year the North-West Territories will have a surplus of 25,000,000 of bushels of wheat. This means great wealth to the country, and we would not possess it to-day had the policy

of the Mackenzie Administration prevailed. This year's crop in the North-West is only the small beginning of what we may expect from that country. The surplus will soon be ten times as much, and when the production of cereals grows to that extent the vast unoccupied area that we possess will be rapidly peopled with immigrants from Europe. So we will go on prospering, and to prosper, as long as the present Government and their policy prevail.

HON. MR. PERLEY—It may not be out of place for me to claim your indulgence for a short time while I express a few opinions on the Bill before the House. I have listened with a great deal of pleasure, and some amusement as well, to the remarks that have been made by several hon. gentlemen who have spoken on this subject, but whilst I have been amused I must say that a great deal of what we have listened to has been irrelevant to the question before the House. The first question that we have to consider is, whether the road that is proposed to be subsidized is needed; and if it is needed, the next question is, would the Government be justified in rendering the assistance that the promoters of the enterprise ask for. I think these are fair propositions, and the two that we should confine ourselves to the discussion of. I was somewhat surprised the other day in listening to the remarks made by the senior member for Halifax. He did not enter into the discussion of the question with the usual vim and vigour that a man exhibits who believes in the course that he is pursuing; because I have always found that hon. gentleman very earnest in whatever course he adopts. His effort in denouncing this Bill was, I thought, very feeble, coming from such an able source. He asked one very pertinent question, however, and that is why the settlement of the North-West has not been confined to the lines of railways already built. The answer to that question is one that could not be applied to any other part of the Dominion. I asked myself that question when I went into the North-West in 1882. I was advised to go down to southern Manitoba and away up to the northern sections of the country. I found there what you will not find, I think, in any other part of the universe—every man, meet him where you will, tells you that he has got the very best farm in that country.

An hon. MEMBER—Not the Grits.

HON. MR. PERLEY—The Grits are the very loudest in making that statement,—that they have the best farms and in the very best sections of the country. From that standpoint men have left all the advantages that are valued in other countries—neighbours, schools, churches and railway facilities, and settled in remote places. Notwithstanding the fact that the Canadian Pacific Railway extends across that country, and several branches have been built, still you will find men settling in remote parts of that country, believing that in such places they find a better country than any part of the North-West that has been opened up, showing conclusively that the whole of that country is good for agricultural purposes. That, I think, is an answer to my hon. friend's question. The people go in there because each man thinks that where he has settled is the very best part of the North-West. The people who have settled in the country which the railway is to open up have acted upon that belief, and with the expectation that a railway will be built there before long. Could any stronger argument be advanced in support of this measure? Could any greater cause be shown for the necessity of the railway than the fact that people go into the country in advance, feeling satisfied that the fertility of the soil will warrant the early construction of a railway? It shows conclusively that it is a good section of country. And these people are good immigration agents. Their confidence in the future of the country attracts others. So long as the country is undeveloped, so long as new sections are found where the land is good, so long will people scatter over the face of that country, and it is not an impossible thing—in fact it is quite probable, that in the near future the whole of that vast country will be opened up by railways, because every part of it has that material quality of goodness in it that will warrant the construction of railways. I claim that I have some right to speak on this subject, because I have lived in the North-West nine years. My residence now, and perhaps for the balance of my life, is not in close proximity to the route of this proposed railway. I live 300 miles from it, but I know something of that country. The first three months that I was in the North-West I spent there. I have been up to Fulford, and in 1882, about the 15th of August—nearly nine years ago—when I

visited Fulford I found a very creditable settlement there. I have been all along those lakes, and I know that the country possesses a fertile soil and is splendidly timbered—a country that for its timber alone would warrant the construction of the railway. I have been up at Lake Winnipegosis and have seen there as fine potatoes and vegetables as I have tasted in any country, showing that the soil and climate were suited for the production of vegetables to any extent. The horses and cattle—in fact, stock of all kinds—were in good condition. Everything indicated good agricultural country. I was very much impressed with that fact. I was not beyond the point I have mentioned—the mouth of Lake Winnipegosis and along the lake from end to end, but I found that part of the country that I visited good all the way—a magnificent country for farming purposes, not only for tillage but for stock. From what I saw I feel justified in saying that the company and the Government are warranted in opening up that country. In corroboration of my statement there is the fact which is established by the late census that already there is a population of six or seven thousand in that country—I am speaking now of the eastern side of Lake Manitoba. On the western side of the lake I know that it is an equally good country; therefore, although the road is not located, it does not matter which side of the lake the route takes; it will in either case open up valuable land to settlement. I know of men in my own district who have picked up their stakes, though they were within six miles of a railway station, and have gone to that country between the lakes and settled 200 miles away from a railway, because they believe that it possessed a better soil and a better climate than any of the country through which the Canadian Pacific Railway runs. The very man who has replaced me in the House of Commons has gone to that district and settled on the other side of the lake. The country must be good to attract people in that way. I spent the earlier part of my life in a lumbering district and know something of timber, and I do not hesitate to say that the finest spruce timber I ever saw was along the Water Hen River, at the north end of Lake Manitoba and east of Lake Winnipegosis. For its timber alone that country is exceedingly valuable. There is nothing that we

need more in the North-West than timber, and the building of this railway will open up the best timber reserve in that part of the country. There is nothing more important to farmers than to be able to get lumber at reasonable prices, and if the timber in the lake district can be supplied to the farmers who live on the prairies, the whole of the North-West country will be benefited. It will greatly assist in developing and settling the treeless prairies. On that ground alone the Government are justified in appropriating this aid towards the construction of this railway. I may say that the soil is good throughout the whole of that vast country. As I have shown, the manner in which population is scattered over every portion of it is the best proof of the excellent quality of the soil everywhere. Some reference has been made to the quality of the soil at the Narrows of Lake Manitoba, where it is suggested the road should cross. I am not an engineer, but when I visited the Narrows I thought it was a monstrous thing to undertake to build a road that way. I saw the telegraph poles that had been put up, and the roadway that had been cut out when the Mackenzie Administration was in power. That was several years after the work had been done, and the poles were still standing, showing that there was some soil there to hold them. But what struck me as monstrous was the idea of building a railway in the face of such physical difficulties. As regards the railway project itself, I believe it will be a paying investment from a financial standpoint. I have already shown that the land throughout all that country is good. I have had some experience of farming, and I know that it is a very great hardship to undertake to raise wheat at a distance of 15 miles from a railway. You will find that there is a very strong feeling amongst the people of the North-West to day to have railway communication closer than that. There is a desire amongst the people in sections of the country already served by railways to have improved facilities for transportation. Is it any wonder, therefore, that persons who are 100 miles from any railway are clamouring for the same thing. It is said that you cannot haul wheat 15 or 20 miles to a railway and compete with those who have farms on the line. It is not impossible—in fact, it is highly probable—that in the near future there will be sufficient settlement within 5 miles on each side of

the existing railways to provide all the freight that the railway can carry. To show the high opinion that people entertain of that country, I may mention that in south-eastern Assiniboia men have shown me that it cost them \$10 more to haul a load of wheat to a railway and get home again than the load of wheat brought. It shows not only the confidence of the people in the future of the country, but the great need of railway communication. If the country remains in that state, good as the soil is, it would not be worth sixpence, but the opening up of a railway will increase the value of the land from nothing to \$2.50 per acre. However, let us say that the land to-day is worth \$2 per acre; if you build a railway through it, that land becomes worth \$4. If the increase of value were only \$1 per acre, that four millions of acres along the line of the proposed railway would have an increased value representing as many dollars, and there would be that addition of over four millions of dollars to the wealth of the Dominion. Money spent in the construction of railways in the North-West is not lost capital—it is an investment bearing from 10 to 20 per cent. interest. If you would take stock every year, as every man of business does, you would find that after a railway is built through a new country the land along the route is worth four times as much as the cost of building the line. Therefore, the aid given towards the construction of those railways entails no charge on the country. It is simply a means of increasing the value of the Dominion lands. If you want evidence of that, compare the condition of affairs now with what it was ten years ago in Manitoba and the North-West. How much wheat was exported from that country ten years ago? None at all. This season, in less than ten years from the opening up of the Northwest we expect to export from that country during the present year at least 25,000,000 bushels of wheat. To carry that enormous quantity of grain will tax the resources of the Canadian Pacific Railway, and of necessity a great many farmers must suffer because of lack of facilities for the transportation of their crops. I have made a calculation of the length of time it will take to move this year's crop. I estimate the quantity of grain to be exported from Manitoba and the North-West this year at 20,000,000 of bushels; I think there is no doubt it will be that at

least. I speak advisedly, because I have just returned from my home 300 miles west of Winnipeg. It would make the heart of the most despondent man in this country glad to see the great harvest that is to be reaped in that country this year. I passed through thousands of acres of the finest wheat I ever saw. I have stood in the wheat field with the wheat up to my shoulder, and that is no short grain. The crop of oats is equally good. It is fair to conclude, therefore, that we will have at least 20,000,000 bushels of wheat to export. Ten trains a day, and that is far surpassing anything we have thought of, will take out 100,000 bushels a day. At that rate it would take 200 days to carry out the product of our North-West country this year. We have only a little speck of the country, so to speak, under cultivation as yet, and it is sufficient to tax the resources of the Canadian Pacific Railway to convey our surplus to market. What will it be when the country becomes more populous? Some hon. gentlemen have undertaken to say that the North-West is a frozen, barren waste, in some respects, especially in the north. Now I have not been advocating the Hudson Bay Railway at all; I have been confining myself to the measure before us, which is for a colonization road to open up a fertile country for settlement. I have shown that people have gone in there in advance of a railway, and they are the best judges as to whether the country is fit for settlement. Their judgment is worthy of some respect, and as proof of that I need only point to some sections of the country where people settled before any railway was projected. I would not have taken anything and gone to Prince Albert or Edmonton some years ago, but many people did go there, and what is the result? Now that railway communication is established, do we not hear the best reports from those sections? Is it not a confirmation of the good judgment of those who went in there prepared to endure a great deal of privation in order to be among the pioneer settlers? The same thing can be said of this Lake Dauphin district and the district east of the lake. Of no part of the North-West have I heard louder praises than of this very section of country which the proposed railway will serve. There is already a large population west of the lakes, and it must have increased considerably since the returns were made which have been quoted here. The census was taken on the 6th of

April, and since then there has been a good deal of immigration into that part of the country. You can imagine what next year's immigration will be when the reports go forth to the world of the wonderful harvest of 1891? Now that this railway project has received the sanction of the Government the men who are already settled in that lake district will have renewed faith and confidence in its future, and will go ahead just as if the railway were already built. The first 40 miles of this railway have been built, and it will be impossible, without adopting a very circuitous route, to follow any other line than the one laid down on the map. A road at this stage of our history, to be a success, must have some proper point to start from: otherwise, capitalists will not invest in it. I should like at this point to give evidence which will not be questioned by anyone as to the excellent character of that country. It confirms all that I have said about that northern section, and show that my remarks would apply to a country still further north. The following is the article to which I refer:

"Those members of Parliament who, in their anxiety to kill the project of the Hudson Bay Railway, were willing to represent the North-West as little better than a frozen wilderness, may experience a beneficial check to their recklessness and possibly a useful addition to their knowledge of the country by perusing this short note addressed to the Prince Albert *Times* by Archdeacon Mackay, of Saskatchewan: 'Prince Albert is sometimes spoken of as the northern limit of the wheat-producing country in the Saskatchewan district. It may be interesting to some of your readers to learn that this is an erroneous idea. *I myself have raised good unfrosted wheat for seven years in succession at Stanley Mission, on the Missinuiippi or Churchill River, about two hundred miles north of Prince Albert.*'"

I do not know Archdeacon Mackay myself; I have heard of him, and I believe his statement to be correct. It is not necessary for me to dwell at any great length on this question. I have dealt with it from the financial standpoint and from the fact that it is a road that is needed at the present time to develop that country. I think the Government and Parliament would be justified in granting aid to that road, but no money grant is given here; they only say to these men: "We will let you have \$80,000 a year for twenty years, and we will demand a return of that money from you in some shape or manner." However, it is an encouragement to capitalists to invest their money in this enterprise, because there is always a time in the early history of a railway enterprise

when the returns are not sufficient to give a profit on the investment. I repeat that I consider the best investment the country can make at the present time is to open up that North-West country with railways. If the Government could at the start have built only one railroad, and said to settlers, "Do not go outside of that line," it would perhaps have been as well, because I believe from my experience that if a man goes 10 miles beyond the Canadian Pacific Railway or any of its branches, he will pass over eight sections as good as the one he gets. When a man hires a horse and buckboard to go land-hunting it is the wildest possible scheme, because he is sure to pass over as good land as he selects. The whole country is like pease in a pod, and each man thinks the particular pea he has is the best pea in the pod. I am sorry to find hon. members in this House discussing the question from a sectional standpoint. I think we should deal with those matters from a Canadian standpoint. I am of the impression that while there is a strong opposition to the Hudson Bay Railway the time is not far distant when it will be built. This is an age of great possibilities. When I see street cars moving rapidly through the streets of Ottawa with apparently no motive power it inspires me with a belief that there is hardly anything impossible in this age. I think that the Hudson Bay, extending into the middle of the northern part of this continent, has been designed by the hand of Providence as the proper outlet for that great north-western country, and the sooner hon. members can divest themselves of narrow provincial ideas, and consider this question from the Dominion standpoint, the better it will be for all the provinces. I am in favour of any project in any part of the Dominion which is for the advantage of Canada. The people of Prince Edward Island want a tunnel to connect their province with the mainland; it looks like a monstrous thing now, but the time will come when that tunnel will be built. If Ontario wants a measure of justice we in the North-West are prepared to support it, and I have proof of that fact. In the early history of the National Policy there was no part of Canada on which it bore more heavily than the North-West; still we stood firm and true, and what is the result? Although we had to pay \$350 the first year for a binder in that country, we can get one now for \$150. We helped the manufacturers at the begin-

ning, so that they could compete, and we are now enjoying the advantage of having excellent binders furnished at a low price to cut our magnificent harvest of this year. If by the construction of this Hudson Bay Railway the cost of conveying wheat to Europe could be reduced by 8 or 10 cents a bushel the whole country would be the gainer. If such a saving could be effected the route would be opened up. I have not a particle of doubt that the inventive genius of the age will devise some ship that will navigate the Straits and Hudson Bay and carry the products of the North-West to Europe. With that route established Canada will be placed in the proud position that she can be independent of the world. We have 200,000,000 acres of fertile land in the North-West. If it is not fit for the plough it is suited for pasture. We have millions of acres of land in that country lying unused for the want of cattle to graze upon them. As pastures they are admirably suited for fattening cattle. If there are parts of the North-West where we cannot produce wheat, we can, at all events, raise barley and oats. Wheat can be raised in any part of it, but in some localities there are seasons when it gets frozen. If I could raise nothing but frozen wheat, from my knowledge of that country and my experience in agriculture in other parts of Canada, I would raise frozen wheat and convert it into meat. With our long season of pasturage, eight or nine months for cattle and twelve months for horses and other stock, in proportion I say we can produce meat to compete with the world, and we can feed Englishmen with beef at a lower rate than they have ever got it for before. In view of these facts, it is our duty to support this measure. It will render available and give a new value to five millions of acres of land; it will furnish means of transportation for a considerable population already settled there. If we were to tell those people that they would not get a railway for twenty years they would not remain—they would have to leave that section of the country. Up to this time they have been only existing living on in hope of getting a railway. I think the Government are justified in lending this assistance to the project, or any other project intended to open up the North-West. I hope the House will not only pass this Bill, but give it that hearty support which its merits demand, and which will

enable the company to go on with the construction rapidly.

HON. MR. MCCALLUM—I desire, before this question is disposed of, to make a few remarks before casting my vote. The hon. gentleman who preceded me to-day endeavoured to characterize this scheme as being purely a colonization road. I have always considered the question as the Hudson Bay route. It is the same old Bill, the same old route, the same old party that was incorporated in 1880, and the last speaker says that eventually they are going to the Hudson Bay, and that science is going to overcome all difficulties. But science has not overcome climate to any great extent yet. It may do so in the future. I wish to say here that I was always led to believe, for years and years back, when we were investing largely in the public works of this country, that the inducement we had to offer the people to take such a burden on them was that after the North-West was settled, and we got into the granary of the Dominion, that the trade of that great western country would come east through the great lakes and the St. Lawrence. I am willing that these gentlemen should have a short route to the markets of the world if they can get it, but is there any man who can really say that he is satisfied that the Hudson Bay route is feasible? Yet here we are asked to give \$1,500,000 to this company. As I said, it is the same old company, and the same old charter, with the same old object in view, and yet they tell us that they want to open this road for colonization purposes. It is all very well to do that, but I venture to say, without any fear of contradiction, that we already have good lands opened up by railways in this country for settlement that will not be filled for the next ten years. I have travelled over the country from Calgary to Edmonton. I may say that it is all good land in the North-West. The climate is not so good. The frost strikes in some places. We were told that the trade of that great country would come down through our locks and down the St. Lawrence canals to the seaboard. What is the position of our canals to-day? They are not paying working expenses. The shipping of the inland waters of this country is wiped out, and why? Because we have no coasting trade. Some hon. gentlemen say that we cannot handle the crop of the North-West



over the Canadian Pacific Railway and through our canals—that we must have another route. The New York Central Railway has four tracks laid from Buffalo to New York. What is to hinder the Canadian Pacific Railway from laying as many tracks as are required from Port Arthur into the granary of Canada, and then let the grain come down from that point by water? It was only the other day that we read in a newspaper an account of what is called a “whale back” steamer loading at Chicago and passing down through our canals and delivering her cargo of 90,000 bushels of wheat safely at Liverpool. The hon. gentleman talks of a short route through Hudson Bay, but I believe it is only for a very short time of the year that the straits can be navigated at all, and how is the grain crop to get to England in one year if it goes by that route? But in order to induce the people of this country to commit themselves to this scheme they talk of it as a colonization road. Why do they not change the name? Why did they not come here with a new company? This company is being largely aided by Manitoba, and if the scheme is feasible would not the capitalists of the world take hold of it at once and build it; but the project is not feasible. There are a few men in Manitoba who want the earth and all they can get outside of it. I am not at all indisposed to opening up, colonization roads to settle the North-West country, but I am opposed to going too fast; and I say now that if you take the railway running from Calgary to Edmonton, and the road from Regina to Prince Albert there is good land on either side of those lines, more than will be settled for the next ten years. When the lands are taken up and settlements become too crowded I, if living, if not, somebody else who will be in my place, will be anxious to open up this northern country for settlement; but as it is now, I think we have use enough for our money in other directions. I am not going to touch the National Policy, or the sugar question, or anything of that kind, but will stick to the text. Is there any man here who will say that he has enough information to satisfy him that this railway is a feasible project—a proper one for the Government of this country to aid? Some hon. gentlemen contend that we ought to build a railway to the Hudson Bay to develop the fisheries in those waters, and even

the hon. gentleman from Lunenburg would almost support that idea. But down along the Labrador coast, a country very like the Hudson Bay, we are told that the people are starving there every winter, and it has been suggested that the Government ought to take them in hand and move them away to a better part of the country. I heard the hon. gentleman from New Brunswick say that the fish in the Hudson Bay were so plentiful that the fishermen could not let down their anchors; but I believe that was only a fish story. There would be no trouble in getting the crop of the North-West away from there in any season. As soon as the Canadian Pacific Railway will see that they have more freight than they can handle with their present facilities the tracks will be doubled, and I am sure there are plenty of facilities for getting the grain down through our canals. What have we been building our Sault Ste. Marie Canal for? Is it not to accommodate the trade of the North-West? Then, after we have provided these facilities to accommodate the trade of the North-West a scheme is introduced here to divert that trade from our canals by way of Hudson Bay. It is not necessary for me to dwell on this; it must be apparent to everybody. If hon. gentlemen have information enough before them to justify the building of a railway to Hudson Bay, of course they will vote that way; but I must confess I have not got such information. I am not satisfied that that road is feasible, and the people of the country are not satisfied. They are watching us here; therefore, I have an amendment to offer to the amendment of the hon. gentleman from Ottawa, which I hope the House will all support. I, therefore, beg to move in amendment to the amendment:

That all after the word “that” be left out, and the following inserted in lieu thereof:—“That the said Bill be not now read the second time, but that its second reading be postponed until this House is in possession of definite information as to the location of that road, its terminal point, and the character of the country through which it is to pass.”

HON. MR. MACDONALD (B.C.)—The hon. gentleman who has just sat down has not confined himself to the question before the House, but has discussed a railway to the Hudson Bay, which is not the question at issue at all. I will try and reduce this thing, as far as I am concerned, to a common view.

HON. MR. McCALLUM—The hon. gentleman should have called me to order if I was out of order in my remarks.

HON. MR. MACDONALD (B.C.)—Here we have a company incorporated to build this road from Winnipeg to some point on the Saskatchewan.

HON. MR. POWER—They are incorporated to build a road to Hudson Bay.

HON. MR. MACDONALD (B.C.)—That is not the question now, and the hon. gentleman from Halifax and the hon. gentleman from Ottawa have argued as if this company were a parcel of fools and idiots—that they are going to build this railway as a matter of fun, through muskegs, and swamps and lakes, without hope of any return. Is it to be for one moment supposed that the men who are promoting this railway are such idiots as to put their money into a scheme in which they know it would be lost? Before this company get a single dollar of this money to be voted by Parliament they will have to spend at least  $4\frac{1}{2}$  millions of dollars, taking the cost of that road as \$15,000 a mile. Supposing nothing should come of this scheme but the employment of the labour and material involved in the expenditure of \$4,000,000 by this company, it would be almost compensation enough to the country for the aid that we are going to give. Hon. gentlemen who oppose this Bill seem to try on this occasion to find brains and judgment for people outside of the country as well as for those that are in it. Why would a company go into this scheme if they considered it a losing speculation? Now, what evidence have we before us as to the character of the country? My hon. friend from Shell River tells us that this road will pass through a good country, with abundance of rich land, well watered and well timbered, with a good number of settlers in there already, and no doubt others will go in there as soon as the country is opened up. Now, look at the extent of the country that this road will open up for settlement? Here are 300 miles of road running through a country nearly as large as the whole of Scotland. Taking 20 miles on each side of the road, there are 7,000,000 acres of land, and allowing 300 acres for each settler, it would accommodate a population between three or four millions of people, and the possibilities of this road in the future

no one can determine to-day. I have no doubt that when the country is opened up it will be one of the best sections of the Dominion. The hon. gentleman from Alberton also gave a great deal of valuable information, taken from the reports of engineers who went through the country, and knew what they were doing, and their report is that this section of the country is one of the best in the Dominion for agriculture and stock-raising, with abundance of timber and water. The hon. gentleman from Toronto took the trouble also to find out something about this country, and he gave us a fairly good account of it from what he had ascertained. I myself had the pleasure of seeing a gentleman well qualified to give information on this subject, in the Department of the Interior, who gave me a most promising account of this country. He says that there is no better part of the North-West for mixed farming, and that it is a most desirable country for settlement. Now, what information has been given to us by the opponents of this Bill? The hon. gentleman from Ottawa made a statement without the least foundation or the least evidence to support it. He denounced the country as unfit for settlement and the whole scheme as impracticable. The hon. gentleman from Halifax was more moderate, and I congratulate him on the fact that association with people of larger minds has improved his tone, and it is to be hoped that he is coming round to a large and more hopeful view of things than he has shown in the past. But those gentlemen have no evidence to produce to show what this country is, except hap-hazard statements. The hon. gentleman from Ottawa tried to immortalize himself by asking the Senate to throw out this Bill on his mere *ipse dixit* that the country was worthless, without any corroborative evidence as to the truth of the statement. If I were a prophet, which I am not—that is a gift which is entirely in the keeping of the hon. gentleman from Ottawa—I would predict that these gentlemen who are now abusing this Bill will in a few years be surprised at their own blindness on this occasion. I am sure that no person can be more surprised to-day than the hon. gentleman from Ottawa and the hon. gentleman from Halifax to see the development of the Canadian Pacific Railway, the construction of which they so strenuously opposed, and which they predicted would bring ruin upon the country. By their strongly-pronounced opinions on

the Canadian Pacific Railway scheme, and the utter failure of those predictions, they have not shown that theirs are master minds, or that they are qualified to give a sound opinion on the practicability of this route. After enquiries into the character of the country and its resources I have come to the conclusion to give my support to this road, and I shall vote for the Bill before the House.

HON. MR. MILLER—I feel some reluctance in rising to prolong this debate, but I can assure the House that I do not intend to inflict upon it a speech. The House is weary of this long discussion, and I am not able to add anything to the very full information that has been given by a number of hon. gentlemen who have before addressed the Senate. I think, however, the House should feel indebted to the hon. leader of the Opposition for provoking this discussion, inasmuch as it has had the effect of bringing before us the fullest information in regard to the country through which the railway contemplated by this Bill is to pass, and furnishing the House with conclusive arguments in support of it. I shall not refer to the several speakers who have been instrumental in producing that evidence, but I say there are four or five hon. gentlemen in this House well qualified from their local knowledge to speak upon such a question as this, who have borne testimony in harmony as to the nature of the country through which this railway is to be located, and as to its valuable character for settlement. In opposition to the testimony of these gentlemen we have simply the wild—I was going to say, but I will not use that term—the very inaccurate statements of the hon. gentleman from Ottawa and the hon. gentleman from Halifax. We have nothing more. We have in support of their view the statement of the hon. gentleman who moved the amendment to the amendment, that we have not sufficient information before us on which to pass this Bill. I differ from that hon. gentleman *in toto*, because I think it is a rare thing to have a subject such as that before the House, in regard to which we have information so full and decisive as we have with regard to the measure now under consideration; and it is for that reason we owe the thanks of the House to the hon. gentleman from Ottawa for eliciting the discussion we have had with regard to that part of the

North-West. I have notes in my desk on which I intended to comment, but which I do not now intend to use, because, I repeat, I do not desire to inflict on the House a speech. I think we have had speeches enough on this question, some of them travelling far outside the question, but if there is a member of this Senate who might be justified in indulging in a little extravagance of speech on this occasion, in relation to the success of the Canadian Pacific Railway, I am the man. From the outset I was a strong advocate of the North-West and of the construction of the Canadian Pacific Railway. I recollect when the question of the union of British Columbia with this Dominion was debated I made the only speech, perhaps, of which I am proud since I have had the honour of a seat in this Senate, in favour of that measure, and I was then laughed at as a visionary dreamer. Unfortunately, I was much younger then than I am now—the youngest member of the House—and my remarks were looked upon as the utterances of a young man whose inexperience would not entitle him to the possession of much wisdom or knowledge on such questions. But I have the satisfaction, looking at that speech to-day, of seeing how every statement in that speech has since been verified; how the trade with the east has opened up, a trade which is yet in its infancy, a trade which we all know from the history has been the means of enriching every nation that had the good fortune to secure it. But I shall not inflict upon the House any remarks on the general question of the Canadian Pacific Railway or the development of that great heritage which we have secured in the North-West Territories and in the Province of British Columbia. I desire, however, to make a few practical observations with regard to the Bill before the House. We are asked to build a road from Winnipeg to the Saskatchewan. It is said by some that the road is a colonization road; by others that it is intended only as a portion of the line ultimately to connect Winnipeg and the Hudson Bay. Now, I may say that if I considered it was intended for the latter purpose I would not look upon it with a great deal of favour. When I make that statement, I desire to make one or two others in explanation of it. If I considered that the Hudson Bay route were practicable for commerce, I say frankly here that I do

think it would be the duty of the Government to do everything in their power to assist in opening up that route by the construction of this railway to the shores of Hudson Bay. For, although we have expended a great deal of money in constructing the Canadian Pacific Railway; although this country has assumed a very large burden in doing so, and although we have a right to expect and we were told we would receive very large returns from the trade which would be brought from the North-West to the older provinces over that route, still, I unhesitatingly say that, notwithstanding all these things and notwithstanding the disappointment it would bring to some of our most sanguine expectations at the time we agreed to construct the Canadian Pacific Railway, it would be the duty of the Government towards that country to open up that Hudson Bay route at as early a date as possible. But it is because I do not believe that the route is practicable that I do not advocate it now. Of course, I only give my opinion, an opinion which I admit may not be formed upon sufficient data; but it is a question which I have followed somewhat closely for some years past. I took an interest in it when the late member from Montreal (Mr. Ryan) year after year brought the subject of the Hudson Bay route before this House. I followed him in all his intelligent observations on it, and earnest advocate of that route as he was, and great as was the respect I always had for that hon. gentleman's opinion, I never agreed with him that the route was a practicable route for commerce. If, however, it should be shown at any time hereafter that the route is a practicable route for commerce I do not believe that any loss that might accrue to the older provinces in the diversion of trade would be a justification on our part for declining to assist the opening up of that route, as it would be unquestionably the means of wonderfully developing that great country, the future prosperity of which is to add so much to the greatness of this Dominion. But it is because I do not believe in the practicability of this scheme that I am not in favour of voting a sum of money which might be looked upon as favouring the construction of that road, or as rendering us perhaps liable hereafter or liable in the eyes of its friends or the capitalists of the world to still further supplement it with a subsidy. But I contend, even if the route should go between the lakes as

a section of the Hudson Bay Railway I do not believe that it will be at all a bad road for colonization purposes. In discussing this question the hon. gentleman from Alberton in the very voluminous evidence he submitted to the House spoke altogether in reference to the line between the lakes, and the evidence he adduced, important, and full, and reliable as it was, applied to the territory between the lakes, and I was surprised, very much surprised indeed, to hear one of those strange remarks, which I may, perhaps, term a wild remark also, of the hon. gentleman from Halifax when some other member was referring to the evidence produced by the hon. gentleman from Alberton, that he was referring to a country 150 miles away from where the road was intended to run. The evidence of the hon. gentleman from Alberton referred specifically to the country between the lakes.

HON. MR. POWER—The hon. gentleman will excuse me; I did not say that. I said that the hon. gentleman from Alberton described a country which was about 150 miles from the terminus of the road—the same country described by the hon. gentleman from Shell River.

HON. MR. MILLER—I understood the hon. gentleman to say that my hon. friend from Alberton was referring to a country 150 miles away from the line. If the hon. gentleman says he did not make that remark, of course I will not follow the subject; but I wish to call the attention of the House to the fact that even if the road passed between the lakes there is abundant evidence of the character of the country through which it will run that it is well fit for colonization and settlement. If the road is to be a colonization road, I believe from the evidence that has been adduced to the House it would be better to locate it on the west side of Lake Manitoba, but it might run up on the east side of Lake Manitoba as far as the Narrows and from that point west of Lake Winnipegosis to the Saskatchewan. I believe myself that that is the line which will ultimately be selected, and on this point my view coincides very much with the views of the hon. gentleman from York (Mr. Allan). If it goes through that country there can be no question whatever it will be an excellent section for settlement and colonization, and I do not

think the sum of money we are asked to expend for the purpose of opening up what is admitted to be one of the finest regions in the North-West is at all too much or beyond the means of this Dominion. It seems to me that there is a wrong impression with regard to what we are going to give this company. We are so used to granting subsidies to railway companies without any return that many appear to confuse the aid proposed to be given by this Bill to the Winnipeg and Hudson Bay Railway with those subsidies. But I cannot perceive that we are really giving this company anything at all for nothing. In the first place we give them nothing until they complete their road. There can be no doubt that if they build that road, no matter which route they adopt, as the railway penetrates to the north, settlement will follow, and by the time it is constructed to the Saskatchewan large settlements will have followed into the country creating trade, and requiring mail and other accommodations. We may fairly take it for granted that there will be a large population there by the time the road reaches the Saskatchewan. The Government are asked to give \$80,000 a year to this company, and in return they are to get mail and transport service to the full amount, and if the company do not give services in return for the full amount of this grant, then the Government will get a lien on the lands of the railway for the payment of any balance due or unearned. Under the circumstances, I fail to see what great gift we are giving to this company. I do not see that it is a burden that the country need be at all alarmed about it, and I am simply astonished, when I come to consider all the facts connected with this Bill, that there should be so much opposition to it and so much excitement over it. It is said we are giving the company a grant of \$1,600,000. That is not correct, because estimating the grant in a lump sum the fair way is to capitalize it upon a proper principle, and, fairly capitalized, it amounts to only \$1,100,000. The hon. gentleman from Halifax is afraid that this country is going into bankruptcy if we assume this burden for which we are to get full compensation. When I hear the hon. gentleman talk in this way I ask myself do my ears deceive me? Is this the same gentleman who, two or three years ago in this House, advocated, and actually separated himself from his party in advocating, the placing of a debt of three or four

millions of dollars on this country absolutely without any return, to save thirty minutes railway distance between Halifax and Montreal? The Harvey and Salisbury Railway, it was admitted here, would cost the country 3 or 4 millions of dollars absolutely, and the gain in time was admitted to be only 30 minutes on the whole route between Montreal and Halifax; still it was an expenditure for which Halifax clamoured, and it was an expenditure which the House prevented being imposed on the country, to gratify the sentimental whims of the city of Halifax. If there is a place in this Dominion that has been pap-fed by this Government it is Halifax. In fact, it seems as if Halifax could not live unless it were pap-fed by one Government or another. They came into existence on pap-feed from the Imperial army and navy, and they think now that the Dominion Government is bound to keep up the system of pap-feeding that their infancy thrived on. I hope that the opposition that is being given to this Bill will not prevent a handsome majority from sustaining it. I am sorry indeed to vote against the leader of the Opposition. I am sorry because it is so seldom that he has the courage to assume the duties of his position and face the Government on a vote of want of confidence, and a question of censure; and I really admire, to some extent, his courage upon this occasion. He not only faces the Prime Minister and his Government on this question, but he actually proposes to go back and inflict a vote of censure on the late Prime Minister and the Government he led, for it must be remembered that one of the last acts of the late Premier was to send to a Committee of the Whole in the other House the resolutions on which this Bill is founded. Therefore, I am sorry, under the circumstances, to have to oppose my hon. friend when he exhibits such an unusual degree of pluck. I think this side of the House might fairly have left the vote on this measure to the two able speeches that were delivered by the hon. gentleman from Lunenburg, and the hon. gentleman from the North-West Territories (Mr. Perley), which were very ably treated the whole subject, but I wished to state my reasons for giving my vote on this Bill, and I hope the House will, by a good majority, show that it appreciates the wise and statesmanlike policy of the Government in providing for the construction of this road, which will open up one of

the finest territories in the North-West, and will be ultimately a gain to the Dominion.

HON. MR. VIDAL moved the adjournment of the debate until Monday next.

The motion was agreed to.

The Senate adjourned at 6.05 p.m.

THE SENATE.

Ottawa, Friday, 7th August, 1891.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE BAIE DES CHALEURS RAILWAY BILL.

SECOND REPORT OF THE COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (82) "An Act respecting the Baie des Chaleurs Railway Company," presented their second report as follows:—

THE SENATE,  
COMMITTEE ROOM No. 8,  
FRIDAY, 7th August, 1891.

The Select Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (No. 82) from the House of Commons, intitled: "An Act respecting the Baie des Chaleurs Railway Company," beg leave to make their Second Report with regard to said Bill, as follows:—

By Order of your committee, made on Thursday, the 6th of August instant, Charles N. Armstrong, of the city of Montreal, in the Province of Quebec, then present in the city of Ottawa, was, by order of your committee, by letter signed by the clerk of the said committee, requested to attend before your committee to-day, Friday, the 7th instant, at ten o'clock in the forenoon; that, as appeared by the evidence adduced on oath before your committee, the said letter was delivered to the said C. N. Armstrong, personally, on Thursday, the 6th instant, but notwithstanding such request, the said C. N. Armstrong failed so to appear before your committee; that your committee are informed that the evidence to be given by the said C. N. Armstrong is material to the determination of certain matters arising out of the examination by your committee of the said Bill.

Your committee, therefore, recommend that an order of the Senate do issue to the said C. N. Armstrong, to attend before your committee on Monday, the 10th day of August, instant, at ten o'clock in the forenoon, to give evidence as to the said Bill, and to produce with him all papers and documents in his possession relating to the alleged retention of a certain sum of money paid or payable to the said railway company as a subsidy voted by the Legislature of the

Province of Quebec, and in particular the following documents, to wit:

All letters and copies of letters, all books, documents and papers containing any entry or memorandum relating to the passage of any and all Orders in Council passed by the Government of the Province of Quebec, together with copies of all or any such Orders in Council in any way dealing with or relating to the Baie des Chaleurs Railway Company and the charter of such railway company, and the formation of a new company to build such railway and the acquirement of the proceeds of subsidies granted to such railway company, or any aid for the completion of such railway, and for the payment of privileged claims due or at any time due by the said company or in respect of the said railway or the contractors or sub-contractors for the construction thereon; and especially all letters and copies of letters, documents and copies of documents, sent to or received from or exhibited by one Ernest Pacaud relative to such Orders in Council and to the necessity for the passage of the same, and the application of the proceeds of such subsidies or any portion thereof; and all letters, books, documents and writings relating to the payment of debts of anyone out of the proceeds of such subsidies, directly or indirectly.

All which is respectfully submitted.

A. VIDAL,  
Chairman.

HON. MR. MILLER—What action does my hon. friend propose to take on this report? Does he intend to move its adoption?

HON. MR. VIDAL—If it is my duty as chairman of the committee to move the adoption of the report, of course I shall do so, but I understood that having presented the report as chairman of the committee I had no further responsibility with respect to it. Certainly, if I am left to the free action of my own desires, and convictions of what is right, I would rather not move its adoption, because it is a report which I would rather see rejected; it does not meet with my approval, as I consider it defective. At the same time, if it is my duty as chairman of the committee to move its adoption I will do so.

HON. MR. BELLEROSE—It is not necessary for the chairman of a committee to move the adoption of a report when it is before the House. It is for the members of the committee to stand by it if they like. The chairman has nothing to do but submit the report.

HON. MR. MILLER—I am not disposed to differ from my hon. friend in his view of the case, but it is usual, if the chairman of the committee does not concur in the report and does not intend to move its adoption, that he should state his intention when he presents it to the House. My hon.

friend did not do so, and this necessitated me, as a member of the committee, asking him what he intends to do with regard to it. He has given his answer, that he does not agree with the report and would rather not move its adoption. I agree with the hon. gentleman from Delanaudière that it is not imperative on the chairman of a committee to move the adoption of a report in which he does not concur. I understood that my hon. friend on my right would take that course.

HON. MR. VIDAL—I was not intending by anything I said to censure in the least degree what the hon. gentleman was saying.

HON. MR. TASSÉ—I move that the report be now adopted.

HON. MR. SCOTT—I think it is a most important step the Senate proposes to take, and it would be well to consider carefully before we place this House in a very unenviable position before the people of the country. This report is a very large one, amplified to a considerable extent, and I confess I have not yet thoroughly mastered its contents. My impression before the committee was that the committee carried a resolution to the effect that the power of the House should be invoked to compel a witness to attend the committee on Monday next—Mr. C. N. Armstrong. That report was passed on the assumption that he had disobeyed an order issued by the committee. It will be remembered that yesterday afternoon, after the House met, the Committee on Railways, Telegraphs and Harbours applied for power in the following words :—

"1. That your committee be empowered to send for persons, papers and records required for the purpose of affording evidence as to any matter arising out of the examination of said Bill.

2. That for the purpose of such examination your committee be authorized to employ a shorthand writer."

I assumed, from the line taken by the committee, that until that authority was obtained from the House, as a preliminary proceeding, the committee were not in the position of a court, to compel the attendance of a witness. Before this House met yesterday, at half-past one, I think it was, a letter was addressed to Mr. Armstrong, in which letter the Bill is not mentioned. It appeared in the evidence to-day that this gentleman was at Sir Hector Langevin's house when this

letter was handed to him, and the contents read to him, at half-past one yesterday. I submit that at that hour it was a perfectly futile document, signed by the law clerk, and that he was not authorized to send such a letter. There is no Bill mentioned in the letter and no committee; but he was peremptorily told to appear at the Senate Committee Room No. 8. The cause should have been set forth and proper authority shown. I ask hon. gentlemen, particularly those of the legal profession, what would be thought of a professional man taking a copy of a writ and serving it on a party, and afterwards applying to the court for the writ? Of course, the service would be perfectly futile, because there was no authority to serve the writ at the time the writ was served. This is entirely a parallel case, where the analogy is perfectly just, and it is clear and perfectly apparent that there was no authority for the issuing of this letter. The witness is not informed for what he is wanted, but is peremptorily told to appear at Committee Room No. 8, and now this House is to be invoked for an order for his arrest.

HON. MR. SCOTT—I think the feeling of the committee was that he should be arrested.

HON. MR. MILLER—No.

HON. MR. SCOTT—A compulsory attendance was spoken of this morning.

HON. MR. PELLETIER—It amounts to that.

HON. MR. SCOTT—The report is predicated on the assumption that he failed to obey an order of a committee of this House.

HON. MR. MILLER—Not necessarily, at all.

HON. MR. SCOTT—I will read the report. This is a very important step, and I hope the House will bear with me. The report says that C. N. Armstrong was, "by order of your committee, by letter signed by the clerk of the said committee, requested to attend," &c. That is a falsehood on the face of it. It was nothing of the kind. He was given a letter before the House made the order at all. It would be highly improper that it should go on our records that a

report that is false on the face of it should be adopted by this Senate. I do not think it would be proper or consistent with the dignity of the Senate or the course it ought to take. The Bill itself is a secondary affair compared with the importance of the step we are about to take. We propose to adopt a high-handed measure, and to do it on false premises. The reason for asking the attendance of this gentleman is not given, and the order for his attendance is obtained only after the letter is served on him. No court would recognize it. Any professional man who would presume to do a thing of that kind would be censured by the court, because he would be charged with taking advantage of his position, and I rather think the Senate cannot afford to place itself in such a humiliating position as by a catch to compel the attendance of a gentleman before its committee.

HON. MR. ABBOTT—Does the report ask that the gentleman be arrested?

HON. MR. SCOTT—The order is that he attend. It recites that he had been notified to attend after the committee had authority to ask his attendance, which is not the fact. But I take a very much wider and stronger ground in this case. This is a private Bill remitted to the Committee of Railways to enquire into certain facts. When these facts were being investigated the promoters of the Bill stated that if they were to be drawn into an enquiry foreign to this Bill, and which, if considered, would damage their credit as a company, they would rather withdraw it. They say: "We are here with clean hands, and if you are going to make this Bill a medium of enquiry that will be an injury to the credit of the company we ask for permission to withdraw the measure." I maintain that that being the fact the committee had lost its functions; that that private Bill was the property of the promoters of it, and by no possibility could that committee undertake to go on with that Bill and make the smallest change in it, or take evidence on foreign matters in reference to the Bill. This is laid down very positively in May. The authority is pretty positive, and I point to the fact that the rule which he lays down has been invariably the practice with the committees of this House. In Bourinot the same principle is laid down at page 416. I submit, then, that wholly apart from the

ground I have already given the letter did not contain the information that it ought to have given to Mr. Armstrong, and it neither mentioned the Bill or the number of it, or the evidence that was expected to be obtained from him; therefore, until such letter has been served upon him it is improper to ask now for the power sought to be obtained by this report from this Chamber. I think it would be an exceedingly unfortunate thing if we laid down a rule that a private Bill, when it is sent to the committee, cannot be dropped or abandoned by the promoters of it if they so desire. It would be an exceedingly unfortunate procedure, and might lead us into serious embarrassment in future years.

HON. MR. MILLER—I beg to submit at the outset that this Senate is not a division court, and that the arguments of the hon. gentleman, which might prevail in a division court, are not likely to be received with a great deal of consideration here. The contention of irregularity, of the hon. gentleman from Ottawa is based on technical points, and I think I can show the House clearly that in the present instance they have no weight whatever. My hon. friend has divided his arguments into two heads: First, with regard to the informality of the notice given, and consequently the impropriety of applying for an order from this House for the attendance of Mr. Armstrong before a committee of the Senate; secondly, as to the principle laid down in the books in regard to the withdrawal of private Bills by the promoters of them. I shall take the first portion of his argument. It is true that at the time this letter, which was a mere informal request, was served upon Mr. Armstrong the House had not concurred in the recommendation of the report for power to examine witnesses under oath before the Railway Committee. It was impossible for them to give anything but an informal request to Mr. Armstrong, and it was given simply because it was understood he was going out of town. He was present at the committee in the morning. He knew what the intention of the committee was very clearly. He knew that the report was to come up before the House for concurrence during the afternoon, and in order to avoid notice after the action of the House had been taken on the report he left the town. It was an extraordinary circumstance that Mr. Armstrong should



appear to evade examination, and he had this informal notice served upon him, on which we do not at all reckon as a necessary part of the steps to be taken to get this order of the House. He contended that we could have waited until yesterday in the afternoon, that the committee could have issued the order for the attendance of this gentleman—it could have come here independently without this step, and asked for an order—not an order for his arrest at the outset, but an order for his attendance. The House, in giving power to the committee to issue such an order for the attendance of a witness, did not divest itself of its own power in the premises; it merely gave concurrent jurisdiction, and the House could at any time step in and give an order, notwithstanding the power delegated to the committee. Now, what is the reason that the committee ask for an order of the House at this stage? I will tell hon. gentlemen what the reason is. Had we, yesterday or this morning, issued an order for Mr. Armstrong's attendance, and he had disobeyed it, we would have to bring his contempt before the committee and report him, and get an order of the House for his attendance with the view to bring him into contempt before the House afterwards. Now, we come here at once because he disobeys this order, as some of us apprehend he will, which is not an order for his arrest, but simply an order for his attendance before the committee; we will then be in a position to come before the House and ask for his arrest for contempt. That is the position, and I do not think there is any impropriety or any irregularity, or any fault whatever in the manner in which the application is made under the report of the committee. I do not think it is necessary for me to elaborate this point. The House must clearly see that this paper, no matter how informal it may be—it was drawn by the law clerk, and I presume it is all right—was not open to any technical objection; but whatever technical objection applied to it, supposing it was never served on him at all we have the right, under the recommendation of the committee, to come here and get the most authoritative order to bring a recalcitrant witness, as we believe him to be, before the committee. With regard to the second portion of the hon. gentleman's argument, that this is a private Bill, and that we can find no precedent where a private Bill has not been with-

drawn when the promoters have requested to be allowed to withdraw it: I take exception to the hon. gentleman's statement. I contend that there are cases where public rights or public morals are concerned, where it is perfectly justifiable on the part of either branch of Parliament to take charge of a private bill and make it a public Bill. On that point there are authorities, but I did not expect this discussion to come up, and I am not prepared to quote them. I meet the objection of the hon. gentlemen from Ottawa squarely when I say that it is not a private Bill. It may be nominally and technically a private Bill; but am I to be told that a Bill relating to a public work in connection with which the Parliament of Canada has granted and expended hundreds of thousands of dollars is a private Bill in the real sense of the term—that it is completely within the control of the corporators of the company, and that Parliament has no control over it? Am I to be told that a company which is incorporated under a public charter and has received, not only from this Parliament but from the Parliament of one of the Provinces of the Dominion, nearly a million of dollars, that we are to lose all control of such a Bill as that, under the plea that it is a private Bill, and allow parties to elude investigation, when gross fraud is openly charged against them and suspicious circumstances of the gravest character have arisen with regard to the expenditure of a large portion of these subsidies, which imperatively demand an explanation? It was not until this was apparently going to be the case that certain gentlemen, interested for political friends perhaps elsewhere—interested, I say boldly, for their political friends elsewhere, endeavoured to withdraw this Bill from public sight and scrutiny and burk the investigation of the committee.

HON. MR. POWER—Does the hon. gentleman refer to members of the committee?

HON. MR. SCOTT—The hon. gentleman is entirely out of order.

HON. MR. MILLER—I am alluding to the promoter of the Bill.

HON. MR. SCOTT—Will the hon. gentleman give the reasons that he stated before the committee?

HON. MR. MILLER—Under these circumstances, I do not think we ought to allow the withdrawal of this Bill; we ask simply for an order of the House, which the House would certainly have given us had we not served this letter on Mr. Armstrong. I say it is monstrous under any circumstances to say that this is a private Bill. The company have got a subsidy already, and they expect other subsidies, and Parliament should have control over this work. But there is another feature of this case which I think is deserving of being presented to the House. On what ground did the committee justify its action of going into an investigation of the misappropriation of the subsidy to this railway? It was this: the new company was asking for an Act of incorporation, and there were certain parties having claims against the road who believed that this Act of incorporation would prejudice those claims, if not destroy them, because among the assets which the company assert they possess the chief one is an asset of \$280,000 from the Local Government, which is believed to have been dissipated and squandered improperly. The committee was in this position: If this assertion was true, it would be necessary to give the gentlemen who appeared on behalf of some of the creditors an amendment of the Bill in order to protect their rights. If it were not true that this money was dissipated in the manner alleged, then it would not be necessary. We could not proceed with the Bill without knowing whether or not it was true that this \$280,000 was still available for the cancellation of all the debts of the old company, or was really in existence at all. If it was not in existence, then I say it is only right and proper that we should give the amendment asked for to the Bill. If it was in existence, no such amendment was necessary. Under these circumstances, I ask hon. gentlemen what ground is there for opposing the motion which has just been made? I do hope that the House will consider that the case is one which requires prompt action, and that it will adopt the report of the committee.

HON. MR. VIDAL—I think it is a very serious case, and one which may well deserve the earnest consideration of this Chamber. It is an attempt to introduce an entirely new principle in the proceedings of Parliament, to introduce an unprecedented course, and I think before the House agrees to such a pro-

cedure it is well to give more mature consideration to it than it has yet received. I may say that until a few minutes before presenting this report to the House I had no opportunity of examining it with a view to criticizing its contents, for it was only handed to me in time to sign it before submitting it to the House, and I consider that, in a most important matter, it does not state to the House what took place in the committee, and that was that the promoter of the Bill asked leave to withdraw it, and it is most desirable that that fact should be known to the House. Permission so to do has never been refused in Parliament, here or in England.

HON. MR. ABBOTT—Are we not arguing on a rather irregular state of things? There is nothing in this record to show that there was any such application.

HON. MR. SCOTT—The report is false on the face of it in several particulars.

HON. MR. ROSS—We have no right to discuss what has been said in the committee unless it is alluded to in the report of the committee.

HON. MR. VIDAL—The House should not be misled by a defective report, which does not present the whole facts.

HON. MR. ROSS—The committee had no business at all to report that feature of their proceeding. Nobody proposed that it should be reported. Nobody said anything about it, and the chairman of the committee has no authority to report any part of the discussion that took place in the committee.

HON. MR. POWER—I think the chairman is perfectly in order. He is objecting to the report, and this is one of the grounds of the objection, that the report does not set forth what took place in the committee.

HON. MR. MILLER—Whose fault is it? He is chairman of the committee.

HON. MR. POWER—It may be the fault of the officer who drew up the report. The hon. gentleman opposite has raised a question of order. I think the hon. gentleman is perfectly in order.

HON. MR. VIDAL—Does the hon. gentleman (Mr. Ross) call for any ruling of the chair on the point of order?

HON. M. ROSS—Yes; I do. I say that in the committee there was no question of reporting to the House this proposition to withdraw the Bill. The chairman of the committee had no more business to report that part of the discussion than he had to report that we had refused such an amendment, or that we had refused a gentleman the right to speak or to answer a question, and I repeat that the Chairman had no business to report that part of the discussion, and the House has no business to discuss the actions in committee except what is alluded to in the report.

HON. MR. BELLEROSE—I believe that the hon. gentleman is altogether wrong.

HON. MR. VIDAL—Which of them?

HON. MR. BELLEROSE—The hon. gentleman who has just sat down. It is evident that if the report is not correct the members of the committee may object to it, and anyone who does object must give his reasons for objecting. That is an elementary proposition: it is the A B C of parliamentary practice. Now, what does the authority which has been cited by the hon. gentleman from Ottawa state? It states that the committee shall take into consideration the objection of the petitioners to go on with their Bill, and that the committee shall report to the House the desire of the parties to withdraw the Bill and ask the House for their concurrence. That is what May says. If the committee does not do so, has not any member of the House the power to rise in his place and state that the report is false? Is it not deceiving the House to present a report which does not mention the facts? On the other hand, I believe the reason that the chairman of the committee gave for opposing the report was that he thought it did not state the facts as they existed. I submit that the chairman is quite in order in speaking as he did.

HON. MR. POWER—The hon. gentleman from Richmond found very great fault with the hon. member from Ottawa for urging a technicality, but I find now that the objection to the statement which the chairman of the committee proposed to make is a mere technicality. Let us have the truth of the matter, and discuss the facts as they are.

HON. MR. KAULBACH—I do not think that this is a question of technicality at all.

It is not a general thing that discussions or motions before the committee are reported. No precedent can be shown why the proceeding in the committee should be considered an essential part of this report. It was simply a discussion on a motion in the committee, which, I submit, has nothing to do with what is before us.

HON. MR. ABBOTT—Our proceedings should in some manner be regular. Now, what is the condition of this debate? My hon. friend from Sarnia brings in a report of the Railway Committee. My hon. friend opposite raises a question as to the adoption of this report, based upon the regularity or irregularity of the notice to the witness. My hon. friend who produces the report and signs it—

HON. MR. SCOTT—Never read it.

HON. MR. ABBOTT—I am not accusing my hon. friend of anything wrong. I say that he brings into the House a report signed by himself, which he is now opposing, because, as the hon. gentleman from Halifax says (although my hon. friend did not say so himself), it is false.

HON. MR. POWER—I do not think I said it was false.

HON. MR. ABBOTT—On the question whether this report shall be adopted it is proposed that it shall not be adopted because it is false. Can we argue that? On what can we base our arguments? If we argue before the House, where is our evidence to come from? How is the House to ascertain whether the report is false or true? It seems to me, before we decide what we shall do with the report, we ought to know something more about it and get it before the House in some regular form. If any gentleman thinks that the report is false, would it not be better for him to move that it be referred back, and make our proceedings regular, because they seem to be irregular now.

THE SPEAKER—The motion now before the House is for the adoption of the special report of the committee. During the discussion the hon. member has made reference to proceedings that took place in the committee, criticizing them, and he was called to order, because it was contended that he had no right to refer to the proceed-

ings which took place in the committee. Now the only standing order which applies to this matter or refers to Bills sent to committee is this 67th rule, which says that a Committee to which a private Bill may have been referred shall report the same to the Senate in every case. This is the only rule. Now, until the report is made by the Committee of its proceedings it is irregular to refer to them. I find this in Bourinot, at page 448: "Until the committee report, it is irregular to refer to its proceedings in debate in the House." Now, in this case a report has been made, but it is a special report, and I think that the discussion ought to be limited to the special report, and that no reference ought to be made to the proceedings of the committee, which are not before the House. It is true that other members have already referred to the proceedings of the committee, but the moment I am called to decide whether it is regular or not I feel myself bound to lay down the rule as I find it.

HON. MR. VIDAL—I bow respectfully to the decision of the Speaker on this point, but it does seem to me a most remarkable thing that, while every member who has spoken on this matter has referred fully and freely to what was said and done in the committee, I should be selected as the first one to be stopped for referring to its proceedings. I am not accustomed to trespass on the time and patience of the House, and I very seldom transgress by violating the rules which govern the conduct of members in this Chamber. Of course, if I am not to speak of what was done in the committee, I feel that a great deal is taken away from me which I should be allowed to say in the way of explanation. It is an extraordinary thing that a person is not to be free to give his reasons for objecting to the adoption of the report of the committee because he refers to something that occurred in the committee. I cannot imagine that the rule contemplates anything so tyrannical as that. In my judgment, I am precluded from mentioning the most essential thing for guiding the decision of the House on that report because it happened in the committee. I will not mention it as something which took place there, but I will say that of my own knowledge the persons asking for and promoting this Bill desire to withdraw it, and that their desire was made known by them publicly. This is

why my judgment of the action of the committee differs from that of the hon. gentleman from Richmond, and others who have spoken about it. I conceive that the duties and responsibilities of the Railway Committee relate exclusively to the Bills which are referred to them connected with railways, and believe that a person having a right to withdraw his Bill, and asking permission to do so, that from the moment the right is exercised (which has hitherto been universally conceded) it ceases to be a railway Bill before the committee for consideration. It is quite true that other matters connected with the Bill, if proceeded with, were mentioned, and had there been any intention to urge the insertion of the amendment which was sought to be introduced by the opponents of the Bill I could understand why it would be necessary to go into such an examination as might be deemed desirable to ascertain what became of the money which ought to have gone to the payment of privileged claims. Had the Bill been proceeded with, had it been the intention to urge that amendment, then I think it would have been both right and desirable to inquire into those things; but when the Bill is no longer before the committee as a railway Bill, that committee has no power, in my judgment, to constitute itself into a committee of inquiry into the wrongdoings of anybody, I care not who or where they are. I have an earnest desire that the wrongdoings of any party should be investigated, but I contend that it is not the province of the Railway Committee of the Senate to go into such an inquiry independent of the Bill, and I hold that the duty of making such inquiry ceased when the promoter asked permission to withdraw the Bill. Unless we are prepared to make a new precedent in this case to give an opportunity to inquire into alleged wrongdoing, it cannot be done in the way proposed. What would be the result of such an inquiry? Would it have anything to do with the Bill sent to the committee.

HON. MR. MILLER—Yes.

HON. MR. VIDAL—What would be the result? To make investigation into wrongdoing, showing that certain persons had been guilty of gross irregularity in the management of money intended to be given to the creditors of the railway, I contend, is not what the Railway Committee was appointed

to do. The position which the committee ought to have taken, the one which I desire it to take, is to report simply that the promoters of the Bill should have permission to withdraw it.

HON. MR. KAULBACH—The discussion is taking too wide a scope. The question now before us is, shall we give the committee this power to call the witness? If this was an order in consequence of contempt on the part of this witness some question might arise, but this is not to bring the gentleman under arrest. The House is told that although he got an informal notice he refused to attend, and the House knows that he would not come. I do not know that he would attend under the present order that is asked for; it is simply an order that he shall be summoned in the usual way to attend before the committee. That is the question before us. I do not intend at present to go beyond that. It has been said that there is no precedent for the action of the committee here. We never had such a case. There is a monstrous allegation of fraud.

HON. MR. POWER—I rise to a question of order. The hon. gentleman is out of order.

HON. MR. KAULBACH—The question before the House is, shall this order be granted. This gentleman has thought proper not to attend the meeting of the committee under an informal notice, and the question is now, will the House give the committee the power that it seeks to bring this gentleman before them, the same as under an ordinary summons?

HON. MR. DEVER—As I am not a lawyer, I should like to have a little explanation on this point. The question appears to me in this way: that if these gentlemen had the power of withdrawing their Bill to-day, because it would appear that the committee was going to saddle and put a rider on that Bill not satisfactory to them—

HON. MR. MACDONALD (B.C.)—That is not the question before the House.

HON. MR. DEVER—That was the cause of bringing it here, because those gentlemen refused to accept from the committee certain conditions which the majority wished to impose on that Bill. Application has been

made to the House for an order to bring before the committee a certain gentleman whose evidence is wanted. Now, these parties have the power to withdraw their Bill, and when they exercised it the committee collapsed on that point—they had no further power; and hence they have to take some other course to bring this gentleman before them. We have heard the opinions of several lawyers, very conflicting opinions, and members of this House who are not lawyers would like to have some clear explanation of the position of affairs from the leader of the House, in whom they have confidence. As a layman, I wish to understand the legal point, and when we have it explained I hope that we will be in a position to vote intelligently. I wish to know whether these parties had a right to withdraw a private Bill or not?

HON. MR. POIRIER—A distinction might and should be drawn in this matter. If the company had actually withdrawn their Bill, then the position of the chairman of the committee would be logical, but we must consider that this private company has not withdrawn its Bill, but simply asked for leave to withdraw it with the consent of the House. In order to withdraw the Bill the approval of something more than a majority in the House is necessary; it can only be withdrawn by the unanimous consent of the House. The Bill stands in the same position as any motion, and until the House unanimously consents to the withdrawal of the Bill it cannot be dropped. As matters stand now, the Bill is actually before the House. It has passed through all its stages in the other House, and through two stages in this House, and has been referred to the Railway committee. Admitting that we cannot proceed with the Bill, still we can proceed with certain actions subsidiary to the Bill. To a great extent this Bill, although a private measure, is of a public character. The first section thereof reads: "The Baie des Chaleurs Railway is hereby declared to be a work for the general advantage of Canada," assimilating, therefore, very much to a public Bill.

HON. MR. POWER—I am surprised at such a statement.

HON. MR. SCOTT—All local railways are for the general advantage that way.

HON. MR. POIRIER—All local railways that connect with the Intercolonial Railway are works for the general advantage of Canada, but it requires an Act to declare others to be of that character.

HON. MR. SCOTT—That is done to give us jurisdiction. They must be declared to be works for the general advantage of Canada.

HON. MR. POIRIER—That is what I say. The Bill is before the House now, and will remain before it until withdrawn. What we have to deal with is the report of the committee referring to that Bill. I believe, therefore, that we can take any action that we deem fit in connection with that report of the committee, and that we are perfectly justified in accepting or rejecting the report, inasmuch as the Bill is actually before the House.

HON. MR. MILLER—Before the committee this morning I said that a majority would be sufficient to give leave to the promoters of the Bill to withdraw it. I said that in the hurry of the moment, in answer to a remark made by my hon. friend from Acadie. I wish to withdraw that. I agree with my hon. friend in the position that he takes. I remember, while I was in the chair, giving a very elaborate decision on that very point, holding that leave to withdraw a motion meant the unanimous consent of the House.

HON. MR. BELLEROSE—I shall move that the report be not now concurred in, but that it be referred back to the committee, with instructions to give the proceedings which took place before them. We have a right to have matters presented as they really occur. I find in "May's Parliamentary Practice" that parties having a private Bill before a Committee on Private Bills have a right, whenever they choose to withdraw their Bill, and that the committee must report the same to the House.

HON. MR. MILLER—That is, if it is withdrawn? Not where leave to withdraw is refused.

HON. MR. BELLEROSE—I cannot see the distinction. In this case the promoters of the Bill came before the committee and

asked permission to withdraw their Bill. The report to the House ought to have contained a statement of that fact.

HON. MR. MILLER—If the committee had given leave to withdraw the Bill, the report should have so stated, as the committee did not, the report should not contain any reference to the rejected application.

HON. MR. BELLEROSE—As the committee did not report the proceedings, and in order that the House may see the grounds for supporting the demand of the petitioners, it is only right that the report should go back to the committee, with instructions to the committee to give a statement of the proceedings, so that they may know why the application was refused. The House is not bound to accept the report as it is. What I want is to have the prayer of the petitioners before the House, in order that the question may be discussed with all the facts before us. What would be the use of inquiring about an expenditure of money upon this railway if the company withdraw their Bill after the inquiry takes place? It has been stated in the committee that after the inquiry is completed the prayer will be granted.

HON. MR. CLEMOW—Might or might not be granted.

HON. MR. BELLEROSE—No; the statement was "would be granted," but that the committee wished to know the facts. I am a member of the committee who three or four days ago did my best to have a complete investigation, because if there is any scandal at Ottawa or at Quebec I want to have the public acquainted with the facts connected with it, but let us conduct the inquiry in a proper manner. Do not let us put on our Journals such a precedent as the one proposed, which may be invoked at some future time in many other cases. Let us follow the rule laid down by May, which I have quoted—when a petitioner asks to withdraw his Bill the committee reports the prayer of the petitioner and the House deals with it. Why not do that? Was it done purposely to keep this House in the dark so that they might not know what was going on behind the scenes?

HON. MR. MACDONALD (B. C.)—

Order.—That is a reflection on the committee.

HON. MR. BELLEROSE—I did not make the statement; I asked the question, and I repeat it—was it done to keep this House in the dark? I do not say that that was the object, but it looks like it. Would it be right for this House to vote deliberately to-day to incur such an expense as this inquiry will involve, just for the sake of knowing something with which we have very little to do, and then after all withdraw the Bill? Would not the House deserve censure for having incurred such an unnecessary expenditure? I move that the report be referred back to committee, with instructions to fully report their proceedings on the said Bill.

HON. MR. McINNES (B.C.)—I am very much surprised at the position taken by several hon. gentlemen here to-day with respect to this report. They have most strenuously contended that the Bill is still before the House. In view of the authorities quoted by the hon. gentleman from Ottawa and others, I claim that the Bill is not before the House, and virtually is not before the committee. Leave was asked by the gentleman in charge of the Bill to withdraw that Bill, and the majority of the committee, in my judgment, acted in an arbitrary and irregular manner in not allowing it to be withdrawn.

AN HON. GENTLEMAN—Order, order.

HON. MR. McINNES (B.C.)—I repeat that in my judgment they acted in an arbitrary and irregular manner in refusing that request.

AN HON. GENTLEMAN—Order.

HON. MR. McINNES (B.C.)—The hon. gentleman from Richmond, who is such a stickler for order now, is as often out of order as any member of the House.

HON. MR. MILLER—Did I ever call you to order? Your statement may go for the little it is worth.

HON. MR. McINNES (B.C.)—Many a time.

HON. MR. MILLER—Never, I think, though not for want of cause.

HON. MR. McINNES (B.C.)—I can recollect your having done so on several occasions. However, that is not the question before the House. I say that the committee acted in my judgment in an arbitrary manner in not allowing the gentleman who had charge of the Bill to withdraw it.

HON. MR. MILLER—I rise to a question of order. I say it is improper for any hon. member to use such language in speaking of a committee of this House. The hon. gentleman has no right to apply the word "arbitrary" to the action of a committee of this House.

HON. MR. POWER—The hon. gentleman from British Columbia did not apply the word "arbitrary" to the action of the committee; he said, in his opinion their action was arbitrary.

HON. MR. MILLER—It is the same thing.

HON. MR. POWER—If the hon. gentleman had said that the conduct of the committee was arbitrary he would have been attacking the committee. His opinion may have been altogether wrong; he does not allege that his opinion is correct. If he did, then he might be brought within the rule; but that an hon. member has not a right to say that in his opinion the committee acted in an arbitrary manner is a new rule altogether.

HON. MR. SCOTT—I rise to protest against the manner in which the majority of this House are endeavouring to prevent a free expression of opinion by the minority. Here is a report that falsifies the position of affairs. Do you mean to say that the minority in this Chamber are to be put down by the force of a majority when seeking their rights? I say that report does not truly express what occurred in the committee, and it would be a monstrous proposition if the minority of this House are to be silenced by a brute majority. (Cries of "Order!" "Order!" "Shame" and "Withdraw.")

HON. MR. POIRIER—I rise to a point of order. The hon. gentleman has used an expression which is an insult to the House.

HON. MR. SCOTT—We cannot tolerate a suppression of the facts (cries of "Order!")

"Order," and "Chair—sit down!") I will stand here until doomsday. It would be unfair, unjust and unpatriotic on the part of any majority to force through a report which is false on the face of it. They do not do it on honest grounds. The people of this country would not sanction it—they would not tolerate a political majority saying to a minority: "Your voice shall not be heard; what occurred before that committee shall be suppressed, and we shall rule this country as the Star chamber was ruled two centuries ago." I say it would be a dangerous precedent to set to say that the mouths of the minority here shall be closed, and that we shall be told that because a majority of the committee choose to suppress the facts and not give them to the House that the minority of the Chamber is to be silenced. I did not avail myself of the opportunity of giving the facts of what occurred before the committee, because I was exceedingly sensitive about doing so; but others have done it, and I claim the right to state the facts also. The proposition made before the committee by the promoters of the Bill was manifestly fair and honourable and in the public interest.

HON. MR. CLEWOW—I should like to know if the hon. gentleman is discussing the question of order?

THE SPEAKER—The hon. gentleman from Ottawa is not speaking to the question of order.

HON. MR. CLEWOW—And when he was called to order he did not take his seat.

THE SPEAKER—If any hon. member desires to speak on the question of order he can do so.

HON. MR. POIRIER—I should like the ruling of the Chair as to the expression "brute majority."

HON. MR. SCOTT—I will withdraw that expression.

THE SPEAKER—The question submitted to the Chair was, whether the hon. member from New Westminster was out of order when he said that in his opinion the majority acted in an arbitrary manner.

HON. MR. SCOTT—I will apologize to the House for the hasty words that I used. I

am extremely sorry that I used the words "brute majority."

HON. MR. MILLER—I withdraw the point of order in the other case.

HON. MR. SCOTT—I feel aggrieved that the facts which occurred in the committee are to be suppressed in this manner. I do not think it is fair or just that the minority could not be heard in the committee, and if the minority are not to be heard in this Chamber one cannot be expected to contain himself, because it is an attempt to suppress free speech; it is an attempt to stifle debate and suppress facts for a political purpose. That is what it is; every gentleman must admit it. There is no reproach in that; it is that a political stab may be given. I have no objection to the proposed investigation, and I say here if it is thought proper, on a fair proposition submitted to the Senate, that this matter or scandal, if you choose to call it a scandal—I do not know whether it exists or not—but assuming that hon. gentlemen are right in their premises, and it is right to investigate it I have no objection to a thorough enquiry and to fairly and squarely naming a committee to investigate it. I will not oppose it, but I say it is improper to use the medium of a private Bill that belongs to the promoters to base this enquiry upon.

HON. MR. McINNES (B.C.)—I was proceeding to say, when improperly called to order when I was not out of order, that in my judgment it was the bounden duty of that committee, or any other committee of this House to whom a private Bill had been referred, to sanction its withdrawal at the request of the promoter of the Bill. Instead of that, in this case the committee says: "No; we will not allow you to withdraw it."

HON. MR. MACDONALD (B.C.)—It was not the committee.

HON. MR. McINNES (B.C.)—I have reference to what was said in the committee, and if you put a gag in our mouth as to what is done in the committee, I say you are stifling investigation and hampering free speech.

HON. MR. MACDONALD (B.C.)—It is not the majority on the committee that are endeavouring to stifle investigation.



HON. MR. MCINNES (B.C.)—The hon. gentleman is endeavouring to make himself extremely popular in a certain quarter; but I do not think it will serve the purpose he has in view. I have never yet known, since entering public life, some thirteen or fourteen years ago, either in the House of Commons or this House, an instance where a member in charge of a private Bill was refused, at any stage after its introduction, permission to withdraw it, and that is the reason why I use the expression that in my judgment the committee have acted arbitrarily in not allowing the hon. gentleman who has charge of the Bill to withdraw it. Does any hon. gentleman contend that when a man introduces a private Bill he is going to be forced by a committee, or even by this House, to proceed with the Bill, whether he desires to do so or not!

HON. MR. POIRIER—Certainly not.

HON. MR. MCINNES (B.C.)—That is precisely the position of the Bill before the committee.

Some HON. GENTLEMEN—No; no.

HON. MR. MCINNES—I say that the position is that. The hon. gentleman in charge of the Bill asked leave to withdraw it. Having done so—according to the highest parliamentary authorities—the Bill virtually ceased to be before the committee or even the House. The Bill is not, therefore, I claim, before the House. May, page 868, says: "If parties acquaint the committee that they do not desire to proceed further with the Bill that fact is reported to the House, and the Bill will be ordered to be withdrawn." And such being the case, the recommendation in the report is totally unnecessary. The object of the report is to investigate certain irregularities or misappropriations of money granted by the Legislature of Quebec, which body is entirely independent of the Dominion Parliament, and over which we have not the slightest control. The hon. gentleman referred to in a rather sarcastic manner to the arguments of the hon. gentleman from Ottawa, and said that they would suit very well in a division court; but I contend that if the committee constitute itself a tribunal to investigate irregularities and wrongs that have taken place in another Legislature of the Dominion, over

which we had not the slightest control, it would be placing us in the position of a police court, and I say it would be highly improper and degrading to this Senate to constitute itself an investigating committee to inquire into the wrongdoing, if wrongdoing has occurred, in another portion of our country over which we have no control. The Premier smiles at this, but I ask the hon. gentleman to consider the false position we will place ourselves in, even if the proposed investigation is proceeded with, and find that all that is alleged is true. Have we any power, I ask, to punish the guilty parties? What power can we exercise over irregularities that have occurred in respect of moneys voted by a Legislature over which we have not the slightest control? If provincial moneys have been applied to improper purposes, as alleged, then I submit it is the bounden duty of the Legislature of Quebec to take the matter up and investigate it, and if wrong has been done, there is no man in this House that will be more pleased than I am to stand more firmly in putting down wrongdoing, I care not in what quarter it is discovered. I submit that we ought not to dopt the report that is now before the House, because the Bill is virtually not now the property of the committee, or even the House. It is not before the House, and I do not think it will ever come before the House, except for the purpose of being dropped; consequently, the best thing the Senate can do is to reject the report. I know for a fact that the chairman had no time to examine the report before presenting it, or he would not have presented it in its present form. The report is not a true report, and I am perfectly satisfied that if the hon. gentleman only had time to look over it he would never have brought it before the House. I think it is unfortunate that a report which does not represent the facts of the case should be submitted to the House, and I hope it will be rejected.

HON. MR. MACINNES (Burlington)—I understand the chairman of the committee to say that the report is correct, as far as it goes?

HON. MR. VIDAL—It is the truth, but not the whole truth.

HON. MR. HOWLAN—The question before the committee is the adoption or rejection

of the report of the committee. We have an amendment to it, I understand, and while the question with regard to private Bills and public Bills may not be relevant at the present stage of the discussion, nevertheless I am one of those who are strongly of the impression that this is a public and not a private Bill. A private Bill is a Bill to incorporate a body of gentlemen to do a certain thing—to build a railway or organize a steamboat company, or a bank, or a manufacturing concern, to be carried on with their own money or with the money of stockholders that they may have power under the Bill to create. But the Bill which involves a grant of the public money of the country is an entirely different thing. This company has received a certain amount of public money already, and is to receive more; therefore, I say, as far as that is concerned, this is a public Bill to all intents and purposes, and I do not agree with the proposition that once a Bill is submitted to the Legislature it is the property of the promoters. Brown, Jones and Robertson, for instance, may apply for a Bill to build a railway from Toronto to Ottawa; and Smith and Edwards may oppose that Bill in committee from time to time, saying that it may interfere with their interests, and if they can prove to the committee that the grounds they take for opposing this Bill are good the committee would not permit the promoters to withdraw it, but they would go on with the Bill, and carry out the views of the parties opposing it. It has been done in several cases in England.

HON. MR. POWER—Will the hon. gentleman be kind enough to name one of those cases.

HON. MR. SCOTT—You must remember that this company is already incorporated to do this work, and all they ask is that the Parliament of Canada will ratify the legislation of Quebec.

HON. MR. HOWLAN—The fact that they are incorporated under a Local Act does not alter the position of affairs. When they come to ask that that Bill be added to, it takes a first position, as if they had never been created a corporation.

HON. MR. SCOTT—This company, like many other companies having charters from

Local Legislatures, come to the Parliament of Canada, because they think a charter here is more valuable. The Parliament of Canada could not grant a charter to any other company antagonistic to this one. It is not the case the hon. gentleman puts of an independent company with an independent enterprise; this is an existing one.

HON. MR. HOWLAN—I quite understand that; they come to us for powers that they have not at present got.

HON. MR. SCOTT—But no other company could come here and get a Bill for it. The charter is already granted.

HON. MR. HOWLAN—I never rise to speak in the House but there is contradiction after contradiction and interruptions from hon. gentlemen opposite. I have been some thirty years in public life, and I know what I am speaking about as well as the hon. gentleman from Ottawa.

HON. MR. POWER—If the hon. gentleman will permit me—

HON. MR. HOWLAN—Sit down!

HON. MR. POWER—The hon. gentleman has no right to address me and tell me to sit down. He should address the Chair.

HON. MR. HOWLAN—Sit down! Sit down! I have a right to speak until I sit down.

HON. MR. MILLER—A member does not, in the Senate, address the Chair; but he addresses the members of the House.

HON. MR. HOWLAN—The hon. gentleman from Halifax is better fitted for raising points of order than for making a speech to persuade the House. I say that I am opposed to the position taken by the hon. gentleman, that a promoter of a Bill can withdraw it at any time he thinks fit. He cannot do anything of the kind; it becomes the property of the House, and I say more: that when the Bill involves money taken from the public chest it is a public Bill, and not a private one, and must be governed by the rules relating to public Bills. The gentlemen who oppose this report have had the benefit of the discussion that took place

before the committee, and what are they afraid of? What do they want to shield this man for, if the House wants him for the purpose of getting information? Why should he not come at the call of the committee? If a majority of that committee, supposed to have the confidence of the House, desire to have this question investigated, and propose to have this man sent for for the purpose of getting information, so as arrive at a proper decision on the facts, have they not a perfect right to report to the House, and take any course that their prudence and wisdom dictate? They ask the House to adopt or reject the report, and as soon as a motion to that effect is made it is met with all sorts of innuendos and statements, and for what? For the purpose of proving, or attempting to prove to this country that because the minority in this House think so and so, and cannot have their own way, that there is an attempt to prevent discussion. There has been no attempt on the part of the majority to stop discussion or to coerce the minority on the committee. I am sorry to see an hon. gentleman who has been a public man for so many years make such a statement as he has made, and I am glad to see that he has had the good sense in his cooler moments to withdraw it. How do we know what we have a right to interfere with in this matter until we have the facts before us, and why should there be any fear of commanding this gentleman to give evidence before the committee? We know that hon. gentlemen opposite are not so very particular about getting evidence in another place; and they are not so particular about bullying witnesses as I heard a man being bullied to-day in another committee. I say that these fine feelings expressed now by the hon. gentleman were not aroused on that occasion. They rather enjoyed the bullying, and a broad smile of joy spread over their countenances as it proceeded. But now, when an investigation is proposed here, we are told that we want to stifle discussion. It is not to stifle discussion that we ask for evidence. More information is wanted on which to form an opinion. Is that stifling discussion, or is it derogatory to our position, or taking away the powers of any members of the committee? Some hon. gentlemen claim all the honesty and integrity of public life; they build themselves a lofty monument, on which they exhibit their ability, their honesty and their integrity, and they

kneel down and adore it, as some eastern nations adore their gods, and believe that neither justice, wisdom nor kindness of feeling belong to anyone else but themselves alone. Their word must be law; their rulings must be absolute. I have heard them as many times wrong as I have heard them right; but because we chose to have a different view of matters, and because we hold that our views, and opinions, and conclusions, are quite equal to theirs, and that we are equally desirous of doing what is right, we are told: "You do not understand the question; you do not know anything about the question; we alone possess all the knowledge, all the talent and all the wisdom necessary to form an opinion on this subject." Why should they be afraid of investigation? Where do they get the superior knowledge that by the investigation we propose something will come out that will be derogatory or disadvantageous to their party or their friends? They must possess some knowledge that we have not; they must possess superior minds, or have sources of information that are beyond our reach. The hon. gentleman opposite laughs. He is one of those self-made men who believes in his own lofty judgment, that his own judgments and opinions are more reliable than those of anyone else. He lives in a little world of his own, and it is a very little world. Let him live in it.

HON. MR. MILLER—I wish to say a few words to bring this question back to its true position before the House. What is the state of this question? The chairman of the Committee on Railways has presented a report of the committee asking for an order of the House to summon a witness before that committee. We are met on the presentation of that report by the absurd assertion on both sides of the House, by gentlemen opposed to this report, that the report suppresses the truth—that it is a false report, and other equally strong and unparliamentary language. In support of these strong allegations what do these gentlemen allege? They allege that certain proceedings took place—a certain motion was made before the committee in reference to the Bill which has not been reported to the House. What were those proceedings and what was that motion? It was a motion for leave to withdraw this Bill, which was negatived, and therefore need not be reported to this House. If the committee had recommended leave to with-

draw the Bill, and the chairman had suppressed that action of the committee, and not reported it to this House, then the charges made of suppressing the truth, or suppressing the facts, or presenting a false report, might fairly be made; but under the circumstances these charges are absurd, and only reflect discredit upon the gentleman who made them. Some hon. gentlemen, with all the confidence of wisdom and knowledge in their countenances and actions, tell this House that the Bill is not before the Senate—that it was withdrawn by the mere fact of the request of the promoters in the committee. I say it is almost an insult to the intelligence of hon. gentlemen to attempt to answer such an absurdity as that. A motion was made for leave to withdraw the Bill, which motion was refused, and the Bill is therefore in exactly the position it was the first day it was sent to the committee.

HON. MR. BELLEROSE—May says this: "If the parties acquaint the committee that they do not desire to proceed with the Bill, the fact is not voted upon by the committee, but the fact of their prayer is reported to the House, and the Bill will be ordered to be withdrawn."

HON. MR. MILLER—When any motion is made to the committee, there may be a vote taken upon it. The authorities do not mean that the committee has no discretion on the matter, or that if leave to withdraw is recommended by the committee the House has no discretion but to grant it. To say that the House has no discretionary power when leave is asked to withdraw a Bill is an absurdity. The authorities mean not that we must, but that we may grant leave to withdraw a purely private Bill, which this Bill is certainly not. The committee could have recommended in this case to this House to give the promoters of the Bill leave to withdraw it if they thought proper to do so. That has not been done, and until that is done it is evident to every gentleman who understands the most elementary principles of parliamentary practice that the Bill is still before the House. Therefore, how absurd it is to make these reckless assertions, and upon them ground the most fallacious arguments to show that the Bill is not before the House. The Bill is before the House; it is before a committee of the House, and the committee had nothing to

report in regard to it, if it reported anything, except the negative action of the committee in refusing to adopt the suggestion of the promoters of the Bill, which would be absurd in the extreme—too absurd to require any refutation by argument. I could understand the hon. gentleman who has made this motion if he had made a motion of this kind: That the report be not now adopted, but that it be referred back to the committee with instructions to recommend leave to withdraw the Bill. I could understand a motion of that kind, but the motion in amendment before the House is too absurd for the House to entertain it for one moment. The only question the House has to pass on now is whether it shall or shall not give an order for the attendance of this witness, or shall it stultify its action of yesterday, and make itself ridiculous in the eyes of every person who has the least knowledge of parliamentary practice.

HON. MR. SMITH—I very seldom trouble this House, and I would not speak on this occasion were it not that I am a member of this committee, and have been there from the first sitting, and from what I saw there I consider myself justified in discussing this question. With me it is not a question which side is right or wrong; I have a duty to discharge as a member of the Senate, and that duty is, if there is any scandal to be investigated, no matter by whom or where it might have occurred, to do all in my power to have it investigated. I shall support the authorities of this Parliament in making a searching inquiry in any such case. This House is looked upon as the guardian of the public interests and of the public treasury, and no member of the Senate should endeavour to burk and inquiry or hush a scandal. I am here to support the Premier of this country in wiping out every stain that corruption has brought upon the public life of the country. Now, the Government of Canada is interested in the Baie des Chaleurs Railway; this Parliament has voted large subsidies to aid the undertaking, and will likely be called on for further aid. A portion of the subsidies already voted remains to be paid, and that portion will soon be asked for. In my opinion, the Government would not be justified in handing over that money until it is ascertained by investigation that the public funds of this country, intended to aid this undertaking, have not

been misappropriated or devoted to any illegitimate purpose. Why should anyone wish to burk this inquiry and suppress information for which the public will look? If the new directors have a good case they need not be afraid to appear before the committee and have the facts submitted to Parliament, nor should the committee shirk its duty to expose any wrongdoing that may have occurred. I consider myself very much interested in this matter, because the time has come when every public man should do his duty in supporting the authorities in the inquiry they are making into the management of public undertakings. In this work they should not be interrupted by the minority in this House. On all occasions the minority in the Senate have had fair play—have occupied more of the time of this House than the majority.

HON. MR. SCOTT—Appoint a committee. I have no objection to your doing that.

HON. MR. SMITH—We are satisfied with the committee that we have. We are proceeding according to law, but every technical point that the minority could possibly bring to obstruct the committee has been used to block the investigation, and they are following it up in this House to-day. Now, that is not the right course to take. We are here, the highest authority in the land, to investigate whether wrongdoing has occurred in any public undertaking, and it would be unbecoming of any senator to shirk his duty either by his absence from this House or by voting against an effort which is made to investigate scandal. I am sorry to see the mild, persuasive statesman, the leader of the Opposition, taking such a course as he has pursued on the committee and in this House to-day. It convinces me that there is something more at the bottom of this matter than the committee know.

HON. MR. SCOTT—I do not know anything about it.

HON. MR. SMITH—We are told that the gentlemen who built that road lost even their houses and homes, while others have been allowed to monopolize the money voted in aid of the undertaking and to misappropriate the public funds. If it was private money I would take little interest in it, but it is the public money, appropriated

for a public use, and for which this Senate has voted at different times. Why should we refuse, when we find that that money has been misappropriated, to investigate and ascertain what has become of it? I will sustain the authorities of this country in searching to the very bottom of this scandal, no matter who may suffer by the inquiry. Those men that are running away should be brought before the committee. What are they running away for? Did you ever see a man running away when he was not guilty?

HON. MR. POIRIER—Joseph ran away from Potiphar's wife. He was not guilty.

HON. MR. SMITH—That is going too far back. I shall support the motion to grant authority to the committee to bring witnesses before them and to take evidence properly.

HON. MR. POWER—The hon. gentleman from Toronto has spoken of a misappropriation of the public moneys of Canada. There was nothing of the kind said, as far as I am aware. The statement made was that certain moneys which represented the commuted value of certain public lands belonging to the Province of Quebec had been diverted from their original purposes; but those were not the public moneys of Canada.

That is the point: if they are public moneys, they are the public moneys of the Province of Quebec; and while the House may have a perfect right to investigate the improper expenditure of public moneys of Canada we are going beyond our sphere when we undertake to investigate the proper expenditure of Quebec money. The Quebec Legislature is the proper place for that investigation. The position is just this, as I take it: the question is, whether we should refer this report back to be amended. The hon. gentleman from Delanaudiere has given a very good reason for his motion. He has shown us from the recognized authority on parliamentary practice that the committee had no option in the matter; that if the promoter of a private Bill (which this undoubtedly is), says he wishes to withdraw the Bill, the committee must report the fact to the House, and the Bill is withdrawn; and neither the House nor a committee can insist that the private individual who has paid to bring this matter before Parliament, and who brings his Bill for the purpose of getting certain advantages for himself, shall proceed with it. Both

our own authority, Bourinot, and May, lay that down.

HON. MR. POIRIER—May does not say that.

HON. MR. POWER—May does; the hon. gentleman from Delanauidiere quoted from May to that effect. There is no doubt about this being a private Bill; it was referred as a private Bill to the Railway Committee.

HON. MR. SMITH—Will the board incorporated under this Bill ask the Federal Government for any more money?

HON. MR. POWER—I do not know anything about that.

HON. MR. SMITH—If it is a private Bill they will not; if it is a public Bill they will. This is both a public and a private Bill in its nature, and being a Bill of a public character we are, as public men, interested in knowing how the money voted in aid of the undertaking is expended.

HON. MR. POWER—This is an entirely novel description of a public Bill. On a private Bill a fee is paid; a fee has been paid on this Bill. It is a Bill introduced at the instance of certain private gentlemen to serve their own ends. It is not a public Bill in any sense, and no one in this House who has any regard for his reputation as a parliamentarian will say that it is a public Bill. It is essentially a private Bill. The fact that the Parliament of Canada may see fit sometime to vote money in aid of this road does not transform this Bill into a public measure. I think that when such grave doubt is raised as to the propriety of the line of conduct indicated to the House the proper way is to refer the report back and let the House become seized of all the transactions of the committee. As it is now, the House is not seized of something alleged to have taken place before the committee, and which, if true, would divest the right of the Parliament of Canada to deal with the matter at all. I wish to say a few words about the original motion. Here is the motion: it is that a gentleman named Armstrong—who, so far as we know, is a very respectable citizen and a connection of one of the Ministers in the present Dominion Cabinet—shall be held up to public scorn and reprobation

as a man who has disobeyed the order of a committee of the Senate. The House should hesitate a little before taking such a step as that. They should be quite clear that all their transactions are regular in the matter. What is the first fact? The report says that Mr. Armstrong was summoned—regularly summoned, it means, when it says summoned.

HON. MR. MILLER—Is the word “regularly” there?

HON. MR. POWER—No; and it does not matter.

HON. MR. MILLER—It makes a decided difference.

HON. MR. POWER—The hon. gentleman is not so familiar with parliamentary law and procedure as he thinks he is. When you say, in a statute or a parliamentary rule, that something shall be done, you mean regularly done; and if the hon. gentleman does not know that he had better go to school again for instruction in law.

HON. MR. MILLER—I would not go to you for a professor.

HON. MR. POWER—The hon. gentleman might do worse.

HON. MR. MILLER—Could I? That is for the House to say.

HON. MR. POWER—I am in the judgment of the House, too; and I am willing to leave the matter there. What is the fact? Mr. Armstrong has not been regularly summoned. There was a summons issued which was, on the face of it, irregular. It does not name the Bill concerning which he was summoned.

HON. MR. MACDONALD (B.C.)—The Bill is mentioned.

HON. MR. POWER—Excuse me, it is not; and in any court such an omission would be held to be a fatal irregularity. In the next place, the subpoena was issued by a party who had no authority to do so. It was issued hours before this House gave authority to the committee to issue a subpoena; so that we propose, if we pass this resolution, to hold up to condemnation a respectable citizen who does not deserve it. After Mr. Armstrong

has been regularly and properly summoned to attend before the committee, and refuses or neglects to attend, then it will be time enough for us to allege in a solemn State document that he has failed in his duty. I feel that it would be highly improper for the Senate of Canada to cast such an imputation as that upon any citizen. It has been said, in that rather loose and extravagant way of speaking which is sometimes used even by hon. gentlemen here, that this sort of argument savours of the division court; but the essence of parliamentary procedure is to follow precedent and to do things decently and in order. As a rule, in division courts the practice is supposed to be a little loose, while in higher courts they are rather particular to see that things are done in the proper way. Hon. gentlemen who have objected very strongly to our talking of what has taken place before the committee assume that there is guilt somewhere. That remains to be proved. I think it is exceedingly unfair and discourteous to gentlemen outside and to the Province of Quebec. It has been alleged here that there was something improper done by some one connected with the Quebec Government. That is a very discourteous and improper thing to do. There is no evidence whatever before any member of this House that anything improper has been done by anyone connected with the Government of that province, and it is highly improper to assume it. Then, it has been alleged that there is some dread of an investigation. Not at all; that is not the feeling; but hon. gentlemen can understand that at this season of the year it is a very undesirable thing to enter upon an investigation which will be naturally more or less irregular in its character, and which is likely to occupy the time of an important committee of this House for a very long period. I think one can shrink from that without being suspected of wishing to condone the guilt of anyone. The great English authority, May, is quite distinct as to the main point—that a private Bill is at the disposal of the promoter. The hon. gentleman from Alberton told us that he was going to give us authority to the contrary.

HON. MR. HOWLAN—If you had not interrupted me I should have done so.

HON. MR. POWER—I remember now that the hon. gentleman found fault with me

for interrupting him. As a matter of fact, I was wrong in making any sound when another member was speaking, but what I did suggest was that the hon. gentleman from Ottawa should not interrupt the hon. gentleman from Alberton.

HON. MR. HOWLAN—I take it all back, if that is the case.

HON. MR. POWER—In this matter we should try to be decorous and dignified, and not let our angry passions rise, as some of us on both sides have done. It is a mere question of parliamentary procedure, and it should be considered in a dispassionate way. We are asked to do what has never been done in a British legislature before—to make a precedent which is at variance with all other precedents. I do not know whether the hon. leader of the House has taken the opinion of gentlemen in Ottawa who are recognized as authorities on questions of this sort; but we have no authority on the other side. The hon. gentleman from Richmond rather pooh-poohed the necessity of any authority. He said he had not looked the matter up. There is no such authority to be found; the authorities are all the one way, and I think it is, above all, the duty of the leader of this House to see that the House does not take a step which is a violation of true parliamentary procedure, by which we should be governed. I think that is an additional argument in favour of the amendment. Its adoption will not harm anyone, and it will give time to make further enquiry, so that when we approach this subject again we shall be in a position to make a decision that we can stand by.

HON. MR. POIRIER—It has been said here that the company have asked to withdraw the Bill. They could only ask, I believe, by a prayer similar to their petition for incorporation.

HON. MR. POWER—Oh, no.

HON. MR. POIRIER—Has there been any official demand under seal of the company showing that they actually ask for the withdrawal of the Bill?

HON. MR. POWER—I have never heard of any authority showing that it is necessary to have a sealed document to withdraw a Bill.

HON. MR. POIRIER—What authority have we to show that the company desire it?

HON. MR. POWER—We had before us the solicitor and managing director of the company, and the managing director submitted a telegram from the other directors.

HON. MR. POIRIER—He was only one of the directors.

HON. MR. POWER—I hope that we will try and keep cool about this matter. After the inflammatory speeches—if I may be allowed to use that expression—that we have heard on both sides, I think the House is not in a mood to decide this question (being, as it is, one of procedure) in the way it should be decided.

HON. MR. MILLER—The whole action of the committee will be frustrated unless it is decided this afternoon.

HON. MR. MACDONALD (B.C.)—I hope the hon. gentleman from Halifax will keep as cool as possible under the circumstances. I was never more surprised in my life than to hear the remarks of the chairman of the committee on this report. He told the House that the report was not correct, because it did not contain the procedure in the committee. What is a report? A report is the crystalized opinion of the committee, and not an account of the proceedings of the committee, and I am very much surprised at the hon. gentleman. He cannot continue in that opinion, that the report of the committee should contain the proceedings of the committee. The hon. gentleman from Dela-  
naudière is quite right in moving his amendment, that the report be referred back with instructions to the committee.

HON. MR. BELLEROSE—The hon. gentleman from Sarnia, from what he said, gave me the idea of moving in that direction, because he said that the report did not contain what it should contain according to the rule laid down in May.

HON. MR. MACDONALD (B.C.)—The chairman made the simple assertion to the House that the report was not correct, because it did not contain what took place in the committee.

HON. MR. McINNES (B.C.)—The hon. gentleman from Richmond, in unmeasured

terms, denounced and ridiculed the position that I took, that the Bill was not before the House. I refer the hon. gentleman to May, page 868:

“If the parties acquaint the committee that they do not desire to proceed further with the Bill, that fact is reported to the House, and the Bill will be ordered to be withdrawn.”

The only thing I have to add to that is that the committee, instead of reporting as they did, should have reported that fact to the House.

HON. MR. MILLER—I was dealing with the fact that the Bill is before the House, and the hon. gentleman cannot understand the position I have taken. He is quoting what he does not understand.

HON. MR. BOULTON—It is not out of place to refer to what did take place in the committee with regard to the application on the part of the promoters to withdraw the Bill in consequence of certain revelations that had come out before the committee.

HON. MR. POWER—Excuse me; there was no revelation.

HON. MR. BOULTON—I would be very sorry to do anything or to cast a vote that will establish a bad precedent, which would be likely to interfere with the justice of future legislation; but I fail to see that anything has been brought out by those who are endeavouring to stop this report from going through, to show that the Railway Committee, so far, have done anything that is out of order. The quotation that has been read by the hon. gentleman from New Westminster is to the effect that when an application to withdraw a Bill is made the committee will report, and this House will then give an order to withdraw the Bill; but the committee has not yet made that report; it has reasons why it is not desirable to make that report. Instead of making that report recommending the withdrawal of the Bill, they ask for authority to take evidence before they consent to its withdrawal. That is the position in which it presents itself, to my mind. Now, the House is called upon to deal with that report as it stands, and the question is, will the Senate give the authority asked for, which is for power to bring before the committee certain gentlemen whom they require to examine in order to obtain certain information which the com



mittee desires to obtain; and I certainly think from what I heard, and from what took place before the Railway Committee, it is desirable that this authority should be given. We are, unfortunately, going through a crisis in the history of Canada, which is distressing to this Parliament and distressing to the people of the country. Certain enquiries, are being made with regard to the acts of public officials, and it is not desirable that this House should lend itself in any way to anything that would burk those enquiries. The hon gentleman from New Westminster asks what is the use of an enquiry where you have not the power to punish? I contend that the exposure of corruption is a punishment in itself, and that the finger of scorn will be pointed at those who have been depleting the public treasury to serve their purposes. It is desirable, wherever we find corruption, for the sake of the fair fame of our country that we should expose it, and not endeavour by any side issue to screen it. The hon. leader of the Opposition, and his colleague, the hon. gentleman from Halifax, have changed their tactics very much since the introduction of this Bill, and I never saw the truth of the old proverb, that "It altogether depends whose ox is gored," so thoroughly exemplified as it is in this case. This Bill came before the House last week, and I turned up our *Debates* to see what was said when it was introduced. I find that the hon. gentleman from Halifax said on the introduction of the Bill:

"It appears from the evidence elicited in an enquiry which has taken place before a committee of the other Chamber that the Baie des Chaleurs Railway Company, composed, I regret to say, very largely of members of the other House of Parliament, received at one time and another something like \$900,000 of public money."—

HON. MR. POWER—Excuse me; I said members of both Houses. It is an error in the report.

—"A very large amount, I think some \$600,000, was received from the Government of Canada, a considerable sum from the Government of Quebec, and some, I believe, from municipalities of Canada through which the railway was to pass. That was the evidence given; probably, when other evidence is furnished it may be shown that the sum received was not quite so large. I am not prepared to say as to that. Then, it was further alleged that the work done upon the railway does not represent anything like the total of the amount received from the various sources which I have indicated. It is alleged that the work done upon the railway would not represent more than half a million dollars \* \* \* \* Now, if these statements made in another place are to be taken as *prima facie* evidence of the truth, I think that it would be only proper that when this company comes before

Parliament asking for additional powers, or for an extension of the powers which the company now has, we should be satisfied either that the statements made in the place to which I have alluded were erroneous, or that the company upon whom we are now asked to confer the powers shown in this Bill is not the same company, or, at least, is not composed of the same members, as the company which contrived to do away with so very considerable a sum of public money, and I presume that the hon. gentleman will be in a position to give the House the information.

That is the position the hon. gentleman from Halifax took last week when this Bill was introduced.

HON. MR. SCOTT—But the committee did not propose to go into that enquiry.

HON. MR. BOULTON—Well, we shall see what the hon. leader of the Opposition stated with regard to the same Bill on the same occasion:

"Not only has a considerable sum of money been diverted to very improper channels in the construction of this railway, but, what is very much worse, some three or four hundred men, earning from \$1 to \$1.25 a day, were creditors of the company in sums of \$10 to \$100 or \$200. Some of them had been out of their pay for six months, and were obliged to seek support from charitable sources in order to reach their homes. The company threw them on the contractor, Mr. MacFarlane. The contractor is a bankrupt, owing, as I am instructed, to the policy of the railway. In any legislation provision should be made that all moneys actually due to employes, no matter whether due by Mr. MacFarlane or others, should be paid.

HON. MR. SCOTT—And I say that still; but I say that the committee did not want to go into the former expenditure; they only want to go into the last expenditure.

HON. MR. BOULTON—I will give credit to the hon. gentlemen for having been on a good scent, but now they find they are barking up the wrong tree; they think they will leave that coon alone. I leave it to the House to-day if there are not sufficient charges brought forward by the hon. leader of the Opposition, and the hon. gentleman from Halifax, alone, to justify the action of the Railway Committee this morning, in requiring that certain evidence be forthcoming before they allow the Bill to be withdrawn from their custody? According to my lay mind, I believe the intention of the authorities that have been quoted by hon. gentleman to-day is, that no Parliament shall take advantage of a private Bill that is before it to put it upon the Statute-book for a purpose other than the promoters designed; or that any amendment be inserted, without the sanction of the promoters, that renders such

a Bill nugatory or injurious to the credit of the company seeking legislation. None of those precedents, however, would prevent us from retaining charge of the Bill, now that we are seized of certain information, until we have satisfied ourselves that the public moneys voted by the Parliament of Canada have not been diverted from their legitimate purpose, and, as the hon. leader of the Opposition virtually says, stolen from the public, and the labourers who were defrauded thereby. I shall therefore vote that the authority asked for in the report before us be granted by this honourable House.

HON. MR. DEVER—There is just one point that I wish to put to the House. A certain company have made application for a charter, and they declare that their hands are clean. Their simple object is to get a charter with a clause therein that all honest, legal debts shall be paid by them, and that clause they are quite willing the committee should insert in the Bill. It appears that the committee were not satisfied with that; their desire was to put such restrictions in the Bill that this company could not submit to. They declare that section 5 of this Bill gives all the authority and all the power that is necessary to have every man who is a legal creditor of the company protected. They went further than that, and asserted that they were quite willing to leave the matter, whether it was satisfactory or not, to the Premier of Canada. If he was not satisfied that all the interests were protected by that 5th clause then they were willing to have it altered to suit him. Now, I do not think it was done intentionally, but almost ever speaker here attributes fraud to that company on suspicion—that they were afraid to go on—that they were afraid that some exposure would be made. These assertions were insinuated and almost declared in the committee room; but the representative of the company declared that they had nothing at all to do with the matter insinuated—that their object was a commercial object, and if there was anything wrong they knew nothing of it; their hands were clean. I cannot see why hon. gentlemen in another place should try to attach to the company any wrongdoing. That is the point, with one other, that I wish to be decided. The other is, whether this is a private Bill or not. Gentlemen who have spoken on either side are as directly opposite

to each other in their views as possible. We who are not lawyers cannot decide this question; and it occurred to me that the committee themselves were afraid that it was a private Bill. If they were not afraid, why did they not report the reason that the representative of the company gave for asking to withdraw the Bill? Why did they not report that to this House, so that we could understand precisely why it was the representative of the company made such an application. The reason alleged was that he considered section 5 was all-sufficient to protect the creditors. That fact was not stated in the report, and it leaves the impression on my mind that something is intended to be done that ought not to be done, and until the question is decided whether this is a private Bill or not I cannot make up my mind to give a proper vote. I believe that the present company have nothing at all to do with the wrongdoing that is insinuated, and they have themselves declared that provided a proper committee is struck the company are quite willing to assist them as far as they possibly can to make the enquiry. I do not see why a committee of that kind could not be appointed. The Railway Committee was appointed for another purpose, and there are so many opinions on this question that we have nothing to go by.

HON. MR. READ (Quinté)—I cannot see how this Bill can be considered anything but a public measure. I find that on the first 20 miles of this road the Dominion Government have granted \$3,000 a mile; to the next 60 miles they have granted \$3,000 a mile; and for the next 60 miles \$3,200 a mile; and if the Government of Quebec have given \$7,000 a mile and \$50,000 for a bridge I do not see how this can be considered in any other light than a public Bill. I think we have a right to know what has become of all this money. We have been asked for legislation, and I think it is the duty of the Senate, now that the Bill is before the House, to thoroughly investigate this matter.

HON. MR. VIDAL—I rise to ask an important question, in which every member of this House should be interested and I do trust that those hon. gentlemen who occupy the position of ex-Speakers of the Senate will consider the question very seriously. We are about to establish a new precedent, and I would like to know, when a measure

has been before a committee of this House, and the promoter has desired to withdraw it, has the committee any power to deal with that Bill at all? Can the committee exercise any discretion, and say that the request cannot be allowed? Has the committee power to decide whether the application should be granted or not? In my opinion, the committee must report the application to the House, and it is for the House either to withhold or grant the permission that is asked.

HON. MR. REESOR—I have been 30 years in public life in the old Legislative Council of Canada and in the Senate since it was constituted, and I have never known a single instance where the promoter of a private Bill asked the privilege of withdrawing it and was refused permission to do so. I see that that is the practice in England. I understand that the amendment that has been moved is to send the report back to the committee, and require them to report the facts of the case, and particularly to report the fact, according to the rules laid down by May and Bourinot, that the promoter of the Bill had asked to withdraw it. As to whether the promoter of the Bill or the members of the Quebec Government have perpetrated a fraud is another matter, and I for one would be quite ready, if it is constitutional, to have the Dominion Parliament enquire into the wrongdoing of any parties dealing with the Quebec Government, and appoint a special committee for that purpose. If it cannot be done in that way, I presume it can be done in some other way, by appointing a Royal Commission; or it may be that we cannot interfere at all with wrongdoing perpetrated by the Government of Quebec. As I understand, the matter at issue is wrongdoing by the Quebec authorities, and if they wish to investigate the appropriations by the Dominion Government, and find out how they were expended or disposed of, or whether the public money was used to clear off the old stockholders of the road, or for any wrongdoing whatsoever, I should vote for it; but let us not override the rules of the Parliament of Canada, by refusing the promoters of a private Bill permission to withdraw it. There is not a solitary private Bill that passes through this House that does not in a greater or less degree affect the public to some extent, and you will see by the notices given in the *Canada Gazette* that all parties desiring to

introduce private Bills must give notice for a certain number of months of their application to Parliament, and they are required to pay a certain fee. I understand that due notice was given in this case, and the fee was paid for it as a private Bill. If you want a plainer interpretation of what a private Bill is I do not know how you can get it. It is clear to my mind, although it is a private Bill it does affect public property, for the company can take lands and right of way. This Bill authorized the company to receive money from and expend money given by the Local or Dominion Governments or from municipalities. Nevertheless, it is a private Bill, and under the circumstances I shall certainly vote for the amendment.

HON. MR. ABBOTT—I desire to speak on this question, but not long. I desire simply to try and bring it down to some elements which will guide us in judging it on some principle of common sense, and on some business principle, without violating rules which ought to be binding on us, and which are binding on us; and it does appear to be susceptible of a solution of that kind. My hon. friends attach great importance to the supposition that if a man chooses to withdraw a private Bill in the Railway Committee, the committee has no power or volition whatever—it must, without any vote or any power over the question, report to the House that the man has withdrawn his Bill, and so the matter ends. I do not understand the law in that way.

HON. MR. REESOR—I do not mean to say that the matter would end there necessarily. I meant to say that the House could act on that report.

HON. MR. ABBOTT—My hon. friend will find in the language read that it is stated with the same positiveness what the House will do as what the committee will do. It states that the House, upon the report, will order the withdrawal of the Bill. I think it is merely stating the ordinary practice; but I do not understand that it lays down a law that on all occasions must be obeyed, but I look upon it as being very much like the precedent to which my hon. friend alludes. He says he has been thirty-one years in Parliament, and has never known a case where a private Bill in the

hands of a member was not withdrawn upon the expressed desire of that member to have it withdrawn. My hon. friend states the practice correctly. I do not know myself that I have ever known a case where the withdrawal of a private Bill was refused on the request of the promoter; but I never heard, and I doubt if my hon. friend ever heard or met with a case in the whole of his experience where the promoters of a private Bill were charged with the misconduct which these promoters are charged with in this case, or the case of any private Bill where it was asserted, as it was in this committee, that of \$280,000 of the public money which had been voted in aid of the object of the Bill, \$175,000 had been appropriated by the parties to their own uses, and that an enquiry was demanded before the committee as to the truth of this charge. I would like my hon. friend to say if he ever knew a precedent which had that element in it? I never did; and I think if either he or I had ever met with such a precedent we should have insisted, as a large number of members have done to-day, that since the Bill was in our hands, since the promoters had placed themselves in our hands, and since we ourselves were proposing to deal with it in the way they wished, provided their representations were correct, we should not, without absolute constraint by some positive law, abandon all enquiry as to what had been done with the public money of the country. My hon. friend from New Westminster seems to treat the Province of Quebec as if it were something apart from the Dominion, and as if we had nothing to do with the money of Quebec. We represent Quebec as well as other provinces, and we have a very good representation, too.

HON. MR. MCINNES (B. C.)—I contend that we have nothing to do with the Legislature of Quebec.

HON. MR. ABBOTT—It was not the Legislature of Quebec we were discussing, but the money of the people of Quebec, which it was alleged had been misappropriated. It must be remembered that this Dominion is engaged in a sort of joint account with the Province of Quebec in constructing this road. I have no doubt whatever that the grants which were made by these two Legislatures were made to some extent with reference to each other—that if

the Government of the Dominion had not been aware that further aid was expected from the Province of Quebec it would not, probably, have given the money it did; and if Quebec had not been aware that money was being given by the Dominion it would not have been so liberal with its funds. We are in a joint adventure to build that road. We have put in our \$600,000, and our partners have put in their \$280,000, and other large subsidies besides; but it is now said that notwithstanding that our partners in this joint adventure had given the money that it had been made away with, and that there was no possibility of finishing this road, even if we should grant the amendments asked for.

HON. MR. POWER—That was not alleged.

HON. MR. ABBOTT—I was asked to assist in getting this Act through. I said: "Satisfy me that you have a *bonâ fide* enterprise, and that you have the money to finish it with, and I will help you." I was shown a statement by the president of the company, in which he showed conclusively—if the statement had been correct—that there was ample means to finish this road; and I said: "I will help you with pleasure, and will try to bring about a solution of your difficulties with other people;" and I assisted as an intermediary in getting things in shape, and in causing the dispute which then existed to be quieted down. The principal item in this statement which seemed to be disposable of was the \$280,000 talked of in the committee. This was alleged in the statement to have been set aside to pay: first, the workmen; then it was to be used in paying the claims of the contractor, and the balance was to be handed over to the company to finish the road with. That is the statement that was made in writing upon this paper. It was for that reason, when my hon. friend spoke of these workmen the other day, that I said: I understand there is provision made for those workmen; and that statement satisfied my hon. friend, and nothing more was said on that point. Now, I understand it is stated that \$175,000 of this \$280,000 have been handed to the present stockholders, to enable them to pay the late stockholders for their old stock. I see it in the papers that \$175,000 of this money was given by some person, to whom

the management of this affair was entrusted, who took it out of the \$280,000 that was confided to him to settle up the affairs of the road, and was given to the new stockholders to enable them to pay the old stockholders for their stock ; that not a cent of their own money had gone into the road, and that this money which was to be devoted to the payment of the workmen and the construction of the road had been handed over to them to enable them to pay for 5,000 or 6,000 shares of stock. Another statement was that \$100,000 had been handed over to a gentleman who has been pretty conspicuous in such transactions in Quebec, and it was alleged that a large portion of this had disappeared in a mysterious way for the benefit of an individual. There is \$175,000 of this public money which our co-partners have invested with ours, which have been diverted from the purpose of the grant ; and are we not interested in finding out what has become of it? Are we not deeply interested in knowing whether in point of fact the money which was represented to us as being ready for use has been stolen—because it amounts to that ; it is nothing more or less than a theft. This matter, it strikes me, is one in which we are particularly interested, one that it is particularly the duty of this House to investigate, and respecting which it is necessary to discover what has been done with the funds which were held in trust by this company of ours and our co-partners, the Province of Quebec, for the purpose of constructing this road, and to satisfy ourselves that they are really to be devoted to the purpose for which they were granted. Now, I say that is a most laudable and proper object ; and we should be failing in our duty and abusing our position before the country if we neglected to make enquiry into a charge which has been made before the committee in so formal a manner. What strikes me as singular and confirmatory of the charge is, that immediately on its being made plain to the committee, and to the country, that this charge existed, and was going to be investigated, the promoter desired to withdraw his Bill. He says he desired to withdraw it because some one has moved to put in a clause in the Bill to protect the creditors. If that clause had been put in, and if it had been unpleasant to the promoter, he might then have sought to withdraw his Bill ; but he does not wait until the committee shows an inclination to

put in the clause. He seeks to withdraw the Bill immediately, and then makes a pretense that he does so because of the clause sought to be inserted.

HON. MR. POWER—That was not the reason alleged.

HON. MR. ABBOTT—It was alleged here not ten minutes ago that that was the reason why he withdrew his Bill.

HON. MR. POWER—I am not responsible for what was said here ; it was not urged before the committee.

HON. MR. ABBOTT—It was stated here by a member of the committee a few minutes ago, that that was the reason given before the committee ; and I take leave to suspect that that is not the reason. I believe that we should not allow a herring to be drawn across our track, and allow ourselves to be diverted from the enquiry we are bound to make. I think we should insist upon making that enquiry as far as the law and the practice of the House enables us to do it. I was going to say something about the passion which my hon. friend from Ottawa displayed in this debate, when I do not think it was called for. Exception was taken to the hon. gentleman from British Columbia arguing about the propriety of the decision of the committee, which decision was not before us, and that had been declared by the Speaker to be out of order before ; but when the question of order was again raised the hon. gentleman from Ottawa got into a violent state of excitement about it. But as the hon. gentleman from Halifax administered his lecture to him, and pointed out to him that he should not let his angry passions rise, I do not propose to say anything more on that subject. I do think it strange, however, that there should be such unanimity amongst the gentlemen who opposed the Bill, and who declared in a most formal manner their opposition to the Bill, and to its promoters, when it was introduced—how it is that all these gentlemen have changed front altogether, and are now opposing with all their force, and with all sorts of points, and quibbles, really like the division court objections that have been spoken of, with regard to this proceeding. For instance, the hon. gentleman from Halifax says : “ Do not let us blast the reputation of a respectable man ” by ordering

him to come to the committee and tell us what he knows. He says we do this on the ground that the man was "summoned." He says we have no right to say that that man was "summoned." When the word "summoned" is used in the report of the committee he says it means that he was formally summoned; and it is a gross aspersion, he says, on a respectable citizen, to assert that he had been formally summoned, that he had failed to obey the summons, and that he should be ordered to appear, when the statement that he was summoned was false. Now, in fact, a glance at the report shows that it does not say that he was summoned at all. There is no such word in the report. He was never summoned. He was never stated to have been summoned. The report says, in the mildest possible form of words, that the clerk, by a letter, "requested" Mr. Armstrong to attend a meeting of the committee to give his evidence. So that all my hon. friend's elaborate argument, based on the word "summoned," disappears at once. How, then, are we going to blast the reputation of this man, or hold him forth to the public as a man who defies the authority of Parliament? We are doing nothing of the sort. He was requested politely, by a civil letter, to attend, he being in Ottawa, at the committee this morning, and tell us what he knew of this money. Everybody says he knew all about it. The evidence already produced shows that he pretends he received the money himself in the first place, alleging it to have been paid to him; and, therefore, he was asked to come and tell us what he knows about this money. Instead of doing so, he goes away. What does the committee do? They do not seek to have him arrested, but simply ask this House to issue an order that this gentleman should come up and tell what he knows on Tuesday morning, when the committee meets again. I see no damage to his reputation in that; on the contrary, I think if he avoids examination before a committee of this House, on a Bill which he himself has had so much to do with, in which his name figures so much in every hole and corner of the transaction—if he does not come here on Tuesday, whether summoned or not, and give his evidence as to what he has done with the money that has been entrusted to him and his brother promoters—

HON. MR. SCOTT—He had nothing to do with the old contractors

HON. MR. ABBOTT—I am told that cheques for the greater part of the \$280,000 were handed to him at the table; that he endorsed those cheques and handed them back. It is so stated in the newspaper as having been so changed in the committee.

HON. MR. POWER—It is ungenerous.

HON. MR. ABBOTT—I say that if that gentleman does not come before this committee on Tuesday morning and tell what he knows of this transaction, and what the facts are, it is, to say the least, suspicious. I shall not be a party to trumpeting before the world charges against a gentleman before there is any evidence to sustain them, as has been too much the custom this session; but there is the charge, and if he does not meet it and state what he knows about it—if he does not come and clear up this mystery of which he has the key, and perhaps of which he alone has the key, then he will be in a position very much such as my hon. friend from Halifax describes; then he will have a chance of seeing his name somewhat blown upon in this Dominion. People will then believe that the stories published in the newspapers about him and about this transaction are more or less correct, and probably the evil effects which my hon. friend assumed would result to him from being simply ordered to come here and tell the truth, would be quadrupled—yes, twice quadrupled—in the minds of the people of Canada in their estimation of him and of the people he represents, in this matter. On the contrary, I hope he will present himself here quite independent of anything we say here, and from what I know of him I think he will present himself before the committee on Monday and tell the whole story, whether it be as supposed or not, and clear the matter up. I rather think that if I were disposed to be censorious I might say that the stifling of evidence, the burking of evidence about which we heard some pretty strong language a little while ago, not exactly coming from this side of the House, and that the country ought to know it.

HON. MR. SCOTT—Yes; it is.

HON. MR. ABBOTT—It appears to me that I might, without being very severe, charge gentlemen opposite with having prevented that enquiry from proceeding before

the committee this morning, that they are endeavouring to keep from the public the information we could get from these people if we had them before the committee, and that they could be more justly charged with stifling enquiry than those who are using their efforts to secure this enquiry. But I will appeal to hon. gentlemen opposite to join with us in trying to find out what the facts are about all this alleged rascality. I ask them to give us the benefit of their experience in this enquiry in ascertaining the facts and placing them before the public, in order that they may be dealt with properly; and, if the charges are well founded, that summary vengeance may be exercised upon those who are found guilty of appropriating public money. The determination of this Government and of this side of the House is to prosecute enquiries when fraud and peculation are charged, whether the offenders be high or low, rich or poor; and I appeal to my hon. friends opposite to assist us in an enquiry of a precisely similar kind to that which is proceeding in another place, on a subject which is legitimately before us, and help us to press that enquiry to the bottom and then join us in punishing the guilty afterwards.

HON. MR. SCOTT—I have stated already that I am perfectly willing that this whole question should be left to a committee. I would not oppose it, but should be very glad to support them in an enquiry into all the payments made to this company from the beginning. What I objected to was that a partial enquiry should be made into the \$100,000 that was paid to McFarlane as the contractor. I think it was not fair that the committee should take up the partial payment to McFarlane. If the committee will go into the whole of the accounts, I am perfectly with them; or if a committee in reference to this measure will take up first the question, whether the promoters of this Bill are parties to fraud or misrepresentation. I stated that in the committee; I said: "If you will go into that first, and show that the promoters of this Bill had in any way been parties to a misapplication of the funds, I am perfectly willing to go with you," but what I did object to was, that my statement should be falsified, and I do not think that members of the House would like to place me in that position. I stated that it would be but fair and right to the promoters of the Bill that they should be

shown to be parties to this, so far as the Bill was concerned. Then, as to the moneys, I am perfectly willing that a full investigation should be undertaken, not only with regard to the money paid from one source, but also with regard to the subsidies voted by both Governments, that would be in the interest of public morality. I will give all the assistance I can if the enquiry is made full and exhaustive; but what I did object to was going into it before you established the guilt of the promoters of the Bill.

HON. MR. ABBOTT—I am very glad to hear my hon. friend express himself as he has done about it, and what he says is perfectly reasonable. He himself is a member of the committee, and if he desires, when the committee becomes seized of this, to press the enquiry through the whole range of transactions, I am perfectly certain that no one will object to it. Then, with reference to a special committee: why go to the trouble of appointing such a committee at the end of the session, when we have the best committee we can name ready to sit on the question.

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

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The report was then adopted on a division.

HON. MR. TASSE moved—

Resolved, That an Order of the Senate do issue to the said C. N. Armstrong, of the city of Montreal, in the Province of Quebec, contractor, to attend before the Select Committee on Railways, Telegraphs and Harbours, on Monday, the 10th day of August instant, at ten o'clock in the forenoon, to give evidence as to said Bill, and to produce with him all papers and

documents in his possession relating to the alleged retention of a certain sum of money paid or payable to the said railway company as a subsidy, voted by the Legislature of the Province of Quebec, and in particular the following documents, to wit:

All letters and copies of letters, all books, documents and papers containing any entry or memorandum relating to the passage of any and all Orders in Council passed by the Government of the Province of Quebec, together with copies of all or any such Orders in Council in any way dealing with or relating to the Baie des Chaleurs Railway Company and the charter of such railway company, and the formation of a new company to build such railway and the acquirement of the stock of such railway company; and the subsidies and the application of the proceeds of subsidies granted to such railway company, or any aid for the completion of such railway, and for the payment of privileged claims due, or at any time due by the said company, or in respect of the said railways, or the contractors or sub-contractors for the construction thereof; and especially all letters and copies of letters, documents and copies of documents sent to or received from, or exhibited by one Ernest Pacaud, relative to such Orders in Council and to the necessity for the passage of the same, and the application of the proceeds of such subsidies, or any portion thereof; and all letters, books, documents and writings relating to the payment of debts of anyone out of the proceeds of such subsidies, directly or indirectly.

HON. MR. POWER—I am not going to object to this motion, but it really asks the man to produce a number of things that cannot be in his custody at all.

HON. MR. ABBOTT—Then he will not produce them.

The motion was agreed to.

The Senate adjourned at 6.25 p.m.

## THE SENATE.

*Ottawa, Monday, August 10th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE COMBINES BILL.

### SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (15): "An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade." He said: This is a Bill to amend an Act passed

two years ago to suppress combinations in this country, which you all know have been very injurious to trade. This same Bill was brought up in this House last year and was defeated by the Senate. I ask hon. gentlemen to allow the Bill to go to a second reading, and then it will go to a Committee of the Whole House on some future day, when I hope the matter will be arranged to suit all parties. It is not necessary for me to explain the injurious effects of combines in this country as well as in the neighbouring Republic. I do not wish to go into it, as you must be all satisfied by this time that combinations in trade to advance the interests of the rich against the interests of the poor and the consumer must be very injurious to the country.

HON. MR. ABBOTT—I have had some discussion with my hon. friend, and with others interested in this Bill, as to a modification which would meet both our views. My hon. friend must know very well that members of this House are as much against combines as he is, or gentlemen in the other House are who have been promoting this Bill. The question is whether the law should go so far as to prevent ordinary, honest, fair commercial arrangements, and I think I speak the views of this Senate when I say that the amendment was inserted, not with a view of encouraging combines or preventing the laws against them having full force and effect, but to preserve a number of merchants and traders and manufacturers making such arrangements as the law does not consider contrary to the public interest or contrary to the public policy, and all are satisfied as to that if we can arrive at a combination of words to express that idea; and I believe if we could arrive at that combination we would pass the Bill unanimously. The question is under consideration, and if it is considered that we do not admit the principle of the Bill so far as to be prevented from voting against it when the House goes into Committee of the Whole, I will make no objection, and I do not think any one will object to my hon. friend giving the Bill a stage.

HON. MR. KAULBACH—The leader of the House has expressed the objection I was about to raise, that we might be committing ourselves to the principle of the Bill



in striking out the words "unreasonably" and "unduly." I have no objection to the principle of the Bill, should it pass, with those words in it. If by voting for the second reading of the Bill now we can come to some arrangement afterwards, I have no objection.

HON. MR. MILLER—In allowing the Bill to go to a second reading we are affirming the principle of the Bill. For my own part, I am willing to affirm the principle of the Bill. I am ready to go as far as my hon. friend who has charge of this Bill in any legislation to prevent combines, which is the principle of the Bill. We disagree only with regard to the extent of the details and qualifications of a certain clause of the Bill. That is, I consider, a mere matter of detail, to be settled in committee, and I do not feel myself compromised by allowing the Bill to go to a second reading, and I do not think hon. gentlemen who are in the majority in this House, who opposed the Bill last year in committee, are at all compromised by allowing the Bill to go to a second reading. Therefore I am ready to consent to the second reading, and to state that I admit the principle of the Bill. We merely differ on the question of detail.

HON. MR. McCALLUM—I do not wish to compromise anybody by allowing the Bill to be read now, for I cannot see how it can be amended in any way before it is read a second time.

HON. MR. VIDAL—While agreeing with the principle of the Bill, it will be remembered by the House that the words which were inserted last year were inserted after very full and ample deliberation. We considered that it might operate against persons who were violating the letter of the law, but not its spirit. The hon. gentleman from Montreal (Mr. Drummond) raised objections to this Bill, and suggested that a certain amendment should be made to it, by which, I believe, the views and sentiments of the originator of the Bill are fully met. He has clearly stated that it is not his design or purpose to interfere with what might be called lawful combinations which inflict no injury whatever upon trade or public policy. Therefore, without at all opposing the second reading of the Bill, but admitting the principle,

we should be willing to let it go to the second reading. When the Bill is in committee I propose to add the following words: "Nothing in this Act shall apply to business arrangements or transactions which are not to the detriment of the public interest." Something of that kind, perhaps not the very words, is necessary to be added to the Bill to protect innocent parties, whom there is no desire on the part of the promoters of the Bill to punish.

HON. MR. McCALLUM—Punish none but those who are guilty.

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

### WINNIPEG AND HUDSON BAY RAILWAY CO.'S BILL.

DEBATE CONTINUED.

The Order of the Day being called:—

Resuming adjourned debate on second reading of Bill (119) An "Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company," and on the Honourable Mr. Scott's amendment, that the said Bill be not now read a second time, but that it be read a second time this day six months; and on the Honourable Mr. McCallum's amendment to the amendment: that all the words after the words "that" in the Honourable Mr. Scott's amendment be left out and the following be inserted instead thereof: "the said Bill be not now read a second time, but that its second reading be postponed until this House is in possession of definite information as to the location of the road, its terminal points, and the character of the country through which it passes."

HON. MR. VIDAL said: In resuming the discussion upon this important matter, I would like it to be distinctly understood that I do not object in any, even the slightest degree, to the expenditure of money in our North-West region when that expenditure is regulated by proper principles and based upon sufficient information. No gentleman in this Chamber could possibly accuse me of being actuated by any other spirit. During the whole course of my conduct in this House, in my votes and in my speaking, since I have had the honour of being a member of the Senate, now some eighteen years, I have invariably supported every measure (like my hon. friend from Richmond) which has been calculated to develop the resources of that fine and fertile country, and so add to the wealth and prosperity of the Dominion. Let it be understood, then, that in opposing the present measure it is not, in my judg-

ment, in the slightest degree inconsistent with the course which I have hitherto followed in reference to these expenditures. My objection to the present Bill is founded upon want of information, a want so serious that I think it would be well for this House not to hasten to dispose of this question until objections have been fully looked into, and, if possible, answered. My objections in the first place are in reference to information—that we do not actually know what road we are asked to give aid to. It is quite true that there was laid upon the Table of this Chamber a map showing three different lines of road starting from the same point, the northern extremity of the section of the road already built—it is called 40 miles, but I believe is only 35), one of them following an almost northerly course between Lake Winnipeg on the east and Lakes Manitoba and Winnipegosis on the west, another crossing the Narrows of Lake Manitoba and then going along on the west side of Lake Winnipegosis, striking the Saskatchewan River perhaps some 60 miles or so west of Grand Rapids, and a third line starting from about the middle of the one last mentioned and running in a north-easterly direction, intersecting the Saskatchewan River at another point. Now, no one has ventured to say which of these three lines we are to consider as a colonization road—in fact, its two most ardent supporters, the hon. gentlemen who have been most eloquent and fervent in advocating this enterprise, have spoken of different lines. The hon. member from Marquette dealt almost exclusively with a line west of Lake Winnipegosis, speaking of a part of the country with which he is most familiar, and where no doubt there is a large quantity of first-class land. My hon. friend from Alberton confined himself—and, in my opinion, very properly—exclusively to a line extending from the 40-mile section northward between the two lakes to Grand Rapids. The middle line between the two has not been touched upon by anybody, and I do not wonder at it. If anyone will look at the map and see the three routes marked on it they will at once perceive that the proportion of water to land in any large section of that country is such as immediately to suggest the impropriety of calling it a country similar to prairie lands, with an undulating surface, some portions

wooded, some grass, and possessing great attractions for settlers. Now, with reference to that map which has been submitted to us, I may say that it is without authority, and that is an important matter. No one can tell us by whose authority those two lines west of the lakes are marked on the map. No one can say whether there is any authority for either of them. The railway company has not made any survey of them, or deposited any plan or document with the Government showing that they will take either of them, and consequently the whole argument of my hon. friend from Marquette falls to the ground as entirely inapplicable to the road which is fairly before the House for consideration. I would have that fact borne in mind, because a great deal has been said about the excellence of the country, the present extent of its settlement, and its abundant resources, which do not apply to the only road which, in my judgment, is before us. What road then is before us in a manner at all official that we can really deal with in connection with this matter? Only the road going from the north end of the 40-mile section already constructed between the lakes to the Grand Rapids, and to which my hon. friend from Alberton confined his remarks; but here again I would like hon. gentlemen to notice the deficiency of information furnished to the House. The whole of that hon. gentleman's remarks about fertility of the country, the extent of its settlement and its adaptation to agricultural purposes, is confined to a portion adjoining the north end of the section already built, and did not extend, even at its utmost limit, half way to the Grand Rapids; yet the impression made on the House by the hon. gentleman was that the whole of this road to Grand Rapids was attractive to settlers, abounding with all the excellencies of soil that people look for when they are going to locate their farms. As a matter of fact, and I appeal to hon. gentlemen's own inspection of the map, more than one-half of that road from Grand Rapids southwards has not been described before this House—there has not been a single word said about it, except an account of the passage of one gentleman, who probably travelled by the Indian trail, which would naturally go by the highest and best laud—walking through it; no careful inspection, no examination, no survey,

nothing on which we could base our action—so I hold that we have not information sufficient to guide us as to the appropriateness of a large grant to that portion of the country for colonization purposes. The only information that we have about that line, which was given by my hon. friend from Alberton, was in speaking about the 150 miles south of the Grand Rapids, which he says is good timbered land. We all know that land which is well timbered with hemlock and spruce is not such as we would call a country adapted to agricultural pursuits. It may be good timber land, and a great deal of profit may be got out of it; so hon. gentlemen will see that although it may appear to some hon. gentlemen that we have information about the fertility of that country, that this information does not apply to any great extent to the route which is really under consideration. Which is the road, and who are the people that we have to deal with? The agreement we are asked to confirm is between the "Winnipeg and Hudson Bay Company," and the Government: I presume there can be no dispute about that point. Now, the Winnipeg and Hudson Bay Railway Company, have deposited a plan with the Government, have made a survey to a certain extent, and have indicated the line on which their road will pass, and that is on record in the Department. It should have been brought here and laid on the Table, and we should have been furnished with official information of the location of the road as known to the Government. I hold that that line, and that only, is known to them, and these other lines put on the map are there in order to lead us to suppose that the road is going through a remarkably fertile country, for they are not in existence, they are not, so far as we know from official sources, contemplated to be constructed, nor is it at all likely that the Hudson Bay Railway Company, in pursuance of its policy of reaching the waters of Hudson Bay by anything like a direct route, would go round the west side of Lake Winnipegosis and arrive at the point which they would have struck going north in some 60 or 70 miles shorter distance. Is it likely that a railway conducted on commercial principles will take a roundabout way like that to reach the identical point it would reach by going on a nearly straight line? It is not at all likely, and consequently we have to con-

sider well what are the prospects of a colonization road being made of it while connected with the charter and plan and avowed purposes of the company with whom this agreement is to be made. Then I think we require information about the company itself. Surely, in an enterprise of this kind, where it is proposed that over a million dollars—I see, according to the Minister of the Interior, it is estimated at \$1,600,000 capitalized, and according to the Minister of Finance, \$1,100,000; so we may say perhaps \$1,250,000—a very large amount is to be spent. Surely we ought to have some information as to whom it is to be entrusted. Do we know anything about it? Has anything been said to show who constitute this Winnipeg and Hudson Bay Railway Company? Do we know who they are? We are informed that they are capable of constructing and operating this road if the money is given to them? Is it likely that the money would really be expended in its construction and for the objects professed to be in view in making this grant? I think not. I contend that we are entitled to have this information fully before us on this as well as the other point to which I have alluded. We ought to know who are the shareholders of this company; we ought to have some idea as to whether they are able, financially and otherwise, to carry out the work which they have undertaken to complete. We have none of this information. We are asked to make this appropriation to this company, and I infer from the terms of the Bill it is to be expended on their line, the only line really officially known to us—the route between the lakes. We are entitled to have very full information with respect to the ability of these parties to carry out their intention of making this railway. They have been ten years in existence, and what have they done? Built forty miles, lying unused. That is not a very encouraging feature to lead us to make them a grant to so large an extent. The subject is one which might well occupy the serious consideration of this House for a time. It will be a twenty years payment of a sum annually equaling the indemnity of the members of this House. If we can save this expenditure to the country it would be equivalent to paying all the indemnity of the Senate for twenty years. That is something worth thinking of. People sometimes speak of

this House as being almost unnecessary, being a costly appendage to our constitution. I differ in opinion from those who think so. It is not long ago since, by the action of this House, on a Government measure, too, an expenditure of two or three millions of dollars (I do not remember the exact figure) was saved to the country. What was the judgment of the people generally with reference to our action of that matter? Was there a single objection found? Was there a single complaint made throughout the length and breadth of the Dominion, of our action on that matter? On the contrary, the country approved of our action; the country saw that we, by the interposition of our proper legislative authority, prevented the expenditure of a very large sum of money which, in our judgment, was held to be both unwise and unnecessary. I hold that this proposed expenditure is equally unwise and unnecessary, and it is one of those cases where the Senate may show its value to the country by interposing and preventing an expenditure, even though recommended to us by a Government in whose general administration we have confidence. I should be very sorry indeed if, differing in opinion from the Premier on a matter of this kind, it should therefore be considered that I have ranked myself with the opponents of the Government. Far from it. My conviction is, that the best friend of the Government—the man who does the Government the truest service—is the one who prevents them from making such a mistake as would be made by this expenditure. We are their best friends, and I am influenced just in the same way as if I saw a friend of mine making a step which would land him in a bog or in some difficulty—I would seize him, even violently, if necessary, pull him back and prevent him doing it. Just so, when we see our friends really making a mistake under the influence of imperfect information, or under some other influence which is not quite perceptible, then I think it is not only our duty, but we should esteem it to be a duty which we discharge with the greatest satisfaction, to prevent them from making such a mistake—to interpose our legislative authority and prevent the consummation of a plan or project which we believe is not required in the interests of the country, but the stop-

ping of which would be an additional proof of the value which this body is in the Legislature of this Dominion. Now, I think these reasons, and these alone, perhaps, should be sufficient to guide our action; but I have another reason, and in my mind it weighs very heavily when I think what would be the result to the country in making this grant to the company? The friends advocating it say that the money is not to be given until the road is completed, and so there is no great danger, and then it is to be a payment only for services actually rendered, and if the company do not earn the money, then what is unearned is to be given back to us in land. It sounds very well, but we all know what would be the probable issue twenty years hence, just as if it occurred to-day. I tell you what effect I believe it would have, and where the great mischief would be done: it would have the effect of saying to British capitalists and investors: "Here is a line which the Parliament of Canada approves; here is a grant to which the Parliament of Canada has given a grant of \$80,000 a year for twenty years," and those having money to invest would be greatly influenced by this provision in the Act. I would like to know if there is such a provision in any other act, that the Government may permit the company to assign this promised amount—to do it now—by way of security for any bonds or securities issued by the company in respect of the company's undertaking. What would the effect of that be? It would be giving a kind of endorsement, not only to the soundness of the scheme, but to the financial soundness and ability of the company, and thus make their bonds negotiable. Those bonds being negotiated and money obtained, what security have we as to its being properly expended? Are we quite sure that that money will be expended on the construction of the road, or will it go by some of those hidden and unknown channels into which, if known, we would not sanction its going? Surely it is a great matter for the character of this country among the capitalists of the old country that our sanction should not be given to the enterprise unless we are prepared to stand by the assurance that that enterprise is worthy of the support and confidence of British capitalists. We are doing that for the Hudson Bay Railway Company and although it is not desired on

the part of the promoters of this Bill that we should take into consideration the route to the Hudson Bay, it is to aid that road; and consequently our endorsement of the character of the enterprise would, in my judgment, have the effect of misleading British capitalists; and surely the Senate of Canada is not prepared to do that, if it can be convinced that such would be the effect of it. Surely we ought to have presented to us some other cogent and forcible reason for making this grant to this railway. The only argument presented to us by the Premier when the Bill was introduced was that we had done it in two other instances to roads further west as colonization roads. But if you look at the map, from your present knowledge of that country you will see that there can be no comparison between the location of the colonization roads to the west at Calgary and at Regina and Long Lake, and the road that is now in question. In the case of those other two roads, they run through a country well capable of being settled and well settled already, and have their termini where there are large settlements, and settlement going in beyond them—routes which have already shown the propriety and good judgment of aiding in the way that they have been aided. My hon. friend from the territories did advance what appeared to me a very strong argument in favour of the goodness of the country through which one of the routes will pass, and the desirability of aiding its development. But even he did not go as far east as the contemplated line. He did not cross Lake Winnipegosis. All his remarks were confined to the west side, and to a considerable distance from the west side of Lake Winnipegosis; consequently his glowing picture of the capabilities and fertility of that country does not apply to that road which is before us as a colonization road to get this aid. My hon. friend from York gives it a kind of endorsement also; but if we look closely at what he said, he does not state that beyond a few miles north of the forty miles the land is fit for cultivation, or that he knew anything of the agricultural capabilities of the country further north. If you look at the route indicated on the map, where this good land abounds, and where settlements would be likely to go in, you will find that none of it extends within 100 miles of what is plainly the terminus of

the road at present—Grand Rapids. Under the circumstances, it would be unwise and impolitic to make this large expenditure in that direction, and for the object set forth, until we have more information about it. I prefer the amendment of the hon. gentleman from Monck to that of the hon. gentleman from Ottawa, which, as against the original motion, I should support in preference. I like the amendment of the hon. gentleman from Monck for this reason: it does not dismiss the proposal. It declares that if the Administration has sufficient information the Bill should be allowed to stand until the information is brought to the House, which can be done in two or three days. The line of the road, the report of the engineers, and everything about it, could be had in a very short space of time, and the adoption of the present amendment would only shelve the Bill for a few days. It could come up for a second reading as soon as the Premier or any other gentleman was prepared to say that he was ready to give the information that the House requires, and as the session is likely to last for some weeks yet there will be ample time to put it through its last stages. In the absence of that information, I do hope the House will see that it is inconsistent with their position, with their guardianship of the public interest, and of Canada's high character, to reject the amendment—it is due, not only to the people of Canada, but to the people of Great Britain, whose money is so freely invested in Canada. I am satisfied we could not do an action which would raise us more in the estimation of the people of this country generally than by refusing to make such a grant as this in our present circumstances, and in the absence of that information which we ought to have in order to enable us to act judiciously. I think, therefore, that it would be really to the credit of this Senate, and would further establish its character for usefulness and careful consideration of public measures; it would remove the allegation which is very commonly made, that we are a mere registering body of what may be done in the other Chamber, and that we are so completely under the control of the Administration that if the Government want anything done it can be secured in the Senate. I know that there is in this Senate a measure of independence and full consciousness of

our responsibility to the public for the use which we make of the influence we possess as senators. I do not at all sympathize with these statements which are made against us; but we all know they are made, and I do not know an occasion which could offer itself where we could with greater propriety show our care over the public funds, our care over grants of this nature, than in the present instance, by requiring, before we consent to make such a grant as now proposed, that we shall be put in possession of information, which it must be admitted we ought to have in order to guide us to act in this matter with proper judgment and consideration. I shall not further trespass upon the time of this honourable Chamber. I trust I have presented sufficient grounds why I, though a supporter of the Administration, and having the highest confidence in the honesty and integrity of the hon. gentleman who presented this measure, think it my duty to resist the action which he recommends, believing that in doing so I am doing him a service rather than an injury, and I trust the majority of this House will concur in this view.

HON. MR. POWER—As I addressed the House at some length on the previous amendment, I do not propose to trespass on your patience for any length of time now, and I shall begin by saying that I cordially endorse everything that has been said by the hon. gentleman from Sarnia in the admirable speech which he has just made. I rise chiefly for the purpose of strengthening the view which the hon. gentleman laid before this House, that the real intention of the promoters of this Bill is to go to Hudson Bay, and not to build the road west of Lake Winnipegosis; and I think that that can be made clear to hon. members without very much difficulty. The Act under which we are proceeding is cap. 81 of the Act of 1887, "An Act to consolidate and amend the Acts relating to the Winnipeg and Hudson Bay Railway and Steamship Company, and to change the name thereof." The important section in that Act, which tells what the company are to do, is the third, and that section says that the company shall have power and authority to lay out, construct and complete a double or single iron or steel railway of a gauge of 4½ feet in width from the city of Winnipeg to Port

Nelson or Churchill, or some other point on the shore of Hudson Bay. There is the main object of the company—to build a road from Winnipeg to some point on Hudson Bay. Then the section goes on to give them additional power to construct a branch railway from any point on its main line at or near the crossing of the Saskatchewan River, etc., etc. That, of course, we have nothing to do with here. Hon. gentlemen will see that the company, when incorporated, or when they had their Acts consolidated in 1887, took power to build the road from the city of Winnipeg to Hudson Bay. Then, what was the next legislative Act? It will be remembered that in 1890 a Bill was before this House extending the time within which the company was to complete its work. It will be remembered by hon. gentlemen that the Bill came before us on one of the very last days of the session; that owing to the fact that a number of the members of the House did not approve of this measure, unanimous consent to the suspension of the Rule was refused; and then the company agreed to modify their Bill, and the hon. gentleman from Quinté division, other hon. gentlemen and myself were under the impression that by the amendment which was then made to the Bill the company abandoned their intention of going to Hudson Bay; but when we come to look at the wording of the amendment made last year we find that that is not the case. The substance of the amendment passed last year is contained in three lines: "The said main line of railway shall be completed to the Saskatchewan River within four years from the 1st June, 1890." There is no abandonment whatever of the original intention to go to Hudson Bay. It simply gives the company four years within which to complete their railway to the Saskatchewan River, and naturally, as they were going north from Winnipeg to Hudson Bay, that point would be at Grand Rapids, where they would cross the Saskatchewan River. There is not a word there of any road west of lake Winnipegosis. There are circumstances connected with the Bill of this session which would remove any doubt, if we had any, as to where the company propose to build their road. There was a strong feeling in the other branch of Parliament against the Hudson Bay Railway, but notwithstanding the fact, the Minister

of the Interior, who had charge of this Bill there—at least, the Minister of the Interior, speaking on behalf of his colleagues—declined to say that the company would build the road west of Lake Winnipegosis. Now, knowing that the road to Hudson Bay was unpopular with the majority of the members, if it was the intention of the Government that the road should be built west of Lake Winnipegosis why did they not say so? I think the mere fact that the Government decline to make that statement is almost conclusive evidence that the intention is to build by the eastern route to Hudson Bay. There is another argument which I think goes to remove any possible doubt on this subject. An hon. gentleman, whom I do not see now in his place, said during a previous part of this discussion, something about the city of Halifax getting a great deal more than it was entitled to. I do not undertake to say that the city of Winnipeg has got more than it is entitled to, but you would have to give the city of Winnipeg a great deal before you would give her as much as she thinks she is entitled to; and the feeling in Winnipeg, as hon. gentlemen know, is that this road should be built to Hudson Bay. They do not want the road west of Winnipegosis; they want the road to Hudson Bay. People are as wild over this subject in Manitoba and the North-West now as they were over the value of land in the days of the land boom some years ago. The road the people of Winnipeg want is the Hudson Bay road, and it is on behalf of that road that pressure is brought on the Government, and not on behalf of the other; and it is perfectly clear that unless there is some unmistakable amendment made to this Bill, which will show that the road is to go west of Winnipegosis, we may be perfectly satisfied that the other route will be chosen. Under the circumstances, inasmuch as I have always understood that the majority of the members of this House are opposed to the Hudson Bay Railway in the present state of our information, unless there is some pledge that the intention is to go west of Lake Winnipegosis, and unless an amendment is made to meet the views of what I believe to be the majority of the members of this House, we should not pass the Bill.

HON. MR. READ (Quinté)—When this

Bill was before the House last session hon. gentlemen will remember that it then asked for powers to extend the time to construct the road to Hudson Bay. I then, as now, took strong grounds against it, very much to the disappointment of my hon. friend who sat opposite me, as he thought I could hardly go against anything that he was supporting. I took those grounds because I did not think the time had arrived, if it ever arrives, when a road to Hudson Bay will be desirable—more particularly when I know that a great pressure had been brought on the Government by the signature of perhaps over 200 members of both branches of the Legislature to grant aid to that enterprise. That proposal I disagreed with entirely, and I warned the Government early in the session that if aid was given it would meet with my disapproval. I thank them, at the conclusion, that they resisted granting that aid; but as I see it now, this is quite a different situation from what I saw then. I seconded the amendment of my hon. friend to the Bill for the road to the Saskatchewan, believing that that would be a colonization road, as I now believe it will be. There is quite a difference between a colonization road and a road to Hudson Bay. I cannot conceive what great aid the Government is giving this road. The company must earn this money. If they do not earn it, one-third of their lands will be held by the Government. If they build a road through the lands, does it not increase the value of every acre that is valueless now? Consequently, they consider that the money which is being granted by the Government to the road is reasonably secured. Not only must the company return the money, but they must pay interest on any money that they retain. For these reasons, I am inclined, and I intend to support the measure, and to oppose the motion of my hon. friend from Monck, as well as that of the leader of the Opposition. I cannot conceive how the company can go to Hudson Bay—they have no authority. They have only a short time for the completion of the road, and they will have to come to Parliament to extend their charter, and then cannot build their line without aid. They have to ask Parliament for assistance to build that line, and if they ever come to Parliament for assistance they will find me opposed to them. If they possessed the means that the Pacific Railway Com-

pany have they might build their line to Hudson Bay in the time that they have remaining, but not otherwise. It has been said that we have not any information. Those who say so have not read the reports. There are plenty of chances to get information to both routes, whether they go by the Narrows or north between the lakes. I have some little information in my possession of the country through which this road would pass in either case, and it might be as well to read some of it to the House. Prof. Macoun, who is well known to the most of us as a reliable man, says of the Swan Lake district :

"Swan Lake is about fourteen miles long by five miles in breadth, and is filled with beautiful islands covered with wood. It is quite shallow in many places, but contains great quantities of fish, though I was unable to learn whether whitefish were caught there or not. Jackfish, goldeyes and suckers were very plentiful in July. The beach at Swan Lake House is, as usual, composed of gravel, but there is a large percentage of other material besides limestone.

"An examination of the land in the vicinity shows some wet ground, but the greater part is thickly covered with moss, and necessarily damp. Strange to say, white spruce grows on drier ground than poplar in this neighbourhood, but this may be accounted for by better drainage. As usual, the soil is very rich, and all that is needed to make farming successful is drier seasons.

"From Swan Lake House the Porcupine Mountains lie almost due west, and seem to rise at least one thousand feet above the plain. Lying between the lake and the base of the hills is an expanse of forest possibly fifteen miles wide, which seems to be mixed poplar and spruce. The half-breeds say it is damp and moist, but do not call it muskeg. Many beaver are said to inhabit the region, and muskrat being scarce, I would infer that it is a land of small brooks and poplar forest. This agrees with the statement of the half-breeds with whom I had conversations regarding the country. After five days' careful examination of the soil east of Swan Lake, I conclude that the land here is well suited for cultivation. Any person passing in the winter, finding the woods principally spruce, would be led to call it wet, whereas no wet land was found where the spruce grew. This statement holds good in every part of the country. The wettest land is near the lake, and as you recede from it the soil becomes drier and better. The climate here seems like that of Thunder Bay as regards moisture, but the summer heat is very much greater. When the country is cleared of wood and the sun allowed to shine down on it, it will become drier and much warmer, and all grains and garden vegetables be a sure crop."

Then we have other information on that subject. All the reports go to show that there is plenty of timber up there which, no doubt, would furnish work for a railway. It is quite within the knowledge of anybody who has watched the effect of building railways that they provide work for themselves. I remember, when Mr. Jackson came out to get the contract to build the Grand Trunk Railway, he stated to the

people in this country, in asking for the contract: "We will build the road and the road will find the business." That has been our experience. I now come to information about the Porcupine Hills country. Prof. Macoun says:—

"On the 28th July we started from Red Deer Lake for the Porcupine Mountain, which seem quite close. Our route by compass was almost due south, and the point aimed for was an exposure of white clay which is easily seen from Lake Winnipegosis. The Indian name for this point is the 'Smoking Tent,' and it is here that the horse trail from Livingstone leaves the mountain and descends to Poplar Point on the lake, and terminates.

"After leaving the lake we passed through a strip of poplar forest about two hundred yards wide. Beyond this was a marshy meadow, which extends for a considerable distance to the right and left. Crossing this we entered a black spruce and tamarac swamp full of springs, and in less than half a mile came out on another marshy meadow, with numerous clumps of willow and shallow pools of brackish water scattered through it. About a quarter of a mile through willow brush brought us to a creek flowing to the east, which was about twelve feet wide. Its depth was from four to eight feet. This creek enters the Red Deer River about a mile below the lake.

"Half a mile through willows and small poplars brought us to the borders of a real bog or muskeg, which extended for about four miles, and which shook as we passed across it like a quagmire. Small groves of tamarac were occasionally seen and passed through, but the greater part of it was either covered with grass or small birch. It was only with the greatest care we could cross some of the worst places, as the stratum of grass roots was so thin that we frequently fell to our armpits. The water on the more southern part of the bog was much deeper than where we entered it, and the bottom harder. It was seldom below the knee, quite cold and very pure. No matter where we looked, on either hand, nothing but bog was to be seen.

"At the southern edge of the bog we entered a thicket of alders and tall reeds, so thick that we could not see a rod in advance, and it was only by sheer force we could make headway through the tangled moss and deep water. After passing through this for a mile the water got shallower, and in another mile we left it and entered a beautiful forest of spruce, which extended for another mile, when we reached a small creek flowing east. The spruce forest was very fine and contained a great quantity of fine timber.

"The ground now began to rise perceptibly, and as we pushed our way through willow and alder thickets interspersed with ash (*Fraxinus veridis*), elm, maple (*Negundo aceroides*) and balsam poplar, we knew that we approached the base of the hills, although we could not see a rod on either hand. Crossing this we entered on another spruce and balsam forest, which continued for some distance. This was followed by a mixed forest where many of the aspens were nearly two feet in diameter, and other trees in the same proportion. Less than a mile brought us to a small brook flowing to the west.

"On the other side of the brook the ground rose abruptly about forty feet, and then a forest of scrub pine (*Pinus banksiana*) and spruce extended over half a mile, while the ground rose rapidly. After this the forest was very heavy, consisting of poplar, aspen, birch, spruce and balsam. This extended to and beyond the summit, but owing to the thick undergrowth no distance could be seen on either side.

"By climbing a tree an extensive view of the country lying at the base of the mountain was obtained. It differed nothing in appearance from that we



had crossed, so that it may be inferred that extensive bog and marshes extend far out from the base of the mountain in this quarter. No arable land was seen, except the strip along the lake, and the forest between the lake and the base of the hills. Extensive groves of spruce extend on every side along the base and up the slopes, and from information gathered from half-breeds and others I am convinced that large quantities of spruce grow all around the base and up the slopes in the direction of Swan River. None of the spruce seen was over 30 inches in diameter, but it was tall and quite sound. Salt River (also known as Bell River), which drains the eastern side of the hills, will float down much of this spruce into the head of Dawson Bay, and much of the timber seen by me would be landed on the banks of the Red Deer River below the lake.

"My own observations, and all the knowledge I could pick up from other sources, lead me to believe that valuable spruce and poplar forests are found around every point of the Porcupine Mountains. I know that the eastern and northern sides are a continuous spruce forest along the base and up the sides. At the southern end I penetrated the hills and found fine spruce in groves, and of very considerable size, occupying the slopes of the hilly or undulating country where I was, and poplar groves crowning the summits.

"As the surface of the hills is undulating, we may consider that it is generally dry. The usual character of the forest is poplar on the summits, spruce on the slopes, and tamarac in the springy and boggy parts. White spruce never grows on wet or marshy ground in the west, and wherever this spruce is found there is no swamp. This statement will apply to every locality in the North-West."

Mr. J. W. Spencer, writing of the same country in 1874, says :

"Porcupine Mountain forms a continuation of the high ground which marks the eastern limit of the second of the three great prairie steppes of the North-West Territories. It rises to the height of about eight hundred feet above Swan Lake. Between the base of the mountain and the lake is a belt of about twelve miles of low ground, consisting of open marshes or muskegs, tamarac, swamps, &c., while the remainder of the interval is densely wooded with aspen, balsam, poplar, spruce and willow. On the slope of the mountain I saw balsam poplar 6 feet in diameter, while in some cases the spruces reached a thickness of nearly 4 feet. This forest is more ancient looking, and bears fewer evidences of fire, than any other that came under my observation in the North-West Territories. The region is little frequented, even by the Indians, being difficult of access. Although fire has not visited the slopes of the mountain or the level of the ground below, yet the whole of the forest on the summit was swept away a few years since, and in its place a young growth of poplars has sprung up.

"The Bell River rises on a lake on the summit of the mountain, and, running eastward, cuts its way down the escarpment, forming a series of rapids six or eight miles in length. The bed of the river is filled with Laurentian boulders, over which the water descends at the rate of about 150 feet per mile. From the foot of the slope my guide and I followed the river to the summit. Along it there are great exposures of shales. Fragments of lignite were picked up along the river, but the beds from which they had been derived were not found.

"Looking back from the point which we reached at the summit of the mountain, the escarpment appears to descend rapidly. It is richly clothed with foliage, and through it the Bell River has cut its valley; the wooded plain stretches from its base, and further on is Swan Lake, with its lovely islands.

"Along Bell River there are large exposures of cretaceous shale, but the clayey matter predominating so largely, landslides are frequent, and cover with clay many beds, which, if exposed, might be of great interest. At one of these exposures of shales, which is now weathering into clay, an immense slide has occurred. The shales here contain much iron pyrites, and on weathering a whole section will become blackened by the formation of ferrous sulphide, whilst the remainder of the sulphur is partly deposited in the crevices, where it is sometimes found in considerable quantities. Much heat is at the same time evolved, and there is a strong sulphurous smell while the process is going on. The Indians know this place by the name of Burning Mountain; and my guide informed me that for several winters it had smoked, but not in summer. This was probably the vapour generated by the heat of decomposition condensing in the cold atmosphere of the winter, but which became invisible at the summer temperature."

Mr. H. B. Smith, on his way from Lake Winnipegosis to Fort Pelly, passed through the western portion of this section, and he says of it :

"On Gravel Point, a low, flat promontory at the head of Dawson Bay, on the eastern side, a French settler named Laronde has located himself and family. He reports the soil in his neighbourhood, where it is dry, as being extremely fertile, but that a great deal of swamp existed.

"The eastern shore of the bay is low and flat, and is densely timbered with poplar and spruce. Wherever a landing was made much marsh was observed in the interior.

"Shoal River, which discharges Swan Lake, is about 200 feet wide, very shallow and full of boulders. Swan Lake is about 14 miles by 5, and extremely shallow and full of islands. The shores of both lake and river are low and marshy, but well timbered. The soil carried down by the Swan River from the higher levels has been deposited at its entrance into the lake, and thus a promontory of nearly three miles long has been formed. From the Indian village to the 'Store,' a distance of 18 miles, along the banks of Swan River, is hard, dry land, of a sandy nature, timbered with small poplars and spruce. Back from the river the country is very swampy."

Dr. Smith traversed the southern portion of this section on his way from the telegraph line to the second crossing of Swan River in 1879. He says that the Indian reserve, a few miles west of Northcote and west of Swan River, occupies a considerable portion of this region; there is in it excellent farming land. Agriculture has been, to some extent, engaged in by the chief, and some good buildings have been erected, and a few small fields fairly well fenced and cultivated. A large portion of the reserve, however, is very wet, but might easily be drained :

"Careful exploration of the country north of the reserve for 12 miles revealed a magnificent district—land excellent, and much large poplar, 24 to 30 inches in diameter. This was the character of all the region from the junction of the Thunder River with Woody River, and far northward, while southward there was

a stretch of rich but wet land, extending to Swan River.

"Westward of the reserve the soil was excellent, and the country heavily wooded with very fine timber—poplar, spruce and tamarac. A very large proportion of the land was wet and much cut up by small streams which had their sources in Porcupine Mountain.

"Dr. Smith was informed that the Porcupine Mountain was densely wooded throughout its whole extent. Around the south-east base of the mountain a shaking bog extends for several miles.

"Along the southern slope of Porcupine Mountain, within 20 miles of Swan River, the land is partially open prairie, and very level. The soil is similar to the rich black mould of Manitoba. Several Indians have established themselves (Smith means that they have settled down to till the soil) in this district. Land of similar character to the above is said to extend up to the Porcupine Mountain."

However, these people who are going to put money into the enterprise will look out and see where the best district is, and the Government, in the interest of the country, will see that they take the proper route. They are taking precautions for that, and there is no reason why we should not grant aid to this road, as we have in some form to every other road in the North-West, as far as I know. This is a colonization road, and as that country can only be settled by building railways, and railways can only be constructed by some little aid from the Government—in some instances a land grant; in other instances a money grant—I shall support the Bill. If the road was built to-morrow we would have to pay money for carrying mails and supplies, and we are only undertaking to advance a sum for that. I think the Government have made a pretty short bargain; the company will go on and expend the money and make our lands valuable, which would otherwise be of no value.

HON. MR. SCOTT—My hon. friend from Belleville has evidently not read the statutes, because I am aware that he thought as I thought about the Hudson's Bay Railway proper. He is under the impression that this is a colonization road. I can assure him that it is not a colonization road. There is not a word about colonization in the charter. The company have issued bonds, not as a colonization road, but as the Hudson Bay road. Nor do they need to come to Parliament to extend their charter or obtain powers to go to Hudson Bay. This House passed, very hastily and with a great deal of regret, a Bill extending the time for building the Hudson Bay Railway, and in the hurry the Act was

allowed to go through in a manner that will surprise many hon. gentlemen. It will be remembered that this House was opposed to granting an extension of time at all, and thought it was a very good opportunity to drop the scheme. It was then argued that we should let them build to the Saskatchewan, the presumption being that in the appropriation and the Bill authority would be taken to build only to the Saskatchewan, and that in order to go further a parliamentary authority would be necessary in the shape of further legislation. Although I alluded to this point before, it is quite evident that the House did not catch it. I am reading now from the Act of last session, in which it is stated that section 33 of the Act is repealed and the following substituted therefor: "The said main line of the railway shall be completed to the Saskatchewan within four years," etc. We simply repealed the portion of the statute under which they were bound to build the road within a certain time, and they have now got until doomsday to build the road. They can build it any time they please, twent or thirty years hence. Under clause 33 it was absolutely enacted, without any further qualifying condition: "The said main line of railway shall be completed within four years." That was the limitation in point of time of the power to build to the Hudson Bay. We repealed that section, and they can now build the portion of the line north of the Saskatchewan any time they please. We limited the time for the construction of the section which extends northward to the Saskatchewan to four years; but many hon. gentlemen, who feel like myself that it is not wise to favour the project of a railway to Hudson Bay, had no desire to extend the time for constructing the main line to Hudson Bay. It is mythical and misleading, and may in the end lead to a very great waste of capital. Several hon. gentlemen who have declared their intention to support this Bill have stated: "I would not support it if it was part of the Hudson Bay Railway." Well, it is part of the Hudson Bay Railway; they have no charter but the one, and it is a limitation to that part which is to extend to the Saskatchewan River. They cross the Saskatchewan whichever route they take, and they must complete to the Saskatchewan within four years, but they have until doomsday to complete the balance.

HON. MR. MILLER—And they will require it.

HON. MR. SCOTT—I have no doubt they will. It is misleading to call this a colonization railway, because it is not a colonization railway. If it is proposed to build a colonization road to help these gentlemen out of a very poor enterprise there are fifty places along the line of the Canadian Pacific Railway, both north and south of it, where Parliament would be glad to authorize the work and give this aid. There will be thousands and thousands of bushels of wheat in the North-West which cannot reach market this year for want of railway facilities. We are putting this railway where forty miles of track have been in existence for three years without being used to this day. In no other part of the North-West, on either side of the Canadian Pacific Railway, could you build a railway and have it ready for rolling stock and not have it operated. Is not that convincing evidence that the whole thing is a gross fraud? I repeat, there is no other part of the North-West where you could build forty miles of track to connect with the Canadian Pacific Railway where it would not be to the interest of the Canadian Pacific Railway Company to supply rolling stock for that particular section. We have been told that up to Shoal Lake there is good land, yet there are forty miles of track lying there for the past three years utterly unused, unattractive to anybody, except as a basis for speculators to make a further waste of money. What has that forty miles of track cost? It has cost \$541,793. It has cost that to lay the ties and rails there on what they say is level prairie land, and the road has not been used to this day; yet we are asked to continue in this fallacious idea that we are helping the North-West in building this railway. I appeal to the good sense of this House if it does not place us in a very awkward position when these facts exist and cannot be gainsaid. But hon. gentlemen say it is only a loan: the Government are going to make them pay it back—with what? With the Government lands. The Government give them 10,000 acres per mile, and what is the effect of it? We give them \$80,000 a year, and they give us up 3,333 acres per mile—that is the effect of it. We say: "Instead of giving you the 10,000 acres

per mile, we give you 6,666 acres," that is assuming that all the Government could possibly claim under this Bill is accomplished, that they charge the company with every sum of money that can be charged. I say, charge them with the whole; you cannot charge them with more than one-third of their land grant. If they give up that proportion of the land grant the company are left with 6,666 acres per mile, apart from the donation from the Government. Hon. gentlemen say it is very easy to get information, but I say it is very difficult to find whether bonds have been issued pledging that land grant. I have no doubt that a very considerable part of that land grant is pledged. On that forty miles they have spent over \$13,000 a mile, and they have not run a train on it yet, though some hon. gentlemen say that it lies in the very best part of the country. I have no doubt it is the very best part of the country on the whole line. Of course, it is better settled, because it is close to Winnipeg. I ask hon. gentlemen if they can put their hand anywhere on a map and show any place where they could run a track 40 miles on either side of the Canadian Pacific Railway without in three years warranting the Canadian Pacific Railway Company in running cars on it. Naturally, they would utilize it, because they get all the grist. We know that until a railway was built to Prince Albert nobody could do anything with wheat there. It could not be transported anywhere to any line; and so it was at the other remote points. If it is so important to these people to build a colonization railway let them, under some other name, ask for a charter to build a line from some point on the Canadian Pacific Railway—say Brandon—to Lake Winnipegosis, and give them this subsidy; but I do protest against aiding a scheme like this in order to recoup these gentlemen for their loss of time and means. As an hon. gentleman opposite said, the Bill is misleading to British capitalists. It is an endorsement of the enterprise as one that ought to be sustained. Our repeatedly doing this over and over again, renewing their charter after they had allowed it to expire and giving grants of land and money, is misleading; and the most misleading part of the whole thing is that you tell the world there are materials to carry over this railway, although for

three years, at all events, forty miles of it had been built, and not one pound of freight had been carried on it. You wish to perpetuate, to intensify and exaggerate this mistake, because the further north you go the worse the country becomes. There is so much that could be said on this subject that I would weary the House if I prolonged the discussion. After all, it is in a nut-shell: we are asked now simply to defer the second reading of this Bill until the House is in possession of further information. Surely, that is a reasonable proposition. We have no report on this railway. I have the last railway returns here, and I cannot find to what extent they have issued bonds. They have a capital of \$15,000,000, and they have received and expended \$541,793, which make \$13,544 per mile. One would think that that was a pretty handsome allowance for a railway in the North-West, and in that particular part of it where the land is confessedly level. The worst that can be said of it is that it is swampy. Hon. gentlemen have charged me with maligning it. I did not malign it. I gave it on the evidence of gentlemen who were politically opposed to the Mackenzie Government. When Mr. Mackenzie proposed to run the Canadian Pacific Railway north from Selkirk, crossing the Narrows of Lake Manitoba, he was censured by this House, because it was not a country suitable for settlement, and was nearly all muskeg. One illustration given was that the telegraph poles would not stand upright. The hon. gentleman from St. Boniface, in particular, said that it was a muskeg, and that at one crossing it would be necessary to pile to carry the track. Surely there are finer lands than that in the North-West. I have no doubt there is some good timber there, but there is water on each side of it, and we know that lumbermen prefer to float their timber to the mills. There is Lake Winnipegosis on one side, and Lake Manitoba on the other, coming down. If it is proposed to go to the Saskatchewan, why not charter a line to start from some point on the Canadian Pacific Railway and run west of Lake Manitoba. That road would pass through the Lake Dauphin district, which is said to be a fine country. Why persevere in folly? You have built forty miles of track which is practically abandoned, because any road that has been in existence for three years in a country full

of enterprise may be said to be abandoned. At all events, it will have to be re-made, because the roadbed must be washed away in the interval; the roads are covered with rust and the ties are probably rotten by this time. That is all they have to show for this enormous expenditure of over half a million of dollars, yet we are asked to perpetuate that folly by authorizing a further expenditure of \$80,000 a year for a period of twenty years. What will be the effect of this Bill? They can anyway sell those bonds for something, because the moment the Bill receives the Governor's sanction it is open to them at any time to go into the money market and say: "The Government of Canada agree to this amount; they authorize us to issue bonds secured by this annual grant of \$80,000; you are perfectly safe in advancing, so long as you see that these bonds are cashed as the work progresses." I suppose the usual way is to have a settling up at the end of every ten or twenty miles; but what would you gain after you got it? Are there any mails or material, or is there any merchandise to be carried in that direction? I say there is nothing. There is not a single Indian agency between the two Lakes, not a station of the North-West Mounted Police. What is the criterion of settlement in the North-West? Wherever there is a considerable settlement you have a station of the North-West Mounted Police; they are there to look after the revenue and enforce the liquor law. You would have two or three men there, at any rate; but I have looked over the North-West Mounted Police map and there is not a station in all that country between the lakes. There are no materials—I say it advisedly—there is nothing to be carried, any more than there has been anything to carry on that section of forty miles. There are no mails, I have given you the authority of a man who had come down from Grand Rapids, and who told me there was no settlement. Hon. gentlemen have made a wild calculation that there are four or five thousand settlers there. How do they make up that number? They take in the whole country between Lake Winnipeg and Lake Manitoba, a distance of fifty miles, I suppose. This map shows the line running close to Lake Manitoba, fifty miles away from Lake Winnipeg, and the people at Gimli, on Lake Winnipeg, are counted as part of that

population. They would not use that road; they would drive down to Winnipeg. I am sure, if hon. gentlemen really understood this question—of course, they profess to understand it—they would vote against this Bill. From the observations that have been made by my hon. friend from Quinté it is evident he is under the impression that it is a colonization road; if he knew it was not he would not support it. I can assure him it is not a colonization railway, that the bonds are issued on the Hudson Bay Railway proper. I think, under the circumstances, it is only fair that the House should get information before passing this Bill. If it is satisfactory, the Government will be able to pass this Bill; if it is not, then I have no doubt, after looking into it, the Government will feel that the opinion of Parliament is adverse to it. It has been represented that the amendment is a vote of want of confidence. It is not. The Bill is advocated in the interest of particular promoters; it is not a Government measure in any sense. The Government say, if Parliament approve, we will give this road aid to this extent. It does not involve a question of the Government policy in any sense; it is not a question of confidence in the Government in the slightest degree. It will not make the slightest difference to the Government, and, as I said before, if we were living in the palace of truth we would be all glad to see it defeated.

**HON. MR. PERLEY**—The hon. gentleman has again made a number of bold statements which he is hardly justified in making—that there is no wheat grown there. He also says that he was lately informed by a gentleman from Grand Rapids that there are not 100 people in the country along that line.

**HON. MR. SCOTT**—My informant is the factor of the Hudson Bay Company at Grand Rapids.

**HON. MR. PERLEY**—What is his name?

**HON. MR. SCOTT**—Mr. Belanger, the factor at Grand Rapids.

**HON. MR. PERLEY**—I have had placed in my hand a letter from that distinguished individual. I had the pleasure of seeing him here a few moments myself,

but I had no time to have any conversation with him. He was here until the hon. gentleman from Ottawa made that speech the other day, and read the speech in question, and here is his answer to it, given to an hon. member in the other branch of Parliament. He felt himself so aggrieved that he was compelled to give a flat denial (I am sorry to say) to the statement of the hon. gentleman from Ottawa. The letter is as follows:—

“OTTAWA, 22nd July, 1891.

“D. H. McDOWALL, M.P.,  
“House of Commons,  
“City.

“DEAR SIR,—My attention has been called to some remarks made by Senator Scott in the debate on the Hudson Bay Railway Bill last Friday in the Senate, reported in *Hansard* as follows:—

“‘I happened yesterday to meet a gentleman who has just come from the Grand Rapids. I did not ask him in a confidential way, and therefore I do not hesitate to use the information that I obtained. I turned the conversation upon this subject. I met him some fifteen years ago when he was here before; he is the head of the post at that point. I said ‘Are there five hundred settlers to be served in the part of the country that this road is to traverse?’ He smiled and said ‘No.’ I said, ‘Are there one hundred?’ He said, ‘Perhaps there might be.’

“In reference to the above, permit me to say that I am the only Hudson Bay officer in charge of a post in that part of the country now in this city, and it is about 14 years since my last visit to Ottawa; therefore, I naturally conclude that I must be the party referred to. If so, I desire to say that I have been entirely misrepresented and that no such conversation ever took place with me.

“I have resided in the district referred to in charge of various Hudson Bay Company's posts for the last 22 years, and am at present in charge of Norway House.

“I have a fair knowledge of the country to be traversed by the proposed railway, especially in the vicinity of the Saskatchewan River near Grand Rapids, and consider it a good country, both for farming and timber, and only requires a railway to make it attractive to settlers.

“I consider Grand Rapids the greatest waterpower in the North-West, equal to the Chaudière at Ottawa, and, no doubt, will become a great milling centre if the railway is built.

“I am not in a position to say how many inhabitants are already in that district, but I am aware of considerable settlements along the proposed line at St. Laurent, Posen, Gimli, Fairford and other places.

“Yours very truly,

“H. BELANGER

“Chief Factor, H. B. Co.”

**HON. MR. SCOTT**—He does not deny what I have stated.

**HON. MR. PERLEY**—He denies emphatically what the hon. gentleman has stated. I do not desire to make any further remarks beyond what I made the other day, I may say that all the speeches that have been made to-day are merely a

re-hash of what was said the other day, and have not conveyed much information to the House. As regards the lumber in that district, the hon. gentleman said water facilities were sufficient for getting the lumber out of that country. I may tell him that I know something about that, too; and I know that the Waterhen River is very shallow and very rapid, and steam-boats or freight boats cannot ascend it. I know that of my own knowledge. Then, parts of Lake Manitoba are very shallow, even in high water. The mill failed at Totogan because they could not float the logs down to the mill, in consequence of the roughness of the lake and the shallow water. It is like an ocean there, and the logs that they did freight down they had to chain together with chain cables. Consequently, from a lumberman's standpoint it is necessary to open up that country with a railway in order to get out the lumber that is in there. I have been forcibly convinced of this fact, that at the head of these rivers or lakes, beyond reach of dog train or other conveyance, there is a vast quantity of fish, and a fishing industry would be developed by the opening up of that country by rail, which would be a source of great wealth to the people. It is a known fact that the country has got to be opened up by railway. You cannot open it for settlement without a railway going in there first. As I said the other day, the increased value of the the land which will be caused by the construction of the railway will more than pay for the building of it. People have gone in there lately from the fact that they know that a railway is projected through that country, and it is only an indication of what it will be when the railway is constructed. I wonder that any capitalists can be induced to put money in the road at all after the misrepresentation that have been made about it. I wonder that English capitalists, if they have read the speeches that have been made in this House, which I believe they do not, would advance a dollar to build a railway in that county. I believe as firmly as I stand here that there is no part of the northern portion of the North-West that it will pay to build railways in as well as the North-West Territories. The hon. gentleman takes exception to the Hudson Bay Railway. I believe if that railway was opened up, and we had a shorter route to the old country, that the

time will come, and in the near future, after that railway is built, when the Parliament of Canada will not be asked for a dollar to subsidize a railway in the North-West. I believe that as soon as it is opened up by railways that capitalists will see that it is to their advantage to invest their money in that country. Our lands to-day are like the cleared fields in the older provinces. A settler can go in there to-day on the virgin prairie and plough an acre and a quarter of new land a day with his team—even in this part that is so much decried and run down. There are thousands and thousands of acres of the best arable land in the world, without stump or stone, only wanting men and teams to go in there and produce millions bushels of the finest grain on the continent. People can till the soil there now; but they cannot do so to any advantage, from the fact that they cannot get their produce to market and compete with others who are situated along the line of railway. I did not intend to take up the time of the House but when I heard my hon. friends make all sorts of statements, running down that country and saying it is not a fit place to build a railway through, I must rise and contradict them. I say that it is a feeble argument for the hon. gentleman from Sarnia to invoke the influence of the Senate against this scheme, as it was used against the Short Line Railway. There is not a ghost of a parallel between this line and the Short Line Railway. The Short Line ran through a county in which I was born, and in which I lived during the early years of my life, and no matter how much I would wish to vote for a Bill that would serve that county, I felt that I was not justified in voting an expenditure of \$3,000,000 to save half an hour's travel between Montreal and Halifax, when there were railway schemes in the North-West, every million dollars expended on which would return tenfold to the country. I say that in the face of the vote of the popular branch of the Legislature, only a few months returned from the country, we would be thwarting the popular will if we undertook to throw out this Bill. This Bill has been before the people for the last four or five years, and coming from the popular branch, after it has been sustained, the first session of this Parliament, the Senate, without any responsibility to the country, in throwing it out would be doing a thing for which they could not justify them-

selves. I hope hon. gentlemen will consider this measure from the popular standpoint, and not for any selfish purpose hinder the growth of the country.

HON. MR. SCOTT—I have no apology to make for the statement I made. I made the statement exactly as it was given to me. It was given to me a few minutes before we met, in room No. 12, where I asked the question, and the gentleman answered it just in the way it is there reported in the *Senate Debates*. He does not deny that there is a good country in there. I simply put the question to him: "Are there 500 people in there?" He said "No." I asked: "Are there 100 settlers?" He said "No," and I gave the answers to the House just as he gave them to me.

HON. MR. WARK—This debate has taken a wide range, and the longer it has been debated the more mystery hangs around it. We have no assurance where this road is to be located in the district of country said to be fertile. Even if it is a fact that a large amount of fertile land exists there, there are are plenty of fertile districts in the neighbourhood of railways in the North-West. It is not yet settled whether this is to be a Hudson Bay road or a colonization road. If it is to be a Hudson Bay road, in my opinion it is in the wrong place. We cannot expect the Canadian Pacific Railway to collect the produce of the country west of Manitoba or of Winnipeg and hand it over there to the road that is to carry it to the Hudson Bay, to be shipped from there to England. If there is to be a Hudson Bay road it ought to collect the products of the west, independent of the Canadian Pacific Railway; but I have an objection to this road, that we do not need it. I think that if a prudent course had been pursued, the Canadian Pacific Railway would have been a colonization railway for many years to come. The best course would have been to settle the population that went into that country so close to the railway that they would have railway facilities for sending their produce to market. This is a subject that I have often thought of. New settlers require schools. They want churches. Settlers ought to be settled close together if they are to remain civilized and intelligent, and for that purpose they want both schools and churches, which

they cannot maintain if the settlements are scattered. Then there are others matters that they want. They require to be settled in municipalities, so that they will live close together to manage their local affairs, and there are a great many other things that new settlers find a disadvantage in from being scattered over a great area. They want mills; they want mechanics and doctors, and such people, and they cannot get them to stay where there is a scattered population and no steady employment. For these reasons, I think the true policy of this country would have been, as far as possible, to confine settlements as close as convenient to the Canadian Pacific Railway. If that road is not sufficient for colonization purposes, we have two others in the North-West that ought to be sufficient for the next twenty years. If you are going to settle people in a new country, endeavour to do so in such a way that they will enjoy the benefits of civilization. Then there is another objection to this scheme, which I, coming from one of the smallest provinces, find to be a very serious one. It is our duty to see that the revenues to which we contribute our full share should be fairly distributed. We have expended a great deal of money in the North-West already. The result in New Brunswick is this: We were six millions in debt when we came into the Confederation; our share of the debt now is eighteen millions of dollars, and New Brunswick must pay the interest on that amount. Such being the case, I think it is the duty of every representative of New Brunswick to think very seriously over the question before he consents to greater expenditure. I regret to say that New Brunswick has not been progressing as rapidly as some other parts of the Dominion. I know from my own knowledge that real estate, especially farming land, has gone down since we entered Confederation at least 25 per cent. There is no person acquainted with New Brunswick who will not bear out that assertion. We had a fleet of ships that any country would be proud of. We owned, perhaps, more shipping than any other community in the world in proportion to population. We owned more than a ton of shipping for every man, woman and child in the province. In the last ten years we have lost 121,800 tons of our shipping. We had, in 1874, 340,491 tons; in 1889 it had sunk to 218,823 tons. Ten

years ago our ships were remitting home to their owners not less per year than \$2,000,000. What are they doing now? I regret to say, far from what might be expected of them. The ships now are forced, many of them, into trades where they are not so well known, and where they have to pay a higher insurance. Such being the case, in the interest of my province I am opposed to any further expenditures in the North-West, unless they are exceedingly desirable and necessary; and this Hudson Bay scheme is neither desirable nor necessary. There is another feature in connection with this debate that is worthy of note. The hon. gentleman from from Sarnia and the hon. leader of the Opposition are both from Ontario. They do not often vote together, but here they are joined completely, acting together in opposition to this measure. They are speaking for Ontario. Then there are the two hon. gentlemen from Halifax; they very often take opposite sides, but I think they are both on one side in this question, and they speak very properly, I think, for the Province of Nova Scotia. When neither Ontario nor Nova Scotia is warmly in favour of this measure, and so far as I go, New Brunswick is against it, I am decidedly opposed to it; I think we ought to know more about this scheme—that it is actually necessary as a colonization road, and until that is shown I hope that the Senate will consider this matter carefully, before they consent to pass this Bill under such conflicting and doubtful testimony.

HON. MR. ABBOTT—I am also anxious for the question on this Bill; but I should like to say a word or two about the objections that have been made to it, and I would like to try to dispel the idea that has been raised and fostered, incidentally, through the debate, that there is some covert idea in my mind that I should prefer this Bill to be defeated. I want to meet that at once with no uncertain sound. This is a measure which the Government has agreed to, a measure which the Province of Manitoba asks for with all its lungs and voice, a measure which the Government determined to grant them, as far as its influence would go. It has supported it in another place, and it is my duty and my pleasure to support it here to-day. I do so in perfect good faith, believing it to be a measure for

the benefit of the North-West which ought to be carried, which will not involve undue sacrifice for the Dominion, which will gratify an entire province, and which will not, in my mind, impose on the country any great amount of risk—not so great an amount of risk as we have frequently voted in this House to approve, without one-twentieth part of the objections which are made to this Bill. After having said that, in order that no man may believe he is pleasing me by voting against this Bill, or satisfying the Government by doing so, I concur entirely with what the hon. gentleman from the North-West has said, that there is no possibility of any comparison between this and the Short Line, on which some members of the Senate prided themselves in voting against the Government. There is no possibility of any similarity between the two cases. Every hon. gentleman here knows what the distinctions are. I am not going to detain the House by stating them. But I do want to glance for a moment at the objections which have been made to this Bill. They are very numerous, but singularly alike in this respect, that nine tenths of them have no foundation at all. I say without hesitation that most of them have no foundation; and I propose to show that. As respects others that are arguable, I think the strength of the argument is entirely on the side of those that favour this railway. Let us understand exactly what it is. There is a charter for the Winnipeg and Hudson Bay Railway authorizing the company to construct a road to Hudson Bay from Winnipeg, without making any precise definition of the line which is to be followed by that road. In the course of my long experience in parliamentary life I think I have seen hundreds of such Bills before the House, in which the termini were mentioned, but in which the routes were not defined; in which the company were not held to adhere to any one particular line more than another that being left to their own discretion very much, but subject to some kind of decision by the Government as to the propriety of the location. The location by the general law has to be submitted to the Government. In this case the great objection to this road—the one which has been most profusely harped upon by the gentlemen who have opposed it—is that the line is not fixed, that we cannot tell the House at this



moment by which of two routes this company is going to build a road to Hudson Bay; and in connection with that I now take notice of the extraordinary form in which the objection is taken, because the charter of the road is to Hudson Bay, and because it is assumed that the promoters of the road intend building the road to Hudson Bay—I intend to notice that in connection with this subject. Now, as to the route—sticking to that for a moment—there is a route which has been surveyed I understand. The Department informs me, that it is from Winnipeg to Grand Rapids. There is a route which is now under survey, which runs west of Lake Winnipegosis after crossing the Narrows of Lake Manitoba. The road shunts off towards the North-West at the Narrows, passes through between the two lakes, and goes up along the west side of Lake Winnipegosis. It is said that that route is a good one, as it passes through a very excellent country, beautifully watered, and suited alike for ranching and farming purposes, and where there is a moderate amount of settlement already. The other route is more direct. It is shorter, naturally, and would be the more direct to Hudson Bay of the two; but the advantage that the western route is said to possess in a very extensive and varied farming country—a rolling country—has led to an investigation, which is now proceeding, as to which of these two routes would really be the more advantageous. That is the sum and substance of the objections that have been urged against this route: that we do not know where we are going, that we do not know where the northern terminus of the road is. We do know where the projected terminus of the road is, and I do not object to say that it is Hudson Bay. But the precise route which is to be taken to reach Hudson Bay is still under consideration, and I propose to submit, when the Bill is in committee, an amendment to it, which will place the decision, after all the information has been obtained as to which of the two routes should be adopted, within the power of the Government. In that respect, then, this road is no different from the great majority of other roads which have been projected and brought before this House—no different from the two roads which have been subsidized in precisely the same manner as this one. I do not think, in the case of either of these roads,

the charter prescribed precisely the route to be taken. In the Long Lake road there was no special limitation of the precise route which the road was to take. In the other road, the Calgary and Edmonton, the termini are there, but I do not think the precise route was defined in the Bill. I speak under correction, but that is my impression; nor is the precise route defined in this Bill, but measures have been taken to ascertain the advantages of one route, and measures are being taken to ascertain the advantages of the other, and the Government holds the balance in the end to decide which of those two is the more advantageous, from all points of view, for the construction of this road. Hon. gentlemen have made use of the statement that this road is going to the Hudson Bay as an argument against constructing it to the Saskatchewan River; and they say, also, at the same time, because this road is chartered to Hudson Bay it is not a colonization road. Well, I would like to know where the line of distinction is between a colonization railway and any other railway. Does not every railway carry colonists? Does not every railway perform all the functions which are necessary to encourage colonists to settle in any tract of country? The rails are laid in the same way, the cars are constructed in the same way—first-class and second-class. Where is the difference between any railway which my hon. friends choose to call a colonization railway and this other, which they choose to call a railway to Hudson Bay? As far as the railway is built it performs all the functions of a colonization road. It is impossible to deny or doubt that, and it is playing on words to say with indignation: "Oh, no; this is not a colonization railway. It is the Hudson Bay Railway."

HON. MR. POWER—Will the hon. gentleman allow me to explain. A colonization railway is a road which is chiefly intended to serve a country admirably adapted to colonization, which you could not say about the Hudson Bay Railway.

HON. MR. ABBOTT—My hon. friend has now stated the distinction. It is a railway which is intended to serve a country adapted to colonization. That is his definition. In what way does it conflict with the railway going to Hudson

Bay? If this railway to the Saskatchewan River is calculated to serve colonists who believe that that country north of Winnipeg is fit for settlement, surely it is a colonization railway, just as much as if it was mentioned in the charter, which my hon. friend from Ottawa said was not done. He complained that it was not called in the charter a colonization railway. What is meant by the Government and those who support the Government in this country by a colonization railway is a railway passing through a country partially settled, but adapted for settlement—a railway which will encourage settlers to resort to that country and will give them facilities for taking in their supplies and taking out their products. That is what you may call a colonization railway, and you may also call it a railway to Hudson Bay or by any other name. If it is a railway which affords facilities for settlers for this particular purpose then it is, to all intents and purposes, such a colonization railway as I ask the House to support us in assisting; so I think that objection may be disposed of as a mere objection in words and phrases. What is the next objection? That this company has no time in which it must finish its road. The only portion of the road that we are interested in assisting is the road which will be serviceable to colonists—that is, to the Saskatchewan River; but the statement is just as erroneous if applied to the whole of the road as it is if applied to the portion south of the Saskatchewan. The statute limits the time for making the railway to the Saskatchewan to four years. The statute limits the time for making the road to Hudson Bay to ten years. My hon. friend cited the charter to show that there was no time mentioned—that they might take until doomsday to build the road.

HON. MR. SCOTT—That is where there is no special provision.

HON. MR. ABBOTT—Did my hon. friend know that there was a provision in the Railway Act to cover this? He told us with great animation that they might go on until doomsday. Did he know then that the Railway Act prescribed that they should finish it within ten years? If so, he was not frank in the statement he made to the House. But what does the Railway Act say? That if the railway is not

finished and put in operation within a certain time from the passing of the Act the corporate powers and existence of the company shall cease. I think that is pretty clear. Certainly a company cannot go on until doomsday, nor until the much shorter period, I hope, of twenty or thirty years, which he mentioned, in constructing the road. Now, there is an objection which was made with great force, and apparently with great confidence in its value, and there is nothing in it at all. But my hon. friends say there is no population in that country; there are no mails or materials to be carried. Analogous to that, also, is the statement that it is not a country adapted to settlement. I do not propose to read to the House again what my hon. friend from Prince Edward Island read the other day—the reports of seven or eight men skilled in such matters which have been made of this particular route between the two lakes. I do not speak particularly of the other route, because everyone seems to agree that the other is a route which possesses great facilities for settlers—is well watered, and fit for grazing or for general farming—but on the route between the two lakes, which is the shorter one, my hon. friend said there not 100 people. He stated this on the authority of this Mr. Belanger, who says equivalent to something which is very much like a contradiction of my hon. friend's statement.

HON. MR. SCOTT—A relation of his, Mr. Pelletier, was present and heard the conversation.

HON. MR. ABBOTT—I do not impute any wrong intention to my hon. friend, but there has been a misunderstanding somewhere. These gentlemen, who have been over the route also, make statements, two or three lines of which it may be instructive to repeat. Here is what Mr. Neilson, the engineer who located the line to Grand Rapids, says:

“The country between these points (Winnipeg and Grand Rapids, on the Saskatchewan, a distance of 242 miles, is very flat and almost free from rock, except in the immediate neighbourhood of certain parts of Lake Winnipeg shore. The first 30 miles of it is prairie land, similar to that in the rest of Manitoba. After passing through this there is a well-wooded country with many open plains, extending as far as Fairford, on the Partridge Crop River. All of this country offers great inducements to the settlers, and it is already occupied by farmers and

fishermen along a large portion of the lakes and Swan Creek, which flows into Lake Manitoba, north of Oak Point Mission. It is well watered with many lakes, round which there are splendid hay lands and clearings for cattle-grazing; especially is this the case at the Rat Lakes, about 75 miles from Winnipeg.

"Fairford itself has already a good settlement, and only awaits a means of outlet to rapidly establish itself as an important agricultural and lumbering centre. It is one of the oldest missions in the country. There is a great quantity of exceedingly fine spruce and poplar all through this country, the spruce attaining to an enormous size, often growing from 3 and 4 feet across the stump. After leaving Fairford the Partridge Crop River is crossed by the line at a point about  $2\frac{1}{2}$  miles from its exit from Lake Manitoba. The whole section of this country is excellent for settlement, and their is plenty of fine timber in its vicinity. A bridge 250 feet long would be required to cross the Partridge Crop, which here has high banks of clay and a gravel bottom. From Fairford to the Saskatchewan is about 110 miles, and, with the exception of the first few miles after leaving Fairford, the country around the Fish Lakes and head waters of the War Path and Twin Rivers is a lumbering country.

That is 140 miles from Winnipeg. My hon. friend from York (Mr. Allan) gave us information, which I know he had been careful in obtaining, as to the character of the country for 160 miles north of Winnipeg. Mr. Shelford, an English engineer, says:

"I saw a considerable portion of the proposed route of the railway myself, as far as Grand Rapids, and I may say that I am favourably impressed with the character of the country and the facility for the construction of a cheap road."

Mr. Gillespie, of Winnipeg, says:

"I followed the Oak Point trail, along which the line is now located. The best land is north of Clark-leigh, which consists of timber and open prairie. The land I consider the best I have seen in this country. The timber is mostly poplar, with a little spruce.

"From Lundyville I proceeded on foot as far as Sea Falls, 320 miles from Winnipeg. The land gets more heavily timbered as we go northward; it lies high and dry, and is well fitted for cultivation. The open prairie and timber are about equal in quantity as far as the Saskatchewan River, 250 miles from Winnipeg.

"At Fairford, 100 miles from end of track, or 140 miles from Winnipeg, the heavy spruce commences, and the same, mixed with tamarac large enough for railway purposes or fuel, is continuous as far as Grand Rapids, at the mouth of the Saskatchewan. This land is very good, though there is about 15 or 20 per cent. of hay land, which, in a wet season, might be flooded.

"Along Dog Lake, west of the Indian trail, to Fairford, there exists a large quantity of spruce and tamarac. The former is large enough for sawing. From my personal observations, I consider the land between Lakes Manitoba and Winnepagoosis on the west and Lake Winnipeg on the east as being better adapted for mixed farming than any other portion of Manitoba or the North-West Territories that I have visited. It is fairly distributed between open prairie and timber. The former is well adapted for grazing and cultivation, and there is an abundance of hay lands for stock. The timber is plentiful, and fitted for building purposes as well as fuel. To a settler with

little or no capital to begin on, the conditions are more favourable than an open prairie farm."

HON. MR. MASSON—Is that the country between the two lakes.

HON. MR. ABBOTT—Yes; between Lake Winnipeg and Lakes Manitoba and Winnepagoosis. I sum that up by saying that it is established by the evidence already furnished to this House, and to be found in the Senate *Debates*, that the line between the two lakes is fairly well fitted for settlement, that it possesses an enormous area of excellent timber, which everybody knows is very much needed all over the North-West, and that on the Saskatchewan, at Grand Rapids, is a fall which constitutes the finest water power in the whole of the North-West, if not the only water power in that country—a water power said to be equal to the Chaudière Falls—where no doubt there will be a great manufacturing centre. There is no doubt that lumbering and kindred industries will be carried on there to an enormous extent. At all events, it has all the advantages which have been described in these reports—a good country, well timbered, and with railway communication in the country between the two lakes, there is no reason why Grand Rapids should not become a great manufacturing centre, and I believe it will. The population, which has been stated at so low a figure by the hon. gentleman from Ottawa, is shown by the census returns to be between five and six thousand people north of the 40-mile section, and the population along the line already constructed reaches about 2,000, so that there are nearly 8,000 people altogether in the country which is proposed to be traversed by this line, supposing it should go between the two lakes. Everybody knows that in that country settlement is not effected except by the aid of railways. How are people to carry their supplies and their produce over miles and miles of prairie and compete with people who have a railway near their doors? It is by railways that settlement is promoted, and in a new country like that our experience is now (and it is evidenced by the two roads subsidized like this road, and by innumerable instances south of the line) that without railways no settlement of any extent can be reached. It fact, the question was asked us in this very debate what

extent of settlement would there be ten miles away from any railway? It is the railway which attracts settlement. We cannot expect a place 240 miles from a railway to be settled. I think the objection that there is no population and nothing to carry, stands on about equal footing with the other objections, namely, that while arguable, as they have been argued, there is really no sound foundation for them as material objections to the furtherance of this scheme. What other objections did my hon. friends set up? My hon. friend from Sarnia, supported by the hon. member from Ottawa, raised another class of objections, which seemed to me to be just as unfounded—if they will pardon me for saying so—as those to which I have referred. He says we ought to know all about the promoters of the road—those who are going to spend this money,—whether they are such people as, when they get this money, will lay it out in building the road. We have nothing to do with all that. It is no objection at all to the scheme. The company will not get any money until the road is built. Not a dollar of this \$80,000 a year reaches the pockets of this company until they have got their road to the Grand Rapids and have it running; so we are not interested particularly in knowing who the promoters are, what their character is, or whether they will expend the money on the road or not. If they get money they will spend it where they please, but they will not get the money from the Dominion of Canada until they build that road; so I think that that objection to the scheme has as little foundation as the others, and, I might almost say, no solid foundation at all. They may issue and sell their bonds; the law gives them power to assign. I find nothing extraordinary in that; we enact that in all other railway Bills without any one making objection. It does not follow, because we sanction a road to Grand Rapids, a distance of 240 miles, through a good country, for the purpose of promoting settlement, that it must necessarily be extended to Hudson Bay. I would infer from what a great many hon. gentlemen have said that if this charter only gave these gentlemen a right to go to the Saskatchewan River they would have no objection to giving this money, but because it may assist the company to run their line to Hudson Bay, which they will have to do

with their own means or on their own credit, if at all, and without any assistance from the Government of any kind or description, there is an opposition to the Bill. It is a valid charter to the Saskatchewan—no one will deny that; it has to be built to the Saskatchewan within a limited time—no one will deny that. I cannot for the life of me see what there is as an argument against building the road to the Saskatchewan that these gentlemen want to construct it through to Hudson Bay. The Government have not agreed to assist the road to Hudson Bay. They very likely may never agree to assist it. A great deal will depend on the enquiries to be made hereafter. A road from Winnipeg to the Saskatchewan River they do desire to assist, and what earthly objection can it be to their assisting that road, that the company which is to build it desires to extend it to the Hudson Bay, if they get the trade and find the means? They do not get it from this measure. If this Bill passes they get assistance to build the road through the portion of country which the Government are satisfied will be benefited by railway communication—a road which the Government know is desired by the whole Province of Manitoba, which the Government believe they can aid without any great risk, and which they know they are aiding in direct accordance with the policy they are pursuing with regard to two or three other roads in a similar country with the entire sanction of the Senate. I have no doubt that the House quite understands the principle on which the money is to be paid and on which it is to be repaid. The money is really a payment in advance for services which the company agrees to render in every way it can, by the carriage of mails, supplies, police, etc., and as other railway companies do, and the amount is found to be tolerably large, and likely to go a very great way towards satisfying the debt. But if the debt is not satisfied the Government reserves to itself, as security, one-third of the land grant, which my hon. friend from Ottawa described the other day as being worth seventeen millions of dollars.

HON. MR. SCOTT—No; I did not put any value on it.

HON. MR. ABBOTT—My hon. friend gave it that value; I took it down at the time.

HON. MR. SCOTT—It must have been the right to issue bonds that I spoke of.

HON. MR. ABBOTT—No; I do not think I was mistaken. But my hon. friend makes this objection: He says we are taking security on our own lands. He is mistaken. These lands have been granted to this company and will be the property of this company when they perform the conditions on which the grant was made. They will be as much the property of the company then as if they had bought them from the Government and paid money for them. The security which the Government will take will be upon the property so earned, because the Government does not pay until the road is built; that is the condition on which the land is granted. When the road is built the land becomes the property of the company, and when the road is built the Government get the security of one-third of that land, which will be at that time absolutely and unconditionally the property of the company. It seems to me there is really no valid objection to this road, that the objections which are taken on a number of grounds really are not serious or material. As far as they are founded in fact, they do not seem to me to bear on the propriety of this grant largely, and I must say I believe, and I hope that I have shown, to the satisfaction of the Senate, in a great degree they really do not bear criticism both as to the facts on which they are founded, and as to the views of the law and the charter which are quoted in support of them. I trust the Senate will see its way to voting down these amendments and to passing the Bill which I have had the honour to introduce.

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

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## Hon. Messrs.

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Chaffers,	Poirier,
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McInnes (B.C.),	Wark.—15.
Merner,	

## NON-CONTENTS:

## Hon. Messrs.

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Bolton,  
Carling,  
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Smith,  
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Tassé.—35.

The amendment was declared lost on the same division.

The main motion for the second reading of the Bill was then declared carried on the same division reversed—Contents 35, non-contents 15.

## THIRD READINGS.

Bill (P) "An Act for the punishment of the offence generally termed 'Body Snatching.'" (Mr. McMillan.)

Bill (137) "An Act further to amend the Consolidated Revenue and Audit Act." (Mr. Abbott.)

## MASTERS AND MATES OF SHIPS' BILL.

## THIRD READING.

The House resolved itself into a Committee of Whole on Bill (12) "An Act further to amend the Act respecting Certificates for Masters and Mates of Ships."

(In the Committee).

On the second clause,—

HON. MR. POWER—There is a feature in this clause which is in the existing law also, but which, I think, is somewhat objectionable. It is as follows: "Examinations may be instituted in Canada for persons domiciled in Canada for at least three years, &c." Suppose a case which occurs occasionally of a Norwegian or Swede or German shipmaster coming to this country, and wishing to be placed in a position to command a merchant vessel, he could not come in as, I think, he ought to be allowed to, under this provision, without being domiciled in Canada at least three years before he gets a certificate. I think if a party comes here and declares

his intention of being domiciled in Canada he ought to be allowed to pass the examination and qualify himself for the business. As the law now is, it is calculated to shut out a desirable class of immigrants.

HON. MR. KAULBACH—I think we should look first to our own men in our country. In the United States they are more strict than we are in this respect. In that country a foreigner must become a citizen of the United States before he is allowed a certificate, even for the coasting trade. The idea of merley expressing an intention of having domiciled in Canada does not amount to anything; they should show some earnestness of their intent to do so.

HON. MR. MILLER—I believe that the clause has just the effect that the hon. gentleman from Halifax says it has; and I think it is a sound policy that foreigners should not be allowed to obtain certificates except under the conditions of this clause; and I think there is no fault found with the operation of the law on that score. I agree with the hon. gentleman from Lunenburg that the simple declaration which the hon. gentleman from Halifax suggests, of an intention to become domiciled, amounts to nothing. I do not think it would be sound policy to allow a foreigner to become master or mate of a British ship under such a declaration. We have plenty of men in our own country to take charge our own ships. There is no difficulty in finding the best men in the known world as masters and mates, in the Maritime Provinces and I presume it is the same on the great lakes of Canada, therefore; I think, the provision is a wise one.

HON. MR. POWER—I should have expressed myself better: that the applicant should declare his intention of becoming a British subject. I think any man who has become domiciled in the country should be admitted to the examination. The hon. gentleman from Lunenburg thinks that my remark applied to people in the United States. My language applied to people coming from Norway, Sweden and Germany, who are now disposed to emigrate to the western parts of the American Union. I think it ought to be our policy to encourage them to settle in this country. I am not aware that there are any large

numbers of persons coming from the United States to settle in Canada. Lately some have come over from Dakota to the North-West; but immigration from the United States into this country is not the rule.

HON. MR. KAULBACH—The position of master or mate of a vessel involves the charge of large amounts of valuable property, and such officers should be persons whom we know something about and should have their domicile in Canada.

The clause was agreed to.

HON. MR. BELLEROSE from the Committee reported the Bill without amendment.

The bill was then read the third time and passed.

### THIRD READINGS.

(Bill 153) "An Act further to amend Cap 138 of the Revised Statutes, respecting Judges of Provincial Courts." (Mr. Abbott.)

(Bill 115) "An Act to amend the Act respecting Government Harbours, Piers and Breakwaters." (Mr. Abbott.)

(Bill 141) "An Act to amend the Copyright Act." (Mr. Abbott.)

### STEAMBOAT INSPECTION BILL.

#### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (85) "An Act further to amend the Steamboat Inspection Act."

(In the Committee.)

On the second clause,

HON. MR. ABBOTT—I have to ask the House to accept an amendment to the section as it appears here. It purports to repeal section 5 of the Act as it stands in the Revised Statutes; but it appears that since the Revised Statutes were passed, an Act has been passed amending this clause which added to it a sub-section as a proviso. In the way the Bill was drawn that proviso will disappear as well as the clause. I desire that the proviso which was adopted last session shall be continued, and I propose to amend sub-

section 3 of section 2 by adding these words:

Provided, however, that the Governor in Council may direct that any steamboat or class of steamboats registered elsewhere than in Canada, but plying between any port or place in Canada and any port or place out of Canada, shall be subject to its provisions.

That is to say, I retain this proviso of clause 3 of last session which I had proposed to repeal.

HON. MR. KAULBACH—Does the amendment leave it optional with the Department of Marine to make any vessel whether Canadian, British or foreign subject to this inspection?

HON. MR. ABBOTT—This was made to allow the "Halifax" and other vessels of a similar class to be inspected, and it is intended to continue.

The amendment was agreed to.

HON. MR. MCKINDSEY from the Committee reported the Bill with an amendment which was concurred in.

The Bill was then read the third time and passed.

#### GENERAL INSPECTION AMENDMENT BILL.

##### FIRST READING.

HON. MR. ABBOTT introduced Bill (S) "An Act further to amend the General Inspection Act." He said this Bill is to enable inspectors of wheat in the North-West to establish another grade of wheat to be called a commercial grade, to include such wheat as cannot be included at present in the grades of wheat adapted for shipment. This will include wheat touched with frost, but not damaged in such a way as to be rendered unfit for commerce.

The Bill was read the first time.

#### WEIGHERS OF GRAIN BILL.

##### FIRST READING.

HON. MR. ABBOTT introduced Bill (T) "An Act to make further provision respecting weighers of grain." He said: As I have the great pleasure of expecting there will be a great deal of grain to be

weighed in the North-West this year, it is necessary to make some provision respecting the weighing of it. At present there is a great deal of confusion between buyers and sellers as to weights, in consequence of the promiscuous way in which weighing is done, and it is proposed to establish grain weighers whose certificates will be *prima facie* evidence of the weight, and it is expected—in fact it has been represented by the Boards of Trade in the North-West that if an officer of that character were appointed, they would be rapidly able to introduce and make general the practice of making sales on weighers, certificates, which they say would enormously facilitate trade of that description in the North-West.

The Bill was read the first time.

#### BILLS INTRODUCED.

Bill (152) "An Act to amend Cap. 96 of the Revised Statutes, intituled: An Act to Encourage the Development of the Sea Fisheries and of the Building of Fishing Vessels." (Mr. Abbott.)

Bill (144) "An Act Further to Amend the Indian Act." (Mr. Abbott.)

The Senate adjourned at 6.05 p.m.

#### THE SENATE.

Ottawa, Tuesday, August 11th, 1891.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

#### SALISBURY AND HARVEY RAILWAY CO.'S BILL.

##### THIRD READING.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (120). "An Act respecting the Salisbury and Harvey Railway Company," with certain amendments. He said: Although not easy to follow, those amendments when read at the Table all relate to one clause of the Bill, and are put in for the purpose of making provision that claims existing against the former

company shall be recognized and paid. It is just protecting the rights of those claimants. It was thought that the Bill was scarcely sufficiently clear on this point, and these words were added for that purpose, and no other.

HON. MR. WARK moved that the amendments be concurred in.

The motion was agreed to.

The Bill was then read a third time and passed as amended.

## THE GREAT MCKENZIE BASIN.

### MOTION.

HON. MR. GIRARD moved :

“That the answers sent by R. Macfarlane, Esq., chief factor of the Hudson Bay Company, Fort St. James, New Caledonia, District of British Columbia, to the list of questions sent out by the Select Committee of the Senate, appointed in 1888 to inquire into the resources of the Great Mackenzie River Basin, and the lists of birds and mammals accompanying the said answers, which answers and lists have only recently been received by the Honourable Mr Girard and are herewith submitted, be added to the documents which, by order of the Senate, made on Thursday, 2nd July last, in pursuance of the Report of the Select Committee appointed to examine and report upon documents relating to the Great Mackenzie River Basin, received since the third report of the Select Committee appointed in 1888, are to be printed as a supplement to the Journals of the Senate; and that the said answers and lists be referred to the Joint Committee of both Houses on the Printing of Parliament, with the view of having them added to those which have, upon report of the said Joint Committee, been ordered to be printed for general distribution.”

He said : Just at the end of last week I received a letter from Mr. Macfarlane, a Hudson Bay factor in the district of New Caladonia, Hudson Bay, district of British Columbia. The papers accompanying the letters have reference to those that have been received by the House during the present session in connection with the Great Mackenzie River Basin. Accompanying his letter is a complete answer to the questions which were submitted by the committee to the different officers in the Hudson Bay Company, and missionaries in distant parts of the North-West. These communications could not be received in time for publication with the others. They have only been received this last week, and I thought it was my duty to ask the House for permission to have these documents incorporated with the others that are to be printed and distributed before long. This document is of no less importance than the others received by the House. One of

the papers accompanying it is a series of answers to the questions submitted by the committee three years ago as to the resources of that important part of the Dominion. I have also a list of the mammals known and believed to be natives of the Great Mackenzie Basin. I think the public will be interested in the document. It seems to be prepared with great care and with scientific knowledge. It gives first a list of all the mammals found in the North-West. These documents will complete all the present information we can obtain regarding the Mackenzie Basin and its resources. Like the rest of the Dominion, there will be a great change there in a few years, and before that change takes place it is desirable to have accurate information of the resources of that great country. With the list of mammals is a list of the birds known to breed and live in the Mackenzie Basin. Perhaps it would be well at the same time to read the letter which was written by Mr. Macfarlane, dated at Cumberland House, North-West Territories, on the 21st July, 1891. It is as follows :

“CUMBERLAND HOUSE,

“SASKATCHEWAN, 21st July, 1891.

“MON CHER MONSIEUR,—I noticed in a late paper that they were going to publish, under your direction, the Answers obtained from several Northern Missionaries and others in the Territories, in response to the Queries addressed to them over three years ago, in reference to the resources of the Great MacKenzie Basin,—and which information was received too late for publication in the report issued by the Senate committee, appointed by the Parliament to make this enquiry.

“My own answers were duly transmitted to Commissioner Wrigley, of the Hudson Bay Company; but, with those of some other northern officers, they were also too late. I, however, kept a copy of mine, which I now send in a registered packet to your address, that they may, with the accompanying revised lists of birds breeding and mammals resident in the aforesaid Basin be entered in the new publication.

“If you have not already done so, I would advise you to apply to Sir Donald A. Smith for such replies to the queries as Mr. Wrigley may have received and secured in the Winnipeg office. The original paper by myself, if procurable, would prove easier than the said copy for the printer's use; but the bird and mammal lists therewith had better be discarded, and the revised lists, dated 11th January, 1891, now forwarded in said packet, only used for publication, immediately following my answers. You will, I hope, spare me one or more copies of the work when ready.

Trusting that the information, furnished by one who spent thirty-two years in the far north (Great Basin), may prove of some little interest.

“I remain,

“Faithfully yours,

“R. MACFARLANE.

“Honourable Mr. GIRARD.

“P.S.—A very careful party should correct the proof sheets of the answers, and especially of the



bird and mammal lists, in order to guard against a recurrence in your book of the numerous errors in spelling, &c., which disfigured that otherwise interesting and creditable production—the "Third Report of the Senatorial Committee of 1888.

"R. MACFARLANE."

The motion was agreed to.

## PATENT ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (142), "An Act to amend the Patent Act."

HON. MR. McDONALD (C. B.), from the committee, reported the Bill without amendment, and it was then read the third time and passed.

## INVERNESS AND VICTORIA RAILWAY CO.'S BILL.

### SECOND READING.

HON. MR. ALMON moved the second reading of Bill (136) "An Act to incorporate the Inverness and Victoria Railway and Mining Company. He said: It will be in the memory of members of this House that this Bill, after passing the House of Commons, was introduced here, and was submitted to the Private Bills Committee, and now comes up for the second reading, which I trust it will receive, and be referred to the Railway Committee. I am not personally acquainted with many of the details of the measure, but I believe it is one which should be granted. If there is any objection to it, I think this is not the time and place to discuss it. That discussion should take place before the Railway Committee, where the promoter of the Bill can appear and be heard, and evidence can be taken for and against the measure. The hon. member from Richmond asked for a delay in order that he might get evidence from Cape Breton on the subject of this Bill. I presume he is now in possession of that evidence, and if there is anything in it the Railway Committee can report the facts to the House and the Bill can be dealt with then; but I contend that the House is not the place to consider the details of the Bill. In the House of Commons it was opposed for some time by the member whose county it passes through—Inver-

ness. He, however, after a long discussion, expressed himself satisfied, and withdrew his opposition to the Bill. The member for the County of Richmond, where this project originated, made no speech about it in the House, and did not oppose the measure in the slightest degree. We are all indebted to the hon. senator from Richmond for pointing out, as he has done year after year, the want of railways in Cape Breton. I think it is chiefly owing to him that the Intercolonial Railway was extended to Cape Breton, and now, as a consequence of that, that other railways are springing up of which I think this is the chief one. There is more need of railway enterprise in Cape Breton, perhaps, than in any other portion of the country, and for this reason: there are large coal mines on the island, and the harbours—with all due deference to the hon. gentleman from Louisburg—are closed in winter with ice, and there is no way of exporting the coal without railway communication. For instance, there is a large coal mine at Chimney Corner, where a breakwater was built by the Dominion Government and a considerable quantity of coal was mined and exported; but the storms carried away the breakwater and the mine has been abandoned, because it is practically inaccessible during any season of the year. This railway will pass within four or five miles of that very point, and the mine, which is now idle, can be worked. I know, from what I have heard from experienced persons, that the coal at that mine is of excellent quality. My hon. friend from Richmond will tell me that Louisburg harbour is not frozen over, but that the ice prevents vessels getting in and out in the winter season. He will tell you that the ice does not form in the harbour. It is like the excuse of a found mother for a wild son. He is not a bad boy himself, but his companions are wild and lead him into trouble. The ice does not form in the harbour, but it comes down to the harbour from the north and shuts it up, and therefore the railway is necessary. Another reason why I should like to have this Bill referred to the Railway Committee is this: now it is a passage-at-arms between the hon. gentleman from Richmond and myself, and I am not able to contend with him, as you all know. If it comes to a contest of that kind I will come down immediately, but I do not

think the issue should be tried in that way. The Bill should be discussed on its own merits, and in my opinion that can only properly be done by giving it a second reading now and referring it to the committee, and then, if the promoters of the Bill cannot produce good reasons for the passing of the Bill, I shall be willing to abandon it.

HON. MR. MILLER—I regret that I do not feel in that condition of health at the present moment that I would desire for the undertaking that I have before me. I have had since lunch one of those weak turns which sometimes overtake people in this hot weather, and I feel as if I were not able to do justice to my case; still, I am not sufficiently unwell to ask for a postponement of the discussion to-day. I shall, however, I believe, before I resume my seat, put such a case before this House as will leave it no option than to pass the motion that I intend to make for the six months' hoist of the Bill. I say this deliberately. I shall put facts before the House regarding the measure that will leave no option to the House as to its action in the premises. I shall show the House that upon ground of public policy it is in the best interest of the island of Cape Breton, and especially that section of it through which this railway is to pass, not to grant this legislation. I will show you, in the second place, that the passage of this Bill would be the grossest violation of vested rights. I think, if I make this clear to you, you will be inclined not to allow this Bill to go further than it has gone. But I intend to go a step further. I intend to show you that the Bill now before this House got through the House of Commons by deception and fraud, and I think when I add proof of this charge to the other testimony which I will give to the House you will not have any difficulty in coming to a conclusion with regard to the motion I shall make. I make these statements, I repeat, after full consideration, and I am in the judgment of the House when I say I am not in the habit of making statements in the Senate of an unwarranted character; and if hon. gentlemen consider, after I have resumed my seat, that I have not made out everything I here allege, I ask hon. gentlemen not to support my motion. My hon. friend has told you that he is desirous that this

Bill should go to the Committee on Railways. Under ordinary circumstances, that might be the proper course, but there are cases under which the motion that I intend to make is quite justifiable, and this is one of them. Now, it seems to me that my hon. friend should not have such an aversion to the six months' hoist of this or any other Bill. It was only yesterday, when a Government measure was before the House, that my hon. friend opposed it against the earnest entreaties and action of two-thirds of the House, and voted for a motion that the Bill be killed by the adoption of the six months' hoist. If the six months' hoist was a legitimate motion yesterday, when a Government Bill was to be killed, I do not see why it should not be equally legitimate to-day, when my hon. friend's own Bill is to be affected. The difference is, that he was opposed to one Bill and he is anxious that the other Bill should pass this House. My hon. friend very kindly paid me the compliment in the course of his remarks to say that I have always been an advocate of the interests of the island of Cape Breton in this House in respect to railway construction. I think I have acquired some reputation in Cape Breton as being on all occasions and on all subjects, from the outset of my career in the provincial Legislature to the present time a staunch and unswerving advocate of the interests of that fine island, and on every occasion when I thought its welfare could be promoted my humble voice was raised and my vote recorded to secure its legitimate demands. In the old provincial days Cape Breton never got fair play from the Nova Scotia Legislature; our public works never got the same assistance as those of other sections of the Province, until a few men came to the front who made justice to Cape Breton the rallying cry among the electors. Since Confederation we have fared much better, and in grants to our chief railway and St. Peter's Canal, and numerous public works of various kinds, we have received a certain measure of justice from the Government of the late Sir John Macdonald. I believe and hope that ere long the Inverness and Richmond railway will obtain the usual subsidy of \$3,200 per mile, and when that is secured the completion of that work will become a certainty in the near future. It is because I am in favour of the road, and anxious to see

met the wants of a large section of Cape Breton in regard to railway facilities, that I oppose the present Bill. I would be belying the whole record of my public life if to-day I came before you asking you to oppose a measure that I believed to be beneficial to the island of Cape Breton, or if it could be made to appear that my conduct was in any way inimical to its interests. Now, I wish in the first place to call your attention briefly to the history and present position of railway construction in the island of Cape Breton. I do not know that I can succeed in showing you as plainly as I wish what I want to by the different lines of railway constructed or projected on the map in my hand. I may state, however, that this map represents the island of Cape Breton. The western side of the map, from Cape North down to the Strait of Canso, to the Government railway at Port Hawkesbury, represents the western side of the County of Inverness. The lines on this map to the east and south are the boundary lines between the counties of Victoria and Richmond and the County of Inverness. The boundary line commences at Cape North and runs down to the waters of the Bras d'Or Lake, and thence to Port Hawkesbury, where the Government system of railways commences on the island. The western coast of Inverness County is washed first by the waters of St. George's Bay and further up by the waters of the Gulf of St. Lawrence. After many years of agitation the people of Cape Breton secured the construction of the Cape Breton Railway, through the act of the present Government, who boldly took hold of the work, made it a Government undertaking, and carried it through to completion from the Strait of Canso to Sydney. Although I opposed the route selected, that was an act of wise statesmanship, and the people have to thank the present Government for it when, after years of disappointment and when many of us never hoped we could get anything more from the Government than a subsidy to build the railway as a company road. It is now part of the Government system of railways in the Maritime Provinces. In 1887 a charter was granted by the Legislature of Nova Scotia to a company to build a road from Port Hawkesbury, where the Government railway crosses the straits, through Inverness County, as far as the place called Cheti-

camp, with a branch from Broad Cove, on the company's railway, down to Orangedale, on the Government road. The great necessity of the Inverness and Richmond Railway is due to the fact that, notwithstanding the island of Cape Breton, on its southern and eastern coast, like the Province of Nova Scotia, on its Atlantic coast, is indented with the most magnificent harbours in the world, this fine stretch of country—one of the finest agricultural districts in Nova Scotia—is singularly destitute along all its western coast of good harbours. The country along this coast itself is a well-settled country for an agricultural district. The country from Broad Cove to Orangedale is also an excellent country, and fairly well settled, and will become one of the most delightful places in Cape Breton when a little more scientifically cultivated and developed. The necessity for a railroad was, first, the absence of good harbours along the western coast of Cape Breton; and also the fact that for several months of the year the harbours that are there are blocked with ice, and there is no egress from or ingress to that country, except by mud roads, during these months. So great was the necessity for this line considered to be that a movement was made and a charter granted in 1887 to a company to build it without delay. That charter afterwards passed into the hands of Messrs. Oaks, Wheaton and Grey, who expect to-day, with the assistance of Parliament, to build it in the near future. For the construction of that road a subsidy has been promised by the local Government of Nova Scotia of \$3,200 per mile, as I shall show by a letter of the Premier of Nova Scotia, which I have under my hand, addressed to the president of that company in 1889. Last session, an application was made for a Dominion subsidy, and a sum of \$50,000 was granted by the Dominion Parliament towards the construction of that portion of the road running along the western shore of Cape Breton, as far as Broad Cove. But what will convince the House more than anything else of the estimation in which the people of the County of Inverness hold that road, which it traverses from nearly end to end, is this: they have done what no municipality in Nova Scotia had ever done before—they have testified their earnest desire for its construction, and belief in

its necessity by passing a by-law granting a bonus of \$100,000 towards the completion of the railway; and that has been confirmed by an Act of the Provincial Legislature of Nova Scotia authorizing the borrowing of that sum. I think if I show these things you will be convinced that the people of the County of Inverness must have conceived that road to be of the greatest value to them when they burden themselves to the extent of \$100,000 to encourage its commencement and secure its completion. No county in Nova Scotia has ever done anything of the kind before, and it is, perhaps, an example to some of them that they might well follow on some occasions. The only instance of the same kind is, perhaps, that of Halifax, which, before Confederation, at a mass meeting voted \$400,000 in aid of the construction of the Intercolonial Railway; but shortly afterwards they repudiated their engagement, and got out of it at Confederation by having the construction of that road assumed by the Dominion Government. They never paid their bonus, and the Province held it as an asset, which was cancelled at Confederation. This is the only instance of a municipality in Nova Scotia doing as this municipality has done. I will now read the transfer to the present company, protesting to this House against the passing of the present Bill.

(Hon. Mr. MILLER here read the principal portions of the deed of assignment to Messrs. Oakes, Wheaton and Gray, of the Inverness and Richmond Railway's charter and franchise, by the then proprietors and corporators in 1889, and contended with much earnestness for the sincerity and ultimate ability of the present company to perform their contract, if they were not unfairly hampered and injured by unwise legislation.)

I shall not trouble the House with reading in full this formal transfer under seal of the party at the time possessing the right to make it and owning the charter of the Nova Scotia Legislature for the construction of the road from Port Hawkesbury to Cheticamp, with a branch to Whycomagh near Orangedale. I shall next read to the House a report of the municipal council of Inverness in regard to the granting of a bonus by that municipality to the new company.

(Hon. Mr. MILLER here read from a copy of the minutes of municipality of Inverness the formal vote of a bonus of \$100,000 to Messrs. Oakes, Wheaton and Gray, and cited an Act of the Nova Scotia Legislature empowering the municipality to borrow the money.)

These proceedings show that the County of Inverness was really in earnest in desiring to secure the completion of this railway from Port Hawkesbury to Cheticamp, and also the branch connecting the Cape Breton Railway. I will next read a letter from the Premier of Nova Scotia, addressed to Hon. Wm. Ross, at that time president of this company.

(Hon. Mr. MILLER here read the letter of Premier Fielding offering a subsidy of \$3,200 per mile to the Inverness and Richmond Railway Company on certain conditions therein stated.)

The House will perceive the good faith and regularity of the whole proceeding in regard to this railway, and the recognition and support of the I. & R. Railway Company. Now, there was an application made the last session of Parliament for a subsidy, but the House of Commons only granted a sum of \$50,000 instead of \$3,200 a mile, and I may say that in consequence of the disappointment in connection with that grant the work has been stopped for the present; but the company have graded 15 miles out of Port Hawkesbury and have spent about \$60,000 on the work, and intend, hope, expect and believe, as the whole island hope and expect and believe they will in a short time be enabled to start again towards the completion of this much-needed road. I do not intend to read the Acts of the Legislature of Nova Scotia to sustain the assertion that I have made here, as it would occupy too much time. They can be referred to by hon. gentlemen who wish to read them. But I will read some letters written by Oakes & Co., which will show the House the light in which they regard this application. This company, composed of H. N. Paint and others, is seeking a charter in the name of the Inverness and Victoria Railway Mining Company, on a route over which there are now two provincial charters. We think it is unfortunate that there is more than one, because it may interfere with the efforts of the corporators of the larger enterprise to carry on the work. Oakes, Wheaton

and Gray, in good faith, with a subsidy from the Provincial Government, with a bonus from the municipality of Inverness, with a subsidy, thought not a sufficiently large one, from the Dominion Government, have gone on and spent \$60,000 on the grading of 15 miles of the main line.

HON. MR. McINNES (B.C.)—What portion of the road?

HON. MR. MILLER—Towards the Strait of Canso. This is a letter addressed to a member of the House of Commons, but received for use too late there. It is a letter to Mr. Stairs, a member of that House. If it had been received in time the Bill might not now be before the Senate, for in the face of the strong and undisputed facts it contains I believe it would not have passed that House:—

“SHUBENACADIE, N.S., 27th July, 1891.

“JOHN T. STAIRS, M.P.,  
Ottawa, Ont.

“DEAR SIR,—I see by Saturday's *Herald* that the Government have granted Mr. H. N. Paint a charter over a road that I bought from an American company three years ago. We have expended fifty thousand dollars (\$50,000) and graded nearly fifteen miles of road. We had one thousand dollars (\$1,000) per mile granted by the Dominion Government last year, when they say that they only hampered us, so as no person would take hold of it, and have only been awaiting a right and proper subsidy to go on, as we have two offers now from capitalists in two places, one from England and the other one a strong maritime company, and would have been ready and willing to work long ago only for the damper the Government put on, as \$1,000 per mile, we would have been better without any. The question was asked by the Hon. Edward Blake last session if the company (H. R.) had asked for the regular subsidy for the Inverness and Richmond Railway Company, and was answered by one of the Government that we had asked for the regular subsidy. We have had a charter from the Local and Dominion Governments for three or four years from Port Hastings to Cheticamp, C.B. (that is the main line) and the branch from Broad Cove to Whycomagh. We had all the encouragement from the Government that ever men had that we would get the subsidy. Some of the Government blames us for not carrying on the work last summer; that was their reason for giving Mr. Paint the charter. We would like to know of any company foolish enough to go in any railway undertaking without having any subsidy. The Local Government of Nova Scotia offered me the subsidy last year if would deposit the amount of the Dominion subsidy, and when I obtained the above subsidy they would relieve the deposit. I hold a telegram from Dr. H. Cameron, of two years ago, asking if the company had any objections to the Dominion Government building the Orangedale road, and to state our reasons; we did reply, by stating we had objections as it (the Orangedale road) would be an opposition road and no capitalists would help us if it was granted. Last winter, to finish our charter out, we asked the Local Government for a charter from Whycomagh to Orangedale, through Daniel McNeil, M.P.P., and his colleague, who were interested in Paint's charter, through brothers and other relations.

They would not grant it, giving as an excuse that Dr. Cameron had pledged himself that the Dominion Government would build the Orangedale branch. Henry N. Paint chopped down a few bushes, borrowed engineering instruments, paid no person, and reported in one of his circulars that he expended \$8,000. If this is the way three or four men are to be treated after spending \$50,000 grading fifteen miles of road, buying out a location after it was finished, which cost the company \$12,000, and the county giving \$1,000 a mile for 100 miles, and having it legalized before the Legislature of Nova Scotia, and with all that the Dominion Government goes to work and gives Mr. Paint a charter, and must know that he could not get any person with any capital to go in with him in any undertaking such as he would promote. If this outrageous Act is carried out it will be the means of carrying two or three families out of doors. Would you do us the favour of putting this letter before the Chairman of the Railway Committee at once before things go any further.

“Yours very truly,

“OAKES, GRAY & WHEATON.”

Now, here is a protest from these people which came too late for use. I will read another protest from them addressed to Hon. Mr. Tupper, Minister of Marine and Fisheries. I may state that I got this paper without any application to him for it. I was sitting in the gallery of the House of Commons a few evenings ago when Mr. Tupper came up to speak to me. He said: “I see, Mr. Miller, that you are opposing Mr. Paint's charter for a railway in Cape Breton, and I want to give you this material that you may use it in the Senate.” I did not seek this from him; he came to me with it. The letter is as follows:—

“SHUBENACADIE, N.S., 3rd August, 1891.

“HON. C. H. TUPPER,  
Minister Marine and Fisheries,  
Ottawa.

“HON. SIR,—Some time ago Charles Wilson was in Ottawa to see Dr. Cameron, of Inverness, and the Dr. told him to get the president of the Inverness and Richmond Railway Company to write and state facts, also the engineers' estimate of the work, and a letter from the Broad Cove Coal Mining Company, to ascertain if Mr. Paint's assertions were true, that he held a controlling influence of the Broad Cove coal mines. He got a letter from the secretary of the above named mine that Paint had no influence or control of said mine; moreover they (the company) wrote Mr. Kenny, M.P., before that, a full denial of any control of Mr. Paint's of said mines, and ridiculing such an idea. I cannot believe any Government, or any gentlemen of the Government, would be guilty of giving Mr. Henry N. Paint a charter over a road that we graded 15 miles of, buying a location, completed, that cost Quebec thousands of dollars (\$12,000), completed four or five years ago from Port Hastings to Cheticamp, C.B., and we having a county subsidy of \$100,000 granted and a Dominion subsidy of \$1,000 per mile, whereas, if we had received the regular subsidy of \$3,200 a mile that we applied for our road would have been completed. As it is, no capitalists will take hold of it, or the company, and we had three offers until those capitalists found out how the subsidy was granted last session. They were afraid then to take hold of it, and we have those same parties still waiting. As soon as

the regular subsidy is granted they will take hold and we shall resume work. It was stated in the House of Commons, in Ottawa, a few days ago, that the Nova Scotia Local Government refused us a charter; we did not need a charter, only from Whyocomagh to Orangedale (6 miles); we bought the right to Whyocomagh from Mr. Frank Allen, before Mr. Paint thought of such a thing. Dr. Cameron asked me winter before last to get a charter from Whyocomagh to Orangedale, and I did so. I had then to watch the Local Government for three or four weeks till they found out Paint's Bill was defeated before the Railway Committee. After passing the first and second reading they took the Bill home with them. Then this year, when I went to have it passed, they told me they were afraid to, as Dr. Cameron had pledged himself to the people that the Government would build the Orangedale branch; it was just a trap set with Hon. Dan. McNeil's brother, George Lawrence, and the whole of Paint's affair in disguise. Mr. Paint must have a dreadful cheek to ask a Government to grant him a charter over a road to Cheticamp when he knows we have a charter of a straight line from Hastings to Cheticamp, expended sixty thousand dollars hiring people to go to Ottawa every session, in all nearly seventy thousand dollars spent by three men.

"Hoping the matter will receive the careful consideration of the Government,

"We are,

"OAKES, GRAY & WHEATON."

One reason I am told why Mr. Paint endeavoured to get this Bill was that he represented that he had a controlling interest in a valuable mine there and he wanted the railway to carry the coal from this mine. This I can show is altogether untrue. Mr. Paint has no interest in the Broad Cove coal mines to entitle him to a charter for the branch line. I have the certificate of the company to that effect in my hand. As a friend of Cape Breton, I desire to see the completion of the road from Port Hawkesbury to Cheticamp, along the western shore of the island, because it will open up a fine country, which is closed by ice for four months of the year at least, and in the season of navigation is difficult of access, in consequence of want of good harbours. If by granting another charter over a portion of their line the House had any reasonable cause to suspect or fear that the interest of Cape Breton would be endangered, they should not entertain this Bill for a moment. It is well known that there are coal mines of great value at Broad Cove, and it would be a great object to this road and to the country through which it is to pass to have a branch between the two great lines, that is, the Inverness line and the Government railway, which would promote trade and be of advantage to both. I think I can safely say, without fear of contradiction, that the piece of country extending from

Orangedale to the junction at Broad Cove would be, in a paying point of view, twice as valuable as any equal portion of the line along the shore. If you take away this line from the company or do anything to weaken their hold upon it as a security for raising funds you would be doing great injustice to the Inverness and Richmond Railway Company. I do not believe that the House will do anything of the kind. The Bill before the House is intituled "An Act to incorporate the Inverness and Victoria Railway and Mining Company," which is intended to run from Orangedale, on the Inverness and Richmond Railway route, to Broad Cove and Cheticamp. The Local Legislature, in 1887, granted a charter for that portion of the road, so there are two local charters over the line to Cheticamp. The application now is to get a Dominion charter for a line which is already covered by these two local charters, and both of the companies holding those charters are to-day protesting against the passing of this Bill, the main one on that ground that I have already stated, and the other on the ground of gross deception and fraud on the part of the promoters of the present Bill. I have in my last remark made a very serious charge, and I am going to prove it. The charterers of the Inverness and Victoria road, having confidence in Mr. Paint, requested him, I am informed, to get a Dominion Act for their company over the road known as the Inverness and Victoria Railway, including the branch from Orangedale to Broad Cove and from Broad Cove to Cheticamp. They were desirous of getting a Dominion charter for their road, and they entrusted Mr. Paint with the duty of obtaining one. What did Mr. Paint do? There are six corporators in their Act. Mr. Paint came up here and first introduced a Bill with a different name. They immediately found this out, and wrote to Ottawa about it, and he corrected it, and gave it what they considered the proper name. This lulled all their suspicions as to what he was about. He introduced his Bill in the other House with five new corporators—that is, a majority—and four of the old ones, thus taking the road out of the hands of the old corporators. Mr. Paint and Mr. Beatty are not capitalists, and it is probable that they intend to hold the charter for speculation or black mail and to embarrass *bonâ fide* capitalists

who want to build the road. The deception is that they put in five new corporators, who will have the control, while these men down below were imagining all the time that the understanding arrived at with Mr. Paint in good faith was being carried out by him. Now, if I show that, will I not have made good my charge of fraud and deception in connection with this Bill? Mr. John McKeen, the president of this last road, of which I am now speaking, is a man of substance and character in the County of Inverness. He has been warden of that county for many years, and only gave up that representative position because he did not desire to continue any longer in it. His brother represents the County of Cape Breton in the House of Commons. Mr. John McKeen, imagining that Mr. Paint was carrying out the instructions from the company up here in Ottawa, communicated with his brother in the House of Commons, and his brother helped this Bill through the other Chamber, and Mr. Hugh Cameron, M.P. for Inverness, fancying also that Mr. Paint was carrying out the wishes of the company that had employed him to get a Dominion charter for them over their road, also supported him. No one opposed the Bill, because the company having a local charter, no one thought worth while to interfere with them in getting a Dominion charter. But Mr. Paint is trying to get a fraudulent charter giving a majority of the directors to himself and his friends by which he can euvre the old directors out of their property. Mr. Paint, finding that this Bill was opposed in the Commons, wrote—I will give Mr. Paint as witness to speak against himself—to Mr. John McKeen, in Inverness, asking for his assistance to carry the Bill through the Senate. Mr. McKeen is one of the four corporators of the old company that Mr. Paint has included in the new charter. He calls this gentleman as his witness, and Mr. McKeen must be looked upon as a friendly witness. He is the gentleman that Mr. Paint appealed to for assistance and countenance. When Mr. John McKeen heard of the deception that had been practised, he telegraphed at once to the member representing Inverness as follows:—

“4th July.

“H. Cameron, Esq., M.P.

“Our company will certainly oppose Paint's getting Dominion charter. We meet 15th inst.

“JOHN McKEEN.”

That is the first sound that Mr. McKeen gives that his eyes were opened to the deception being practised on him, and here is the correspondence afterwards between Mr. Paint and Mr. McKeen:—

“OTTAWA, 1st August, 1891.

“JOHN McKEEN, Esq., Mabou.

“DEAR SIR,—I herewith enclose you a copy of the Dominion and Local charter of “The Inverness and Victoria Railway and Mining Company.”

“Dr. Cameron, M.P., after much hesitancy finally with modifications yielded his opposition in the House of Commons and Railway Committee, but has since renewed it, I regret to say, through Miller in the Senate. I cannot be mistaken as he himself told me “That he would burst it in the Senate.” Miller, yesterday, fought against its second reading, saying as a reason that he expected to receive information that would enable him to give it the six months hoist. I trust you will not aid in its defeat, as your name is in the Dominion charter, and if it passes we all will be in a much better position. Your brother here, I judge, did what he could to aid its passage, as he was present at the Committees.

“I would like you to support my hands by a telegraph. Fear nobody, act yourself.

“Yours, &c.,

“HENRY N. PAINT.”

“MABOU, August 5th, 1891.

“H. N. PAINT, Esq., Ottawa.

“DEAR SIR,—I am just in receipt of yours of 1st August, also copy of charter now before the House of Commons, Ottawa. In reply I beg to say that, at a *fall* meeting of the Directors of the Inverness and Victoria Railway Company, held at Hastings on Saturday, 1st inst., at which I presided as President of the company, the Directors were, for the first time, made aware that you were applying for a Dominion Charter under a name different from ours and the unanimously expressed opinion was that you had acted in bad faith towards the Inverness and Victoria Railway Company. No action inimical to your designs was taken by us, simply because we were under the impression that you had changed your application so as to allow the Dominion Charter to pass to the Inverness and Victoria Railway Company, as it now exists. The copy of the charter now before me, shows that we were under a false impression regarding your application. I have no doubt had we this paper before us at our meeting on Saturday last we would have taken active steps to oppose its further progress in its present shape. As it was, a resolution was passed asking me to procure a copy of the charter from Dr. Cameron, M.P., with other particulars regarding it, with a view to protecting our interests. Speaking for myself, I may say that I am not satisfied with the course you have been pursuing towards the Inverness and Victoria Railway Company, and I must ask you to withdraw my name from the application you are now pressing in favour of the Inverness and Victoria Railway and Mining Company. If a Dominion charter is a good thing to have in connection with our local charter why not have applied for it with the same names as in the local, is the query now in the minds of the Inverness and Victoria Railway Company?

“Yours truly,

“(Sgd.) JOHN McKEEN.”

About the same time Mr. McKeen wrote the following letter to Mr. Cameron, M.P.:

"CLAYTON, MABOU, 5th August, 1891.

"MY DEAR SIR,—The last mail brought me a letter and copy of Dominion and Local charter of I. & V. R. Co.

"Our company had a meeting at Hastings last Saturday. We were then informed that Mr. Paint had been applying for a Dominion charter over our ground under a different name from ours. A general feeling of indignation was manifested at what was considered Mr. Paint's bad faith with the Inverness & Victoria Railway Company, and action would have been taken at the time opposing Mr. Paint's scheme, were it not that I, under the impression gathered from your letter, informed our directors that Mr. Paint's application had been changed and the charter was now being procured in the name of the Inverness & Victoria Railway Company. I find, however, by the copy of charter sent me by Mr. Paint, that this is not the case, but that the charter is being applied for under a new name, and, I may say, a new company. I am writing Mr. Paint to-day asking the withdrawal of my name from his application, and trust the Dominion Parliament will not allow the charter to pass without giving the Inverness & Victoria Railway Company, who now holds the ground, an opportunity to at least protest.

"I am satisfied the other names of our company, &c., in Paint's application would also be withdrawn, were they informed of the nature of the application.

"Yours truly,

"(Signed) JOHN McKEEN."

"DR. CAMERON, M.P."

That is the answer of Mr. John McKeen, and I fancy it would be if the Bill was before the House of Commons again, the answer of his brother, who, instead of supporting it, would certainly oppose it. Mr. McKeen plainly charges Paint with bad faith; expresses his indignation at his conduct, and asks to have his name struck out of Paint's Bill. He also says his fellow-directors would repudiate Paint in the same way if they were informed of his conduct. Can any thing more be required to brand this Bill as a fraudulent transaction? I may say in explanation of a statement in that letter that when Mr. Paint first brought in his Bill he introduced it under the title of "An Act to incorporate the Inverness Railway and Mining Company." When objection was made to this, he changed the name immediately to the present name, and the old company fancied from the change of name that everything was all right. They were lulled into confidence and repose and took no steps to prevent the fraud which was being perpetrated in the House of Commons. I do not think anything can be more conclusive than that letter. It is because I desire to see this road completed and because I believe the people of Cape Breton think the only way to get a road along the west shore and a line to connect with the Intercolonial Railway is by supporting the In-

verness and Richmond Company, that I am opposed to the Bill which is now before the House. You have at any rate these two companies already on the ground both protesting against this Bill, one of them depending on claims of vested rights and public policy against the giving of this charter, and you have the other company, which I have just named, and under whose authority Mr. Paint is supposed to be acting, and whose route he is endeavouring to secure, also protesting against the Bill on the ground of bad faith and deception. I shall not trouble the House much longer, but I have not gone into the case as fully as I should like to have done had I been in better form to do so. However, there is one important paper which I must read before I resume my seat. If I had not made out the case I have already established, this paper alone would justify me in asking you to kick this Bill out of the House. There are five members from Cape Breton in the House of Commons, all supporters of the Government. One of them writes as follows:—

"OTTAWA, 10th August, 1891.

"MY DEAR SENATOR MILLER,—While Bill No. 136, intituled 'An Act to incorporate the Inverness and Victoria Railway and Mining Company (Limited),' was passing its stages through the House of Commons, I was led to believe by the promoter, Henry N. Paint, that he was acting in the interest of the Inverness and Victoria Railway Company (Limited), which was incorporated by the Local Legislature of Nova Scotia in 1887. Since that Bill passed the House of Commons I received some correspondence from John F. McKeen, Esq., President of the Inverness and Victoria Railway Company (Limited), which I herewith enclose, and which exposes the deception.

"In the circumstances, I may assure you that there is not a member from the Island of Cape Breton in the House of Commons that would now support the Bill.

"Yours truly,

(Sd.) "H. CAMERON, Inverness."

You have the representatives of the Island of Cape Breton in both Houses of Parliament asking you to reject this Bill in the interest of the island, and their request should be complied with by the Senate. I move, therefore, that the Bill be not now read the second time, but that it be read the second time this day six months.

HON. MR. VIDAL—I think my hon friend from Richmond is asking the House to take a very extraordinary course. Imagine a case in a court of law of a very able lawyer presenting his case on behalf



of his client and asking the court simply on his statement to decide in his favour and give a verdict against the defendant? What would be the sentiments of every honest and upright man if any court in the land would pursue such a course, and yet that is the course my hon. friend is asking this House to adopt in reference to his matter.

HON. MR. MILLER—I am moving for a non suit—a common case; but at any rate we will get a verdict in the end.

HON. MR. VIDAL—We have provided a court of sufficient integrity and intelligence to settle these matters. What does our Railway Committee exist for? Would not my hon. friend have the most ample opportunity of presenting to that committee all these alleged facts? Would he not have every opportunity afforded him in the way of postponing the committee coming to a decision in order to afford him time to correspond with distant parties? Would he not have every opportunity which a man could ask for in order to get a proper understanding of a case and to ascertain the truth or falsehood of the statements which he made? I am assured by the interested parties on the other side, who are asking for the Bill, that the majority of the statements which the hon. gentleman has made are not correct. That allegation is distinctly and plainly made. Who is to decide between the parties? Are we simply to yield to the demand of the persons opposing the Bill and to grant a verdict, without hearing a word in opposition to their statements. Are we not sure that if the committee had these matters under consideration, and the statements of the hon. gentleman from Richmond should be found to be correct, the committee would most assuredly report the preamble of the Bill not proven. Is not that the right way to proceed with the case, even admitting the truth of the allegations of the hon. gentleman from Richmond? Is this Senate to say to the community at large that any member of this body is to control the decision of this House without affording an opportunity of testing the accuracy of the charges he has made? I hope this honourable House will take the ordinary course with this Bill, and give it its second reading, and then allow the Bill to go to the Railway Committee, where it will have full

and fair consideration, and where, if the allegations which have been made against the propriety of granting this charter can be sustained, most assuredly the committee will do its duty as fairly and fully as it would be done in this Chamber. I am not disposed to go into details, but only to state the allegations of the persons promoting this Bill—that the majority of the important statements which have been made by the hon. gentleman from Richmond are not consistent with the truth, and that they can prove the assertion. I do not intend, therefore, to touch upon any of the points raised by the hon. gentleman from Richmond, but just to deal with general principles. Are we to say that these things are not to be inquired into by the committee of this House appointed for that object? I trust that the motion to give it the six months' hoist will not find favour with this House, but that the House will allow the parties asking for this legislation at least the opportunity of showing, as far as they can, that their position is a correct one—that there is no ground for the charge of falsehood and duplicity which is brought against them, and if they cannot convince the committee of their good faith and correct procedure in this matter the House may rest assured the committee can be fully trusted with reporting to the House the result of their convictions. If they should report favourably on the Bill my hon. friend would still have an opportunity of appealing to the Senate against the decision of the committee; but by all means let him go first to the committee, where he will have the opportunity of hearing evidence on both sides, and where maps and documents can be examined fully and carefully, and much better than they can be in this Chamber, in a debate on the question of the second reading of the Bill.

HON. MR. McINNES (B. C.)—The hon. gentleman who has just taken his seat has just answered the hon. gentleman from Richmond so fully and completely that this is not a time to enter into and investigate the details of the Bill before the House. But hon. gentlemen will pardon me if I say a few words on this Bill, from the mere fact that the first fifteen years of my life were spent in the County of Inverness, and such being the case I claim that I have some knowledge of the necessity

for a railway in that portion of the country that is affected by this Bill. Before doing so, however, I must refer to a few of the statements made by the hon. gentleman from Richmond, and I think they require some explanation. In the first place, I would call the attention of the House to his opening remarks. He said, in the fullest and plainest manner, and repeated it, that the Bill was passed through the other House by fraud and deception. It must have occurred to hon. gentlemen that he was paying an exceedingly doubtful compliment to the five members representing the Island of Cape Breton in the House of Commons, every one of whom is a strong and staunch supporter of the Government. The hon. Dr. Cameron, who represents Inverness County, gave very material assistance in the passage of that Bill through the House of Commons. The hon. gentlemen who represents Richmond County was also present. He never raised an objection. The two members, Mr. McKean and Mr. McDougall, from Cape Breton County, were also there. They never raised their voice against the passage of the Bill. The member from Victoria, Mr. McDonald, was also present, and he never raised an objection to the Bill. Now, if these five gentlemen did not oppose the Bill in the other House, but, on the contrary, supported it, I say it is certainly paying these gentlemen a very poor compliment when the hon. gentleman from Richmond says it was by fraud and deception that that Bill was carried through the other House.

HON. MR. MILLER—They say so themselves.

HON. MR. McINNIS (B. C.)—Surely these gentlemen are there to protect, and guard, and further the interests of their respective counties. I know these gentlemen sufficiently well to feel that they are acting, as they believe, in the true interests of their respective counties, so that I cannot conceive, and I do not think any hon. gentlemen can conceive, how this terrible fraud and deception could be perpetrated by Mr. Paint, who is painted in the very darkest hues by the hon. gentleman from Richmond. I cannot understand that Mr. Paint is such a terrible man. Certainly, to meet him and talk with him, and to know his course for years in the other

branch of the Legislature, is not sufficient to warrant that statement. However that may be, I certainly think that this Bill should not be disposed of in a summary way before this House, as the hon. gentleman from Sarnia has stated, when there is a proper place to investigate all the allegations that have been made against the passage of the measure. If the allegations are sustained before the committee, I, for one, will be in favour of voting that the Bill be thrown out. The hon. gentleman from Richmond, referring to my hon. friend who introduced this Bill, stated that he no further back than yesterday had voted against a measure on its second reading. That is very true, and I did the same; but there is this very marked difference in the Bill we had before us yesterday and the one we have before us now: the Bill of yesterday was a public Bill; this is a private Bill, and that difference alone would warrant us in throwing this Bill out on the second reading. There was a principle involved in the Bill before us yesterday; there is no principle involved in this one; we are simply to vote whether this company shall have the right to build the railway down there; so that I hold that the train of reasoning of the hon. gentleman from Richmond is not exactly correct in that particular. Now, my information on this subject is this: in 1887 two local charters were obtained to build a railway over almost the precise ground that is asked for in this Bill. The time limit was, I think, March or April, 1891. The Inverness and Richmond company's charter lapsed last spring, and they did not apply to the Local Legislature to have that charter renewed. The Victoria and Inverness company applied for a renewal of their charter to the Local Legislature of Nova Scotia and had it renewed. Now, if that is the fact, and I have it from the promoter of this Bill that such is the case, then I claim there is no analogy in the world between the two companies—in fact, there is only one company. The Inverness and Richmond company is dead, to all intents and purposes. If such be the case, I say it would be very wrong in this House to throw out the Bill at this stage, without ascertaining the truth of the allegations before the Railway Committee. The hon. gentleman states that the Inverness and Richmond company have graded 15 miles of their railway. If hon. gentlemen are

acquainted with the section of the country which that portion of the charter covers they will find that it covers the western portion of the island, and it runs almost parallel with one of the finest stretches of navigable water in the world; whereas, the Bill which is now before us asks us to give a Dominion charter to build a road from Orangedale away down into the very centre of the island of Cape Breton, to the Bras d'Or Lakes, a distance of six miles—thence down the Ainslie glen; thence along the west side of Lake Ainslie, to its north west angle, and then down to the coal fields in Broad Cove; then to retrace their steps from Broad Cove coal mines to the head of Lake Ainsley, along the north-west side of Lake Ainsley, down the Margaree River, and then to Cheticamp. They also ask us for power to build a branch from the forks of the Margaree River, following the East River to Lake Allard; thence north along Middle River to Baddeck. If the line of railway is built *viâ* Baddeck and Mabou to Broad Cove, I claim it will not develop the vast interests that are lying there latent in anything like the degree that one running through the centre of the island will. It is an unfortunate thing if the Inverness and Richmond company have allowed their charter to lapse, and the fifty or sixty thousand dollars that they allege have been spent in grading has been lost. I sympathize with them; but however that may be, I claim that it is the bounden duty of this House to pass the second reading of this Bill, and send it to the committee, where, if the hon. gentleman's charges of fraud and deception are proven, and if the committee consider that it will be a detriment to the opening up and developing of that portion of Cape Breton island, I will join hands with him and say that Mr. Paint or anybody else shall not get that charter. But I claim that this is not the time to take that position; we are bound to send it to the committee and investigate it there, and deal with it on its merits.

HON. MR. McDONALD (C.B.).—In reply to my hon. friend from Sarnia, I have to say this: that hon. gentleman, immediately after the member from Richmond had ceased making his speech, rose and stated that he had been informed that the statements made by the hon. gentleman from Richmond, in connection with this

Bill, were incorrect. I cannot see how the hon. gentleman from Sarnia could have made that statement. I am not aware that anybody in this House or anywhere else knew what statements the hon. gentleman intended to make in connection with this Bill; but when he had ceased making that statement the hon. gentleman from Sarnia rose and stated that he had been informed that my hon. friend's statements were incorrect.

HON. MR. VIDAL.—That many of them were incorrect.

HON. MR. McDONALD (C.B.).—I do not see how that could be. The fact remains that in the Province of Nova Scotia two charters exist, covering exactly the line that the present Bill covers. That statement is correct. The other statement, that a local grant had been given by the Local Legislature for the Inverness and Richmond Railway is correct. The statement that the County of Inverness had voted a subsidy of \$100,000 to the road is correct. The statement that if the Bill passes this House that the company will be unable to proceed with their line covered by their charter is also correct. It is also correct that the municipality of Inverness voted a sum of money to pay for the right-of-way for this railway, about 84 miles in length. These facts alone ought to be sufficient to justify this House in throwing out this Bill. I believe that the passage of this Bill will interfere with the building of this Railway in the County of Inverness that the people have been seeking for the last twenty or thirty years. The very fact that the Inverness and Richmond Railway company have opposed this Bill as they are doing shows this to be the case. The fact also that the Inverness and Victoria Railway Company is opposing this Bill shows that it is sure to interfere with the building of their line.

HON. MR. McINNES (B. C.).—Why didn't they oppose it where they should have opposed it—in their own House?

HON. MR. McDONALD (C.B.).—Because they didn't know it. I have also reason to believe that the Bill which Mr. Paint is promoting is only intended to build a portion of the line which the charter covers, and that they have no inten-

tion whatever of building that portion of the road from Broad Cove to Cheticamp. Their intention, as stated last year when carrying the Bill through the House of Commons, was to connect the Intercolonial Railway at Whyccomagh with the coal mines at Broad Cove, a distance of twenty-four miles. If they succeed in doing that the people of Inverness for many years to come would be unable to build the balance of the road extending from Broad Cove to Cheticamp, as well as that portion of the road from Broad Cove to the Strait of Canso. These statements were made last year by the promoter of the Bill and by the solicitor engaged to promote it for him, and I presume his object is the same this year as it was last year. I know Cape Breton as well as anybody, and I am surprised that two gentlemen in this House, one from Ontario and one from British Columbia, should speak in favour of this Bill, when the members in the Senate representing Cape Breton, as well as the members in the House of Commons representing the same part of the Province of Nova Scotia, as stated by the hon. gentleman from Richmond, are opposed to this Bill. They are opposed to it because they believe that its passage will interfere with the building of this road which the people of Cape Breton are so anxious to secure. The hon. gentleman from British Columbia stated in his speech that this road was to be built to Lake Ainsley, on the west side, then to the east end of Lake Ainsley, and then round to the west side of Lake Ainsley. I know the geography of Cape Breton very well, and I do not see how it is possible that this road should go round Lake Ainsley altogether.

HON. MR. McINNES (B.C.)—I did not state that. I said it would go down Ainsley glen.

HON. MR. McDONALD (C.B.)—If my hon friend is so anxious to have the route through Ainsley glen, I can assure him that the only way to have it is to allow the Inverness and Richmond company to proceed with the work. If he ever expects to see a road through that district his plan is to oppose this Bill and give it the six months' hoist.

HON. MR. McINNES (B.C.)—Do you know for a fact that the other company's

charter has not lapsed? Have they a charter at the present time or have they not? My information is that they have not.

HON. MR. McDONALD (C.B.)—I am told that their charter was extended in the session of 1890.

HON. MR. VIDAL—No; it expired two years ago.

HON. MR. MILLER—If it expired even last spring, is it to be supposed that the Government would oppose a renewal of the charter?

HON. MR. VIDAL—The Act incorporating the Inverness and Richmond Railway Company was passed in 1887.

HON. MR. McDONALD (C.B.)—That does not disprove the fact that the charter was extended by the Local Legislature last year, as I am informed. It would be unreasonable if it were not the fact, for it was only last year the company graded 15 miles of the road and expended \$60,000 in doing so.

HON. MR. VIDAL—These are facts which could be much more properly enquired into in the committee.

HON. MR. McDONALD (C.B.)—It was only yesterday that the hon. gentleman from British Columbia voted for the six months' hoist of a Bill that had passed the House of Commons regularly and in good faith.

HON. MR. McINNES (B.C.)—That was a public Bill and this is a private Bill; that is the difference.

HON. MR. McDONALD (C.B.)—The hon. gentleman from Richmond says that this Bill was passed through the other House in bad faith and on deceptive statements, and when the members from Cape Breton Island in both Houses are unanimously opposing this Bill here it should have some weight with members from other Provinces.

HON. MR. SCOTT—I am quite sure that the feeling in this House would be to act in the direction suggested by the members from the province when it is a local Bill. The two members from Cape Breton, who

oppose this Bill, say that all the members from their district in the House of Commons are every one of them opposing it also; but I think it is due to us, when asking us to throw out this Bill, that they should have spoken. The ordinary way of bringing before this House the fact that a Bill is opposed is by petition. That is the ordinary way. I sent upstairs this afternoon to ascertain whether there were any petitions against this Bill or not, and I am advised by the Clerk that he is unable to find any petition against it; therefore, I think it would be an extraordinarily high-handed action on our part if, at the inception of this Bill, we should throw it out on the representation of facts made by the hon. gentlemen from Cape Breton. If the hon. members from Cape Breton could show that it was in the interests of that part of Nova Scotia that the Bill should be thrown out I have no doubt that the Senate would do so. There appears to be a rivalry between two companies, one which has done something substantial and the other whose charter has expired. I think the matter would be more fairly inquired into before the Committee on Railways, and it would be an extraordinary course to take in regard to a Bill of this kind to throw it out on its second reading.

HON. MR. McINNES (B.C.)—This Bill does not cover that portion of the road on which grading was done.

HON. MR. SCOTT—I feel like many other hon. gentlemen here. We are exceedingly anxious to do what is best in the interests of Cape Breton, and I think it is only fair to us that the Bill should go to the Railway Committee; and if the statements of hon. gentlemen are shown to be facts, and can be successfully demonstrated, the Bill should be thrown out in the ordinary way.

HON. MR. McDONALD (C.B.)—I have before me the Acts of Nova Scotia for 1890, which show that the charter of this company was extended on the 15th of April, 1890.

HON. MR. McINNES (B.C.)—For one year, was it not?

HON. MR. McDONALD (C.B.)—I believe so.

HON. MR. VIDAL—Then I have been misled.

HON. MR. ALLAN—Anybody who has listened to the very forcible way in which the objections to this Bill were presented to the House by the hon. gentleman from Richmond must feel that there are very strong grounds for the course he proposes to take; and I would like to know whether the hon. gentleman from Halifax (Mr. Almon), who introduced the Bill, can state to the House that he is prepared to bring any evidence before the committee, supposing his Bill is allowed to go there, to meet the statements which have been made against it? The hon. gentleman from Ottawa said just now that he had ascertained there were no petitions against the Bill. I do not think that that amounts to very much, for if the statements made by the hon. gentleman from British Columbia are correct it is not likely there would be any petitions against the Bill; because, according to his statement, up to within a very short time those who are interested in those lines of railways were not at all aware of the nature of the Bill which has passed the House of Commons, and which now comes up to us. According to the statements of the hon. gentleman from Richmond, the members of the other House were deceived as to the character of the Bill, and it is not at all likely that they would have petitioned against it.

HON. MR. MILLER—Not my statements, but the statements of the president of the company over whose route they desire to take this line, and the statement of one of the members of the House of Commons, speaking for the other five, two of whom are now before the bar.

HON. MR. ALLAN—I take the statement as made by the hon. gentleman from Richmond, or whoever it was made by. Really, I do not think after all it is of such importance as to take up a great deal of the time of the House, because, unquestionably, if all the allegations made by the hon. gentleman from Richmond are established before the committee, the committee will kick the Bill out in a short time. Before I decide which way I shall vote I would ask the hon. gentleman from Halifax if he is prepared with any evidence or any statement to be laid before the

committee which would make it desirable in any way that we should suspend our judgment?

HON. MR. ALMON—I may state that if the information which I have received from the promoter of the Bill is true, and I have no reason to think that it is not, it is quite contrary to what the hon. gentleman from Richmond has said. But that does not show that the hon. gentleman from Richmond is wrong or that my friend is right; it shows, however, the necessity of the matter being tried at the proper tribunal. There is not one hon. gentleman who has spoken whose arguments have not tended to establish one fact, and that is, that this is not the proper place to investigate this matter. Allegations have been made on one side and denied on the other. The hon. member from Richmond stated that he had a telegram from Dr. Cameron, the member for Inverness, stating that all the members from Cape Breton agree with him. He does not say that they had a meeting to that effect. Perhaps, if we had a meeting of the committee we might find out that this telegram represented Dr. Cameron's views solely. There is no proof that the telegram of Dr. Cameron was authorized by the other members of the House. We require some proof of these allegations, and the proper place to have that proof is in the committee. If anything is proved to support the statement of the hon. member from Richmond I shall be one of the first to throw up the Bill and have nothing more to do with it; but I must have proof of the truth of these allegations before doing so.

HON. MR. POIRIER—The proper place to investigate this matter is in the committee, and although reserving my final vote I shall on this occasion vote for the second reading, so that it may reach the Committee on Railways. It is alleged that members of the other House were taken by surprise. We might ourselves be taken by surprise also if we were to throw this Bill out without further investigation. The allegations made by the hon. gentleman from Richmond are certainly very serious, but I think we should see for ourselves that we are not taken by surprise. It is certainly strange that this Bill, about which certainly the necessary notices must have been given in the *Official Gazette*,

and I believe in the local papers, should only meet with opposition at this stage. It is strange that, so many persons being interested in it, none of them should have read the notices or known anything about the measure.

HON. MR. MILLER—The whole thing has been explained by the letters which have been read from the president of the Inverness and Victoria Railway Company. They were deceived all through.

HON. MR. POIRIER—They should not have been deceived; they were guilty of laches themselves. They should not have put us in the delicate position of coming to us after the Bill has passed the other House and asking us to reject it in this way. It is but just to ourselves, to the company and to the other House that the bill should go to the committee and be there discussed thoroughly. For myself, I shall reserve the right to vote against the Bill if it should be established that anything wrong has been done, but I will give those gentlemen fair play, and ourselves an opportunity of discussing the Bill where those charges can be more properly investigated, in the Committee on Railways.

HON. MR. KAULBACH—I do not agree with the hon. member from Sarnia that the course taken by my hon. friend from Richmond is extraordinary. I think he has made a statement here of circumstances which justify this House in throwing out the Bill. He has very carefully verified his statements with regard to the deceit and fraud practised by the promoter of the Bill, and his statements have not been impugned. The authenticity of the letters that he has read is not questioned, and, it seems to me, cannot be questioned. I know that my hon. friend from Richmond is not likely to submit any incorrect statement to the House. We entered the Local Legislature together in 1863, I think it was, and I know he has been always a strong advocate for justice to Cape Breton. I believe on this occasion he is earnest and sincere in his belief that the passage of this Bill will defeat railway enterprise in that direction. He feels sure that this Bill, if passed, would destroy an important railway now under construction. There is conclusive evidence here, I take it, that those gentlemen representing the Inverness and Vic-

toria Railway aided in the promotion of this Bill under the impression that it was simply giving a Dominion charter to a company which had been organized under local legislation. There is clear evidence here that there is a violation of that agreement, and that the promoter of this Bill is seeking to deprive the owners of the charter of their rights and take the enterprise out of the hands of those who at present control it. When I find the whole of the representatives from Cape Breton opposed strenuously to this Bill, when we have the representative of Inverness, the largest county in the island and the one through which the greater part of this railway is to pass, coming here and stating that the Bill passed through the other House under a misapprehension of facts and contrary to the wishes of those holding both of the local charters, and when we are assured that that is the view of every member representing Cape Breton, I feel that the Bill should not receive the sanction of this House. I know Dr. Cameron, and he is a gentleman who would not put his name to any document without fully understanding and being prepared to take all the consequences of doing so; he would not say that he spoke the opinion of all the representatives of Cape Breton if he had not good reason for saying so. My hon. friend from New Westminster assumes to have more knowledge of the the island of Cape Breton than anybody else, although he admits that he was only 15 years old when he left the island. I know something of the island myself, having visited it much more recently. My hon. friend from Richmond furnished evidence which justified his opposition to the Bill, and when the hon. member from Sarnia says that these are simply allegations he does not do justice to the evidence that has been submitted. To my mind, it has been clearly established that the Bill received support in the House of Commons and passed by deception and fraud. I felt when my hon. friend made such a bold assertion that he must be justified in doing so by the facts, and he has established every charge. I know the necessity for a railway in that portion of the island, and I feel that the passage of this Bill would destroy the prospects of getting one. It would take this project out of the hands of the people who hold the charter now—it is contrary to the wishes of the people of Cape Breton.

I feel assured that the consequence of passing this Bill would be the destruction of this charter and the loss to the people of the benefits of a railway. The gentlemen interested in this railway have spent some fifty thousand dollars in promoting the project so far, and they have received assistance from the County of Inverness to the extent of one hundred thousand dollars, an extraordinary thing in Nova Scotia. Fortified as they are by the unanimous opinion of the representatives of Cape Breton in both Houses of Parliament we would be justified in throwing out this Bill.

HON. MR. O'DONOHUE—Does my hon. friend think that a reference of this Bill to the committee would insure its passage through the House?

HON. MR. KAULBACH—I say we are justified, from the facts that we have before us, in throwing out the Bill. I do not say what the result would be of sending it to the committee, but I think it is useless to go before the committee when my hon. friend from Richmond has fortified his position and justified the motion he has made by the evidence he has produced.

HON. MR. DEVER—As seconder of the motion for the second reading of the Bill, I wish to say that I have no particular interest in it, more than to see justice done to the parties on both sides. I have had experience enough in the world to know that mere declarations or allegations of any party who may feel aggrieved on a subject are not conclusive evidence. It is but fair play to the parties on both sides that they shall be given an opportunity to be heard. We have heard the opposition to this Bill by a gentleman who is known to be able as a lawyer, and has taken a legal position in this House before a large number of laymen, who are not technically educated to seize the strong points pertaining to a measure of this kind. I feel that it is our duty, as men who are anxious to do what is right, to allow this Bill to go to committee, where there will be an opportunity of hearing the witnesses and having them examined by lawyers who will be able to grapple with the subject and bring out every important point on both sides. I think it is due to ourselves in this House, due to our honour, that we shall not take

the mere declarations of any party, no matter how much we may respect him as a member, when the characters of other gentlemen are placed in a questionable position. It has been stated that this measure has been promoted by fraud and deception. Surely that is sufficient ground for an investigation. We have not sufficient evidence here to show whether those charges are true. The only place to deal with the question is in the committee room, where a thorough investigation can take place and the result be reported to the House. Under the circumstances, I shall vote for the second reading of the Bill, and I hope that a majority of the House will vote in the same way, so that the matter may be fairly and satisfactorily settled.

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

## CONTENTS :

## Hon. Messrs.

Abbott,	McMillan,
Bolduc,	Macdonald (Victoria),
Boulton,	MacInnes (Burlington),
Clemow,	Masson,
DeBlois,	Miller,
Girard,	Ogilvie,
Guéremont,	Read (Quinté),
Howlan,	Ross,
Kaulbach,	Smith,
McDonald (B.C.),	Sullivan,
McKindsey,	Tassé.—23.
McLaren,	

## NON-CONTENTS :

## Hon. Messrs.

Allan,	Montgomery,
Almon,	O'Donohoe,
Armand,	Pâquet,
Bellerose,	Pelletier,
Chaffers,	Perley,
Dever,	Poirier,
Flint,	Power,
Grant,	Prouse,
McCallun,	Reesor,
McCleian,	Scott,
McInnes (B.C.),	Stevens,
McKay,	Vidal,
Macdonald (P.E.I.),	Wark.—27.
Merner,	

The original motion was agreed to on a division, and the Bill was read the second time.

## NORTH-WEST TERRITORIES REPRESENTATION BILL.

## CONSIDERATION POSTPONED.

HON. MR. ABBOTT moved that this House resolve itself in a Committee of the

Whole on Bill (148) "An Act further to amend the North-West Territories Representation Act."

HON. MR. McINNES (B.C.) moved in amendment:

That it be an instruction to the committee to amend the said Bill by adding thereto such provisions as are necessary to incorporate with "The North-West Territories Representation Act" the provisions of "The Dominion Elections Act" relating to voting by ballot, and also such provisions as are necessary to repeal or amend the provisions of "The North-West Territories Representation Act" conflicting with such provisions of "The Dominion Elections Act" as may be so incorporated.

He said: It will be remembered that when the Bill was up for the second reading I mentioned that I proposed moving an amendment in the direction of having the ballot extended to the North-West Territories. Since that, I have come to the conclusion that it would occupy less time by following the course that I have now adopted. I propose to take the sense of the House now, instead of proposing the amendments in Committee of the Whole. That is the reason why I have adopted this mode of testing the sense of the House, not to oppose or retard the passage of the Bill, but to expedite it.

HON. MR. KAULBACH—I think my hon. friend has hardly considered the cost that his amendment would entail on the Dominion. The qualification of the electors in the North-West Territories is quite dissimilar to that in any of the provinces.

HON. MR. POWER—It is the same as in Manitoba.

HON. MR. KAULBACH—But different from the qualification in any of the other provinces. My hon. friend does not consider the cost of bringing the machinery into action in the North-West Territories in order to establish the ballot there. I do not think it is wise at the present time that he should do so. The country is hardly ripe for it. I am not very much enamoured of the ballot, and I believe the simplest and best system for that country is open voting. Unless my hon. friend can show that his proposal will not entail any expense on the Dominion Government I think the House should not support his Bill. Open voting is the safest way in that country; every man knows what he



is doing. You will find that there is deception and fraud practised under the ballot, and therefore open voting is best for a simple people like those in that country.

HON. MR. ABBOTT—I presume there will be some discussion on this measure, and I therefore move that the debate be adjourned until to-morrow.

The motion was agreed to.

### STEAMBOAT INSPECTION ACT AMENDMENT BILL.

#### THIRD READING.

HON. MR. ABBOTT moved that the House do concur in the amendments made in Committee of the Whole to Bill (85) "An Act further to amend the Steamboat Inspection Act."

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

#### THIRD READINGS.

Bill (156) "An Act further to amend the Customs Act." Mr. Abbott.)

Bill (157) "An Act to amend the Petroleum Inspection Act." (Mr. Abbott.)

The Senate adjourned at 5:45 p.m.

### THE SENATE.

*Ottawa, Wednesday, August 12th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### WESTERN COUNTIES RAILWAY BILL.

#### ENQUIRY.

HON. MR. WARK enquired of the Government :

What was the whole amount expended by the Government for construction or other purposes on the railway from Digby to Annapolis, up to the time it

was handed over to the Western Counties Railway Company, and on what conditions it was transferred to said company ?

HON. MR. ABBOTT—The Government have expended for construction and other purposes on the railway from Digby and Annapolis up to the date on which the Western Counties Railway ran their regular train over the road, on the 27th July, 1891, the sum of \$599,295.65. As no transfer is necessary to the company no formal transfer has been made, and it is only from report of the resident engineer that the Government are aware the Western Counties Railway Company are operating the road.

#### BILL INTRODUCED.

Bill (140) "An Act in restraint of fraudulent netting." (Mr. Abbott.)

### THE MINISTER OF PUBLIC WORKS.

#### ENQUIRY.

HON. MR. SCOTT—Before the Orders of the Day are called, I would ask the leader of the Government whether the office recently held by the Minister of Public Works has yet been filled up ?

HON. MR. ABBOTT—No, it has not been filled up, but a Minister has been appointed to take charge of it as Acting Minister of Public Works, my hon. friend, the Hon. Mr. Smith.

### THE COMBINES BILL

#### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (15) "An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade."

(In the Committee.)

On the first clause,—

HON. MR. VIDAL moved that the following be added as a proviso to the first clause: "provided that nothing in the said Act shall apply to business arrangements or transactions which are not to the detriment of the public interest." He said: The object of this House last year in inserting the words which are now proposed to be stricken

out was simply to attain the precise end which I think would be reached by the insertion of these words. I do not think the House would be prepared to withdraw from the position which it took last year after very mature deliberation, that it is not the intention to punish the arrangements between business men which might come under the title of combinations which are perfectly fair and honourable and have no ill effects resulting from them, and it is therefore in full harmony with the intention of the person introducing the Bill even in the other House.

HON. MR. ABBOTT—I understand that the original Act provides severe penalties in the event of persons combining for the purposes detailed in the Bill, and the language of the clause is such that the Bill as it originally stood would, in my opinion, and in the opinion expressed twice in the Senate, apply to matters which are perfectly innocent and correct in themselves; whereas, the object of the Bill, of course, was to punish severely combinations formed against public policy or in restraint of trade, or in any other way affecting the public interest. The Senate put in the words “unduly and unreasonably,” with a view of confining the operation of the Act to transactions which improperly affected trade. That was the form in which the Senate chose to put their exception—that is to say, acts which did not unduly and improperly affect trade they wish to leave lawful, as they were before, and as I think they ought to be. It was with that view that the words “unduly and unreasonably” were inserted in the former Bill. Now, I think the chief difficulty with those words has been that they were misunderstood. It was thought that they interposed some obstacle to the punishment of combinations which were unlawful and which unduly affected ordinary commercial transactions, whereas in my opinion they did not. But as the matter has come before us a third time, it has been considered by those who are in favour of retaining those words and by those who are desirous of excluding them, how far they could arrive at some phrase that would meet what they both desire—that is to say, to punish unlawful combinations which operate against the public interest, but not to affect reasonable and ordinary commercial transactions, and I think all the parties on both sides have agreed to this clause as effecting this object. That is to say, under this proviso the Act as it stood

cannot be construed as applicable to perfectly regular and innocent transactions, but will be confined, as all parties intend it should be confined, to combinations tending to affect prices and supplies. In that sense I think all those who have interested themselves in the Bill before us are satisfied that this clause will be sufficient for all purposes.

HON. MR. POWER—Do I understand from the hon. gentleman that the promoter of the Bill has assented to this amendment?

HON. MR. ABBOTT—I understand so.

HON. MR. McCALLUM—As far as the promoter of the Bill in the other House is concerned, I am willing to get anything I can. I remember two years ago, when the Bill came from the other House, it was emasculated here so that it was rendered of no use. Last year a Bill was introduced to amend it, and it was thrown out by the Senate again. There can be no objection to the amendment now proposed, for I think it will have the effect of satisfying everybody at present.

HON. MR. MILLER—The explanation by the Prime Minister is a very acceptable one to the House. My difficulty was with regard to the amendment; I did not understand what the proposed amendment was. I have since been shown it by the hon. gentleman from Sarnia, and I think it meets the case very fully, and it ought to be satisfactory to this House that we are not called upon for the third time to reject a Bill sent from the House of Commons with regard to this question. The gentleman in charge of the Bill and those desiring the amendment deserve the thanks of the House for having brought about this compromise, which seems to give satisfaction to all parties.

HON. MR. POWER—I do not rise to oppose the amendment, as I understand the promoter of the Bill has accepted it, but I think that the Act as it is now is just as useful for its purpose as it will be when we have passed this amendment to-day. The Act provided that every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully, &c., &c. I think that the common law describes, and certain statutes, I fancy

describe the things which are not lawful, and which could not be done, and when one comes to look at it, the things which are not to be done are objectionable in themselves.

"To unduly limit the facilities for transporting, producing, manufacturing, storing or dealing in any article or commodity which may be a subject of trade or commerce ; or,

"To unduly prevent, limit or lessen the manufacture or production ; or to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article, &c."

By the amendment which is now proposed by the Bill before us we are taking it away from the comparatively safe ground of the existing common law and old statutes, and we are left in every case to find out whether the thing which is proposed to be done is to the detriment of the public interest. Hon. gentlemen are aware that on that point there will be a very great diversity of opinion. There are some people who think that these combinations as a general thing are very good things. I think it is not at all improbable that the hon. gentleman who sits behind the Premier (Hon. Mr. Drummond) is one of those gentlemen who think that combination is a very good thing indeed.

HON. MR. ABBOTT—I can answer my hon. friend that the hon. gentleman he refers to does not think anything of the sort : that he is as much against combination as the hon. gentleman from Halifax.

HON. MR. POWER—The hon. gentleman is supposed to be interested in an extensive combination, and one of the combinations which has excited a great deal of adverse criticism and attention throughout the country. The statement made by the Premier goes to show in what position we shall be after we pass this Bill as amended. We shall be thrown back into a position of doubt as to whether such-and-such a combination is a good thing or not, and I do not think myself that after we have done with the law and amended it by the Bill which we are now about to pass that it will be a bit more effectual than it is at present.

HON. MR. VIDAL—If I confined myself to a very few remarks it was because I thought the proposition was so very reasonable and so plain that it would meet with no objection whatever on the part of the members of this House. As it seems to be other-

wise, the House will permit me to read an opinion on this question of a very high order. I have here the opinion of Mr. B. B. Osler, a barrister of very high standing in Ontario, and his opinion is—

HON. MR. MACINNES (Burlington)—Is that opinion paid for ?

HON. MR. VIDAL—I presume it is. It will be admitted, however, that the opinion is from a high authority, and it will be as well, as I have shown it to the hon. gentleman from Richmond, that all the members of the House should be acquainted with it. It is as follows :—

"It would only be safe to strike out 'unduly and unreasonable' of section one if a new section is added to the Bill. Then it gives the new section, 'nothing in this Act shall apply to business arrangements or transactions which are not to the detriment of the public interest.'"

That is the opinion of a very high legal authority, that without the insertion of this clause it would be unsafe. I am also able to say that Mr. Geoffrion, an equally eminent lawyer of Montreal, in the Province of Quebec, gives a full written opinion, closing with these words :

"Further, if the following were added as a final clause, 'nothing in the Act shall apply to business arrangements and transactions which are not to the detriment of the public interest,' I am satisfied that the Bill would be unobjectionable."

These two very high legal authorities show that the amendment which is proposed is really necessary, and it seems to me it is not interfering with the real object of the promoters of the Bill, which is the suppression of improper combinations by which the business of the country is interfered with.

The amendment was agreed to.

HON. MR. POIRIER, from the committee, reported the Bill with an amendment.

HON. MR. MCCALLUM moved that the amendment be concurred in.

The motion was agreed to.

## WINNIPEG AND HUDSON BAY RAILWAY CO.'S AGREE- MENT BILL.

AMENDED IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (119) 'An Act respect-

ing a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company."

(In the Committee.)

On the fourth clause,—

HON. MR. ABBOTT—I gave notice of an amendment to this Bill, and I do not know whether there really is any misunderstanding, but I wish that there may be no mistake about it in the House as to my view in making this amendment. There has been some discussion, a good deal of discussion, as to whether this Bill is for a colonization railway or not, and I wish it to be understood that the Government are giving aid to the road as a road that will assist colonization; and in coming to a decision under the power which I propose to ask the House to grant to the Government by this amendment the Government will be guided in a large degree by the consideration of the advantages which the proposed road will offer for colonization purposes. I say in a large degree, because, of course, they would not insist upon impossibilities, or difficulties which would amount to impossibilities; but the governing principle in their decision will be as to the route which is best fitted for colonization purposes. I move that the clause of which I have given notice be added to the Bill, as follows:—

The line of railway to be constructed by the said company south of the Saskatchewan River shall not be commenced until the location thereof shall have been approved by the Governor in Council.

The clause was agreed to.

HON. MR. MERNER, from the committee, reported the Bill as amended.

### SECOND READINGS.

Bill (S) "An Act to further amend 'The General Inspection Act.'" (Mr. Abbott.)

Bill (T) "An Act to make further provision respecting Weighers of Grain." (Mr. Abbott.)

### SEA FISHERIES AND FISHING VESSELS BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (152) "An Act to amend Cap. 96 of the Revised Statutes, intituled: 'An

Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.'" He said: This Bill is for the purpose of increasing in a slight degree the amount payable to fishermen as bonuses. The amount at present under the law is \$150,000; the business of the fisheries increasing, the needs in that respect render it necessary to have the amount slightly augmented, and it is proposed that it be made \$160,000 for the present year. The second clause is merely a formal one, extending the powers of fishery officers under the Fisheries Act, giving them power to act as justices of the peace under this Act.

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

### SECOND READING.

Bill (144) "An Act further to amend the Indian Act." (Mr. Abbott.)

### NORTH-WEST TERRITORIES REPRESENTATION BILL.

#### THIRD READING.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Abbott to go into Committee of the Whole House on Bill (148) "An Act further to amend 'The North-West Territories Representation Act,'" and on the motion of the Hon. Mr. McInness (B.C.):—

That it be an instruction to the committee to amend the said Bill by adding thereto such provisions as are necessary to incorporate with "The North-West Territories Representation Act" the provisions of "The Dominion Election Act" relating to voting by ballot, and also such provisions as are necessary to repeal or amend the provisions of "The North-West Territories Representation Act" conflicting with such provisions of "The Dominion Elections Act" as may be so incorporated.

HON. MR. ABBOTT said: In moving the adjournment of the debate yesterday, I hope the House did not anticipate that I proposed to inflict a speech upon it, but we were so near the termination of the afternoon sitting that I preferred to get through the routine work and defer my explanation till to-day. The amendment which my hon. friend from British Columbia proposes has reference to the incorporation of the ballot system with the North-West Territories Representation Act. That subject is one, of course, which we shall have to deal with sooner or later, and it has already attracted the attention of the Government and has received full consideration. There is no doubt that the ballot system over

a large territory like that will prove to be very troublesome and expensive, and it does not appear to be desired by the people of those Territories. With a view to getting further information on that subject before deciding what we should do in the matter, we determined to leave the matter open until the Legislature of the Territories had expressed its own opinion by adopting or rejecting the ballot system, which it is empowered to do by the Bill now before Parliament amending its constitution. It was thought that if the power were given to the Territories to deal as they pleased with the mode of election in their country we might safely adopt that at all events, if not as conclusive, at least as a guide to what we should do in the matter. If they desire the ballot system we are giving them the power to enact it if the House passes the Bill at present before it; and when they exercise that power one way or the other we can if we choose (and we probably shall) follow their example. If they, who are on the spot and know the circumstances and know the advantages and disadvantages, of the system as applicable to that sparsely-peopled territory, desire to have the ballot system, we shall enact it with respect to the election of our own members. I infer that there is no desire of that kind, since this Bill has passed the other House without any suggestion that the ballot system should be adopted, and I would remark, with regard to that point, that it is not usual for this House to interfere with the regulations which the House of Commons makes with regard to its own constitution. This is a measure respecting the constitution of the House of Commons, the mode of election of the representatives of the people who sit in that House, and it is one which is peculiarly within their functions to regulate. We probably have never desired, and probably will not now desire, to make any change in the mode of election of members of the House of Commons that is distasteful to or not desired by that House. It would be an unusual thing for us to interfere in that way, for these two reasons: In the first place, that Government have thought it desirable to let the people speak on the subject of the ballot in that country, we proposing to give them the power to decide definitively on the subject as respects their own Legislature; and in the second place, that this is a matter which the House of Commons itself has abstained from

interfering with, and as to which no desire has been expressed by the representatives in the House of Commons from those Territories to have altered—that it would be better to leave the matter for the present until the House of Representatives of the North-West Territories has itself expressed its wishes, and in that case the Government will be prepared to act immediately on that expression. Perhaps, therefore, my hon. friend would not persist in his motion just now, and will allow this Bill to pass, which has no relation to the ballot system, but which is a useful Bill, should there be any contests, and postpone the discussion of this ballot question as applicable to the North-West Territories until we shall know a little more of the desires of the people of those Territories.

HON. MR. SCOTT—I gather from the hon. gentleman that if the Legislature should express a desire for the introduction of the ballot the Government are prepared to introduce it.

HON. MR. ABBOTT—Yes.

HON. MR. SCOTT—That, I suppose, is satisfactory.

HON. MR. McINNES (B.C.)—Of course I am bound to yield to the request of the leader of the Government when he asks me to postpone this amendment, but I may say that I have been informed by very good authority that there is a desire—a very strong desire, on the part of the people of the North-West Territories, that the ballot should be introduced, and that it was the intention of the late Government to have introduced a Bill providing for the ballot. No later than yesterday a couple of representatives of the western Territories spoke to me on the subject, and stated very plainly that they were in favour of it, and one of the representatives in this House from the North-West Territories, a few years ago, when the North-West Territories Representation Act was before the House, voted for it. As far as the great area to be provided with the ballot and machinery necessary to carry out the ballot successfully in the North-West Territories are concerned, I think that the difficulty is no greater—in fact, it is not so great as in the Province of British Columbia. We have the ballot there in a country extending

600 miles from north to south and an equal distance from east to west. I will not insist on having an expression of the opinion of the House at the present time, but will withdraw my motion, hoping that the Government will before long introduce the ballot in the North-West.

HON. MR. ALMON—I cannot allow this occasion to pass without again entering my protest against the ballot system. I think no man can feel more contemptible than when he goes to give his vote by ballot. Under the old system he went up like a man to vote, and showed that he was neither afraid of the mob nor of the persecution of the rich. What must he do now to record his vote? He must feel as a man does who goes into a country where the Scott Act prevails, and wants a drink—he is put in a dark corner, where he takes his drink, and then he goes out and feels very contemptible. In Halifax everybody knows how I am going to vote, yet when I reach the polling booth I am sent into a little place, which is curtained off, and I am given a pencil and left alone to make my mark, and then I come out like a dog with his tail between his legs. Is that the way a man should record his vote when there are questions of great public importance to be decided? The laws adopted by the Conservatives providing for a sufficient number of polling places prevents the mob interfering. Suppose I owe a man \$10,000 in Halifax, and paid him the interest regularly, and he tells me that I must vote in a certain way, what can he do if I refuse? I simply have to say “If you say much, I will borrow money and pay you off,” and he puts his hand to his hat and says you can vote as you please. I hope in the near future that the Conservative Government will do away with the ballot. I can assure the hon. gentleman who leads the Government that if he will bring in what I call a real Conservative measure he will not have a more faithful follower in this House than the junior member from Halifax.

The amendment was withdrawn, and the House resolved itself into a Committee of the Whole on the Bill.

HON. MR. ARMAND, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 4.15 p.m.

## THE SENATE.

*Ottawa, Thursday, August 13th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## CUSTOMS ACT AMENDMENT BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (156) “An Act further to amend the Customs Act.” He said: This is a technical verbal amendment to the Customs Act, striking out the provisions respecting the bonding of sugar, which are no longer necessary.

HON. MR. POWER—The second clause of the Bill deals with the warehousing and bonding of such cattle and swine as may be slaughtered and cured in bond, &c. The first clause of the Bill repeals the clause relating to sugar, and as to the other one, I simply wish to know whether this is a new power—whether the Government propose to allow the slaughtering of cattle and swine in bond, or otherwise.

HON. MR. ABBOTT—There is no new provision with regard to cattle or swine.

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

## PETROLEUM INSPECTION BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (157) “An Act to amend the Petroleum Inspection Act.” He said: This is a simple provision relieving petroleum required for lubricating purposes from inspection.

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

## THIRD READINGS.

Bill (119) “An Act respecting a certain Agreement therein mentioned with the Winnipeg and Hudson Bay Railway Company.” (Mr. Abbott.)

Bill (S) “An Act to further amend the General Inspection Act.” (Mr. Abbott.)

Bill (15) "An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade." (Mr. McCallum.)

Bill (T) "An Act to make further provision respecting Weighers of Grain." (Mr. Abbott.)

## FISHERIES ENCOURAGEMENT BILL

### THIRD READING.

HON. MR. ABBOTT moved that the House do go into Committee of the Whole on Bill (152) "An Act to amend Chap. 96 of the Revised Statutes, intituled 'An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.'"

HON. MR. MILLER—This Bill passed the second reading yesterday while my attention was engaged in something else, and I did not make an observation or two with regard to it which I consider called for. In the first place, coming from one of the maritime provinces largely interested in the fisheries and from a section chiefly engaged in that industry, I desire to express my gratification at the Bill before the House and at the policy of the Government with regard to the encouragement of our hardy race of fishermen, who contribute so much to the prosperity and wealth of this country. I recollect when this subject was first brought before Parliament by Sir Charles Tupper the bounty was granted only for one year, and was said to be done then merely for electioneering purposes. However, the Government then said it was their intention to establish a permanent bounty, and there was introduced the following year in the other House and placed on the Statute-book a measure appropriating \$150,000 a year towards the fishing bounty. That assistance has been hailed by the fishermen of this country as a very great boon indeed, and I am sure the additional sum now given will be received by them in the same manner. What I wish, however, particularly to say, is this: I do not wish the impression to exist among hon. members in this House that this money comes out of the treasury of Canada and is raised from the taxation of the people. The House will recollect that some years ago, under the auspices of the late Prime Minister of this country, the Treaty of Washington was negotiated, and

under that treaty provision was made that an arbitration should take place under which the value of the fisheries of Canada, in excess over the advantages given to us by the freedom of the fisheries of the United States and of their markets, should be decided, and if anything were found to be due it should be paid over to the Government of Canada. The arbitration took place, and the sum of \$5,500,000 was decided to be due to Canada under the treaty. One million of that sum was appropriated as the share of Newfoundland, leaving \$4,500,000 as the share of the fishermen of Canada. A large sum, of course, was paid out in expenses connected with the arbitration, and I daresay the treasury of Canada did not receive much more than four millions of that money. Although the treaty of Washington was negotiated a year before the Mackenzie Government came into power, and it was under the latter Government that the arbitration took place, the provision for the arbitration was secured by Sir John Macdonald at Washington. When this money was received, as I have said, one million dollars was paid over to Newfoundland, and it was asked if it was the intention of the Government to apply these remaining \$4,000,000 in the interests of the fisheries of Canada. Mr. Mackenzie replied emphatically in his place in Parliament that it should go into the consolidated revenue of the country and stay there, as I think the official report of that time will show. He was not willing to do that justice that the people of the maritime provinces thought should be done to the fishermen of Canada, and appropriate that large sum of money in some way to foster and encourage the fisheries of this country. However, when the Government of Sir John Macdonald came into power they took up this question and made an appropriation of \$150,000, which was nearly the interest on the money in the Canadian treasury belonging to our fishermen, and now we have it increased to \$160,000. That would be four per cent. on the four millions of dollars received from the American Government—about the amount which the fishermen should have received from the outset. This money belongs to the fishermen. It was money which was received by Canada on an arbitration of their rights and is, I repeat, in no way a tax upon the people of this country. That is a point that I wish clearly understood—that we are not getting this as a bonus out of the treasury of Canada,

but only getting the interest on money belonging legitimately to the fishermen of Canada which has been for some years in the treasury of the Dominion.

HON. MR. DEVER—You mean the maritime provinces, of course?

HON. MR. MILLER—Of course—the deep-sea fisheries of Canada.

HON. MR. KAULBACH—I do not know that I can add anything to what my hon. friend from Richmond has stated, but coming, as I do, from a county that earns a larger proportion of this money than any other county in Nova Scotia, I may say I am much obliged to my hon. friend for his expression of the appreciation of the grant by the Government of this money. We are glad to know that the development of the fisheries is so great that an increase in the subsidy to vessels and men is necessary. There has been a deficiency in the amount every year, and although this will not add to the amount that any vessel will get, it will not leave a deficit. It will satisfy at least the present claims upon that fund. I will not allude to the value of the fisheries, and, as my hon. friend says, the legitimate rights which they have; but certainly it is a sum of money which the fisheries have earned and which they are justified in receiving. Therefore, coming from a county largely interested in fostering that industry, I am glad to see that the Government have increased the bounty.

HON. MR. REESOR—It seems to me that while the fisheries are a Dominion property the proceeds and profits over and above what the fishermen earn or the merchants engaged in trade of the moneys obtained from the neighbouring Government for certain rights that have been ceded them, and in return for which the fishermen of the eastern provinces get the benefit of a free market from the United States, should go into the Treasury of the Dominion.

HON. MR. MILLER—Hear, hear! That is the Liberal doctrine.

HON. MR. REESOR—Supposing that Ontario should claim, or any other province should claim, the right to any moneys that accrue through negotiations with regard to

the shipment of timber or the shipment of agricultural products, what would the maritime provinces say? These things all contribute largely to the revenue of the Dominion. They encourage an industrious population, who pay a large share of the taxes. The fishermen, no doubt, are a valuable portion of the Dominion, and their products while they supply the home consumption and to a considerable extent are a valuable export, I do not see that it should involve the necessity that everything the Dominion can claim from the fisheries under an arbitration such as was held between Canada and the United States should certainly go to the fishermen of the eastern provinces for their special benefit, as though it were not a Dominion matter, because when the fisheries require to be protected the Dominion is called upon to afford that protection. If poaching is done upon the fisheries by our American neighbours, or by anybody else, the Dominion Government is called upon to provide against it at a large expense every year, and vessels are sent out to prevent it. I cannot see the propriety of claiming all that as necessarily the right of a portion of the Dominion, and not common to the whole. The Dominion not only negotiated a new treaty which was for the benefit of all the provinces of the Dominion, but, when a settlement was to be made, and it was left to arbitration, whatever came out of that arbitration came to the Dominion.

HON. MR. MILLER—According to the same reasoning, the North-West police ought to be supported by that country out there.

HON. MR. REESOR—I do not mean to say that bounties ought not to be provided for the fishermen; encouragement ought to be given to them, as to agriculture or manufacturers, but I do not admit that the sum received from the United States under the Washington Treaty should be set apart especially for that purpose. I put it on the ground that the general interest demands a proper encouragement of the fisheries, and of our hardy seamen, so that in the event of our requiring men to man our war ships we would have plenty of them. It would be better to pay it on that principle, if bounties are desirable, than to take a sum awarded by an arbitration as a Dominion award, and put it aside, and say it is to be devoted for the special purpose of bounties for fishermen.

The motion was agreed to.



The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

HON. MR. ABBOTT—There has been a little difficulty connected with the administration of these bounties, arising from the fact that there has been no authority to administrate the oath of solemn declaration in support of the claims; and frauds have been perpetrated in one or two cases on the Department, and it was found that they could not be punished, because the taking of a declaration not being authorized, the perjury was not punishable. I propose to ask the House to add to the Bill a clause respecting that, and providing for the making of regulations as to the manner of making applications for and adjusting these claims. I propose to add the following as a sixth clause to the Bill:—

The Governor in Council may from time to time make such regulations as he deems necessary or expedient respecting the payment of the said grant and the manner in which applications for the same or any portion thereof shall be made or established, and may require persons applying for the grant, or any portion thereof, to verify their claims, or any statements made by any person in connection therewith, upon oath, and any such regulations shall, after publication in the *Canada Gazette*, have the force of law."

HON. MR. POWER—I am very glad to hear the statement made by the hon. Premier, because I am aware that gross frauds have been perpetrated in connection with these fishing bounties, and I am glad to see that the Government are taking steps which will tend to diminish those frauds. I know that the attention of the Minister of Marine and Fisheries has been called to those cases. I know one case where the officer who was appointed to take charge of the distribution of the fishing bounties, in a district not very far from Halifax, returned as the names of persons entitled to the bounty those of young children, of persons who were dead, and of persons who were absent from the country; and this particular person happened to be a justice of the peace for the province of Nova Scotia. A complaint was made to the Local Government of his conduct, and he was removed from the commission of the peace; but I think, probably largely owing to the want of some such provision in the law as the hon. Premier has proposed to insert in this Bill, no steps were taken against him criminally. If this amendment will facilitate the dealing with cases of that sort I think it is a very desirable thing.

HON. MR. KAULBACH—I quite agree with my hon. friend. I know of an instance in the county from which I come where such a thing has occurred, and I think the provision suggested by the hon. Premier will have the effect of preventing improper applications for the bounty. I know that in Margaret's Bay, County of Halifax, applications were made, and parties did receive money to which they were not entitled, through having no means of redress against them.

The clause was agreed to.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill with an amendment.

The amendment was concurred in.

The Senate adjourned at 4 p.m.

## THE SENATE.

*Ottawa, Friday, August 14th, 1891.*

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## BAIE DES CHALEURS RAILWAY.

### MOTION.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, presented their Fourth Report with respect to the action taken on the Baie des Chaleurs Railway Company's Bill. He said: Under the impression that it will be more satisfactory to the House that I should read the report, I will do so here:

"THE SENATE,  
"COMMITTEE ROOM No. 8,  
"FRIDAY, 14th August, 1891.

"The Select Committee on Railways, Telegraphs and Harbours, to whom, by order of your honourable House, made on Wednesday, the 29th day of July last, was referred the Bill from the House of Commons (No. 82) intitled: 'An Act respecting the Baie des Chaleurs Railway Company,' and who, by order of your honourable House, made on Thursday, the 6th day of August instant, were empowered to send for such persons, papers and records as may from time to time be required by your committee for the purpose of affording evidence under oath as to any matter arising out of the examination by your committee of the said Bill, beg leave to make their Fourth Report with regard to the said Bill, as follows:—

"That the Ontario Bank and the Eastern Townships Bank, as creditors of the insolvent estate of Henry Macfarlane, a contractor, having a privileged lien upon the railway of the said Baie des Chaleurs Railway Company, and the curators appointed to the said estate, have appeared before your committee by their Counsel, Walter Barwick, Esquire, barrister-at-law, and have opposed the passage of the said Bill without some amendment to the eighth clause thereof, relating to the powers of the company to issue bonds, in order to prevent the impairment of their rights.

"That in the course of the examination by your committee into this matter the said counsel stated that he was able to prove, and would prove, that out of certain moneys, amounting to \$280,000, authorized to be paid to the company on account of the subsidies granted by the Province of Quebec in consideration of the construction, completion and operation of the Baie des Chaleurs Railway, a sum of money amounting to \$175,000 had been improperly retained and improperly applied to purposes other than the construction, completion or operation of the said railway, and having no connection therewith; that such a retention and improper application of these moneys was known to and acquiesced in by the present directors of the company; that such retention was effected by the intermediation of one Charles N. Armstrong, a contractor for building a certain portion of the railway, who nominally received the said sum of \$175,000; that the security in respect of the said lien and the amount secured thereby has already been impaired by such retention and improper application of the said sum; and that it would not be just or proper to entrust further power of issuing bonds to the company, and especially to the present directors thereof, without some express provision for the protection of the rights of the said estate and the said creditors thereof. These charges were denied by the promoters of the Bill and by their counsel.

"That your committee, being of opinion that the determination of the truth of these statements made by counsel for the opposants is material, not only to the question whether the eighth clause of the Bill should be amended in order to preserve the rights of the said estate and of the creditors thereof, but also to the question whether other clauses of the Bill should be adopted, especially the first clause thereof, which declares the Baie des Chaleurs Railway to be a work for the general advantage of Canada, have inquired and are inquiring further into the truth of the said statements.

"In the course of the inquiry now pending the aforesaid Charles N. Armstrong, of the city of Montreal, contractor, appeared as a witness before your committee, and was examined upon oath.

"During his examination on the 12th of August instant the witness was repeatedly asked to explain details of the payment of certain sums of money which were, as he stated, paid to him at Quebec by cheques to the total amount of \$175,000, in settlement of his account against the Baie des Chaleurs Railway Company, and to explain what disposition he had made of the said cheques or of the proceeds thereof. These questions he declined to answer, alleging as his reasons that the questions are regarding matters which he considers have no bearing upon the subject of inquiry, and that the committee have no right to inquire into what disposition he has made of his own money.

"The witness was further examined upon oath before your committee on the 13th August instant, and stated that he persisted in his refusal to answer the questions put to him upon the preceding day, giving as his reasons that he was not in any way obliged to give your committee information relating to his own personal affairs. And being thereupon ordered by your committee to answer, he persisted further in his refusal.

"The testimony of the witness will appear more in detail by the Exhibits hereto annexed, 'A' and 'B,' being the Minutes of the proceedings of your committee and the shorthand writer's notes of the evidence.

"Your committee being of opinion that the questions should be answered, report the refusal of the said Charles N. Armstrong to comply with the order of your committee in these particulars, and request the action of the Senate thereon.

"All which is respectfully submitted.

"A. VIDAL,  
"Chairman."

I may be permitted, in speaking of these appendices, which are rather voluminous, to suggest that it will probably not be necessary or desirable to encumber our Minutes with them. They will be printed, and appear as appendices; and if, as I have reason to believe, the person who has been hitherto reluctant to answer the questions has seen fit to entertain a different view, and no trouble may be experienced, I scarcely think it will be necessary that the appendices should appear in our daily Minutes. I move that the report, which I have submitted, be adopted by the House.

The motion was agreed to.

HON. MR. MILLER—As the House has adopted the report and Mr. Armstrong is now in town, perhaps it might be convenient for him to expedite the proceedings as much as possible. I hold in my hand a motion ordering him to appear at the bar of the House forthwith. If any objection is made to that we can postpone the time of his appearance at the bar till a further date. I move "That Charles N. Armstrong, of the city of Montreal, contractor, the witness named in the Fourth Report of the Select Committee on Railways, Telegraphs and Harbours, do attend at the bar of the Senate forthwith."

The motion was agreed to.

HON. MR. ABBOTT—I think it is probable that Mr. Armstrong has resisted answering these questions up to the present moment under the impression that he was not obliged to answer them, and it is possible that now, the order of the House having been made that he appear for the purpose of answering them, he may think, knowing the opinion of the House and considering himself in the position of one who is ordered to answer them, that he would prefer to answer before the committee, because it would be very tedious and dragging the business along very monotonously to conduct the exami-

nation in the way that these examinations are conducted at the bar of the House. It might be well to ascertain whether Mr. Armstrong, being now satisfied as to the view of the House, would answer before the committee in the usual way. I understand the committee stands adjourned until eight o'clock this evening, and the witness might feel disposed to give his evidence in the usual way.

HON. MR. MILLER—The Speaker might state that Mr. Armstrong is permitted to approach the bar to make a statement if he thinks proper to do so.

THE SPEAKER—Let the Usher of the Black Rod call Mr. Armstrong to the bar.

Mr. C. N. Armstrong being conducted to the bar,—

THE SPEAKER said: The Senate has decided that you should appear at the bar of this House and answer the questions which were put to you before the committee. A remark has been made that, after this decision, you might be willing to answer these questions before the committee instead of at the bar of the House. Have you any remarks to make or answer to give?

Mr. ARMSTRONG—I am still of the opinion that I should not be called upon to answer questions relating to matters of a personal nature, but after the resolution which has just been passed in this House I will no longer refuse to answer the questions. I am prepared to answer them before the committee or here, as the House may desire.

HON. MR. MILLER—I move that the witness have leave to withdraw. I think it would be well to let the Order of the House stand, and I will move for its discharge on Monday, if the witness comply with the instructions of the House.

The motion was agreed to, and the witness was allowed to withdraw.

## FRAUDULENT MARKING BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (140) "An Act in restraint of Fraudulent Marking." He said: This is

a Bill for the purpose, as the title explains, of restraining fraudulent marking. It has more especial reference to the adulteration of white lead. This is an article very much in use amongst farmers and men who are not skilled in the trade of painting, and in the respect of which they are frequently very much imposed upon. Almost every farmer, when he comes in for his supplies, takes out with him a small keg of white lead. It is useful for very many purposes, and the purchaser has no certainty of knowing from the brand, or any indication about the package, that he is really getting white lead, and not some spurious compound. Many adulterated articles are sold to him as white lead which possess few qualities of the genuine article. The object of this Bill is to compel manufacturers to put on the cask a word which indicates that the article is pure, if it be pure or genuine, and to punish him if he puts it there falsely.

HON. MR. POWER—This Bill does not appear to be a very important one, and its object may seem to be a very laudable one, but it is a Bill which opens the door to a very considerable change in the conduct of business throughout the country. We have laws which provide a penalty for the adulteration of food. Such laws are perfectly proper and necessary, but with respect to merchandise generally, things which do not directly affect the bodies and health of the people, we have not heretofore had any such legislation as this. We do not provide any penalty for the fraudulent marking of clothing or other goods of that sort. We leave the buyers of such articles to ascertain for themselves whether they are genuine or otherwise. I think it is a rather serious step for Parliament to take to begin the practice of taking care of buyers. I do not say it is a step in the wrong direction, but still it is a serious one. Hon. gentlemen will notice, if they look at this Bill, that it does not provide that the article shall be marked in any way. It simply provides penalties for marking articles in a certain way. Now, I am informed, with respect to this particular article of white lead, that there is a brand called "genuine" which is now in the trade and recognized, and with which people engaged in the business are familiar. Although it is not absolutely genuine, still the article is known, and people in the business know to what extent

it is adulterated and what they are getting. That is one point which we should consider. Then there is another point, which is more important, which is set out in the third clause of the Bill as follows :—

“The Governor in Council may add any articles to the schedule of this Act, and determine the standard of purity therefor, and may remove any articles from the said schedule; and the Order in Council in that behalf shall be published in four successive issues of the *Canada Gazette*, after which it shall have like effect as if such articles had been included in the said original schedule.”

That practically leaves the door open to the Governor in Council to deal with all articles which are sold in the market. I am not saying whether this is a wise policy or not, but it is new, and it indicates a very marked departure from the course of business which has been in existence in English-speaking countries for several hundreds of years. If everything is to be sold with a State guarantee, it alters the course of business altogether.

HON. MR. OGILVIE—I do not know that there is any article of commerce so generally used throughout the country as white lead in which so many frauds are practised. In a great many places an article made of barytes is sold which they call white lead. It does not contain a particle of white lead. Then there are other adulterations. They sell a paint that looks very well, but if applied to the outside of a building it can be rubbed off like witewash within a year. The Government deserve to be commended for bringing in this Bill. It will prevent a great many honest people from being deceived and cheated who could not be so easily defrauded in many other things. There are very few people who have an intimate knowledge of white lead or know the genuine article. They have to trust entirely to the honesty of the men from whom they purchase to get the proper article. There is no better way of protecting the public than by imposing heavy penalties for adulterating white lead without marking it “adulterated.” It is at least a step in the right direction, though a short one, and if the Government see fit to add other articles to the list of those which should be marked I think they will deserve commendation. I hope they will take further steps to prevent frauds upon the public, such as have been perpetrated, even though such frauds have been practised for hundreds of years. It is

only of late years that white lead has been so extensively adulterated, and I am pleased to think that the Government have introduced this measure of protection. For a little Bill, I do not know of one that we have passed this year that will do more good to the public.

HON. MR. McCLELAN—I agree with the hon. gentleman from Alma. I do not know how far this Bill will met the object intended, but if it does require the manufacturers of white lead to mark on the outside of the cask whether the article they sell is genuine or not it will confer a great benefit on the trade of the country. For many years it has been the custom in the trade to mark white lead one degree higher in quality than it really is. When in London a few years ago I was informed by dealers in this article that they had been in the habit of receiving orders from Canadian traders—and I speak it with sorrow—with definite instructions to mark the article one degree higher than it was sold for in the city of London. Having been informed of that fact, and knowing that it was the case, from my experience later on, I think that this legislation is in the right direction. When country dealers or farmers go to the city to buy white lead and purchase what is represented as a pure article they get No. 2 lead, under the mark “No. 1.” If that marking has been done in the old country, or where this lead is purchased, I hardly see how this legislation would meet the case. It would be impossible to punish the markers, those who put the particular designation on the cask, and I do not know how that fraud would be reached. I have not had an opportunity of examining the Bill minutely, but I have no doubt the explanation will show how that particular kind of fraud can be restrained. I quite agree that some measure of this kind relating to this very article is required. The legislation is entirely in the right direction to prevent people being deceived or compelled to pay their money for articles which they are really not receiving.

HON. MR. DEVER—I have not the slightest doubt that the Government, as a whole, has a good intention in this matter, and I believe that several members of the Government, if they understood the question, could be depended on for good legislation; but it is my opinion that this idea originates in one

department of this Government. That department I have watched with a good deal of care for a great many years, and I have always found that they are ready at every meeting of Parliament to ask for some silly interference with trade. They are perpetually moving in that direction, and it is now a recognized fact amongst traders that there is no permanence in the laws regulating trade, so far as they originate in that Department. Now, with reference to the adulteration of food, we are all opposed to it, but we must take a practical view of the subject. I have known an article to be sold under the name of "London white lead," and it can be purchased to-day as Brandram's No. 1 London white lead. There is no more adulteration about it than there is about a sovereign. Every body who uses it knows that thoroughly, but of course there are inferior brands of all kinds of goods, and we can only look to the dealers for our protection. We should deal only with a reliable class of men, and then we will have perfect safety. It is absurd to suppose that a few inspectors going around the country can protect the public from what is known as adulteration in the several branches of business. In my opinion, it is simply wasting money to appoint these men. We know that many articles of merchandise have been suspected of being adulterated, and on inspection have turned out after all to be pure. From the returns, it is shown that in St. John and Halifax, where many extensive examinations were made, only two cases of adulteration are supposed to have taken place at all. I feel that while there might be an inspection, it is doubtful whether the general Government are the right parties to inspect. In my opinion the local authorities are best fitted for it. The people know them, and have their eyes on them. At all events, it would not cost so much as it costs this country for the present system of inspection, which does not amount to much. With regard to the adulteration of certain spices and food, I think it is well that frauds in that direction should be looked after. Tea, also, is becoming an article that is more or less adulterated, but white lead and other articles which come under this Bill do not, in my opinion, require inspection. The people look to the parties from whom they purchase the goods. For instance, wine is branded. We know that when we want a good article of wine we have to purchase

one of a certain brand. We know that it cannot be adulterated. I do not think, for instance, that the lager beer manufactured by the Minister of Agriculture could be very well adulterated. His character for reliability is established, and in a short time, if any one attempted to adulterate his lager beer, we know what the consequences would be. It is so with other articles. Take champagne, for instance. We know there are special names and marks of the several houses, and to interfere with those is a felony. I do not think, viewing the matter all round, that it is very essential to have these special officers to look after these matters, and, as a fact, I think the offices are created generally for the purpose of giving people situations, more than for anything else.

HON. MR. KAULBACH—My hon. friend has shown by his own statement to-day that it is necessary to have inspection. He has told us that in the city of St. John, where foods are inspected, there are very few adulterations. That is the result of vigorous and zealous inspection. But for that, adulterations would be as numerous now as they were years ago. I know there was a time, not many years ago, when you could not depend upon the purity of anything in the way of food, or even liquors, that were purchased in the stores.

HON. MR. DEVER—Thirty years ago there was less adulteration in liquors than there is now.

HON. MR. KAULBACH—My hon. friend must know that even in his own business there were numerous adulterations.

HON. MR. DEVER—I know nothing of the kind.

HON. MR. KAULBACH—He must know that sugar and liquors were adulterated, and were not what vendors represented them to be. I contend, although this is outside of the subjects which have been inspected, that white lead is an article that should be inspected. From my own knowledge, and from the annoyances I have personally experienced in the use of this article, I feel that it should be inspected. The question in my mind is, whether the inspection should be confined to white lead. There are many other kinds of paints that should be put on

the list. It is a movement in the right direction, and I believe it will tend to furnish purchasers of the article some guarantee that it is of value.

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

### THIRD READINGS.

Bill (156) "An Act further to amend 'The Customs Act.'" (Mr. Abbott.)

Bill (157) "An Act to amend 'The Petroleum Inspection Act.'" (Mr. Abbott.)

Bill (152) "An Act to amend Cap. 96 of the Revised Statutes, intituled: 'An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.'" (Mr. Abbott.)

The Senate adjourned at 4 p.m.

### THE SENATE.

*Ottawa, Monday, August 17th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### ALBERT RAILWAY COMPANY.

#### ENQUIRY.

HON. MR. McCLELAN rose to

Call the attention of the Government to the fact that a loan of \$15,000 was made by the Government in 1886 to the Albert Railway Company for certain specific purposes, among which was the payment of \$4,836, then due the labourers and employes for wages, which sum has not been so paid; and enquire what action, if any, the Govern-

ment propose to take to investigate the matter, with a view to the adjustment of said claims as provided for by the loan aforesaid.

He said: In 1886 the Albert Railway, which I may say had never been built up to the proper standard, became unusually impaired, and the employes were not paid. Some six months of their wages were unpaid. The member representing the County of Albert in another place urged the Government to make a loan, inasmuch as the road was in a sort of transition state. The bonds had been sold in England for quite a large sum of money and the interest guaranteed for five years. At the end of that time it was understood that it would come into the possession of the bondholders, as it did do, and the consequence was it was simply run by a nominal board of directors. The machinery of the company was kept up and the road was run as best it could be, very poorly, with the result that the employes on the road were not paid their wages. A loan of \$15,000 was made in that year for certain specific purposes. To verify that, I may read some little correspondence that I had with the gentleman who then represented the county. On 14th November, 1889, I wrote to him as follows:

"JOHN WALLACE, Esq.

"DEAR SIR,—You are aware that the workmen upon the Albert Railway were not paid their back wages out of the loan of \$15,000, and that they, especially those with families to support, have seriously suffered therefrom. Will you kindly state, as you did to me at the time the loan was placed in the Estimates, that such was the primary object of the Parliament, and that you believe the money has not been so appropriated. There is yet a balance, I believe, of over \$1,000 not drawn, and if even this could be got and distributed it would be a partial relief. Your reply, stating these facts, may be useful in getting the rights of the employes recognized in some way."

To this he replied:

"DEAR SIR,—In reply to your letter of the 4th instant, I beg to state that the loan of \$15,000 by the Dominion Government to the Albert Railway was made to pay the back wages then due the workmen on the road, and build two small bridges between Hillsboro' station and Hopewell. In all the interviews I had with the Minister of Railways, when negotiating the loan, no other purpose by which the money should be expended was named."

I read this correspondence to show what was really the intention in making the loan at that period. Also, I may state that the Government, for greater security, at that

time took a mortgage on the railway for the repayment of this loan. I hold in my hand a certified copy of that mortgage. It stipulates for certain improvements to be made on the road, but the first thing to be done with the money was to pay "\$4,836 on account of the amount now due labourers immediately after the execution of this agreement, etc."

HON. MR. POWER—What is the date of that agreement ?

HON. MR. McCLELAN—It is dated the 19th October, 1886. I refer to that clause to show that the Government took every pains possible to ensure the payment of the labourers—that their intention was that this sum should be a first lien. The employes naturally expected to derive some benefit from that loan, but they have been doomed to disappointment. It is plain that nearly \$4,000, which was appropriated for the purpose of paying the men who worked hard to earn it, has never been given to them. They waited anxiously for about two years, in the hope that the manager representing the company in the county would settle those claims. Finding that he would not do so, they brought suit against the company, but in the interim the Albert Railway Company had placed itself in such a position that it was not responsible, so that the claims they might have received by an action of law if this loan had not been made they lost by lapse of time. In confirmation of the fact that they have not been paid, I have here the certificate of the clerk of the peace of the County of Albert, showing that judgments were taken by the employes in July, 1888. According to the certificate of the clerk, they have never been satisfied, so that these poor men not only lost their proper share of the loan that was made, but they have been subjected to annoyance and costs. What has become of the money is what I am anxious to learn. I bring no charge against anybody: I am not even in a position to know to whom the money was paid by the Government. These companies or corporations, it is said, are bodies without souls, and that may be the case. It would be well to know, at any rate, the name of the individual who absolutely drew this money from the Government, and I think it would not be a difficult matter to trace through him exactly how

the money was diverted from its original intention and purpose. It seems an exceedingly hard thing that money earned this way by people in very poor circumstances should be so diverted. I have no doubt myself that those who received this advantage are well-to-do people. I am not in a position to say who they were, and I do not know where the money went, but I feel it my duty, as a member of this House, to bring the matter before the Government. It may be asked why I did not do it before. It has come to my knowledge that in another place it has been brought up and reference made to it, and I am informed that the gentleman who represents the county in another place has pressed for payment of these claims to some extent. I would not perhaps have brought this question up here at all, but I was emboldened to do it from the expression used by the hon. Premier the other day, when he stated it was his determination—and I was exceedingly glad to hear it—to facilitate in every possible way the searching out of fraud or peculation in the handling of public moneys. Hearing that expression, it gave me great hope that this matter, though not one involving a large sum, would certainly receive his immediate attention and consideration, and I am convinced that if the hon. Premier will take it in hand and endeavour to ascertain where this money went to—because it has gone into a wrong channel—if he undertakes it with his usual energy and ability, in accordance with the determination that he has expressed, these poor men even yet will get this money which rightly belongs to them. That is all perhaps that I need say with reference to explaining the statement that I have made here. I am not now casting any censure on the Government or anyone connected with the loan, but I say it would have been a fortunate thing for these men, a prudent thing, at all events, if in issuing the first warrant provision had been made for it and vouchers required before the issue of the next warrant. The very first warrant that was issued on account of this loan was for \$4,836, for the express purpose of paying these men their back wages, so that we not only have it in the application that was made to the Government and specified in the mortgage which they took to secure the loan, and which they recorded in the

records of the county, but they also state it in the statement of the warrant that they issued to cover that particular amount, so that undoubtedly, from every evidence, that was the primary object of the Government, as the member for the county says it was his primary object to see that these men were paid.

HON. MR. ABBOTT—So far from supposing my hon. friend had any motive in this matter whatever hostile to the Government, I think he deserves great credit for having taken so much trouble to look up this matter in the interests of these poor labourers, who he thinks have not been paid, but who should have been paid five years ago. I noticed my hon. friend's question on the Paper, and took some little trouble to investigate the matter, with the view that he gives me credit for; but as far as any record which the Government has is concerned, I do not see anything more that can be done; and I will be glad to receive any suggestion from my hon. friend that would be practicable, if the men have not been really paid. It appears that in 1886 a sum of \$15,000 was voted by the Government. It is called a subsidy, but is declared to be in the nature of a loan, to be repaid at such time as the Government may appoint. There is nothing said about wages to be paid; but I make no point on that. It is enacted that there is granted to the Albert Railway Company for their railway from Salisbury to Hopewell, in New Brunswick—which is a feeder to the Intercolonial Railway—in the form of a loan, repayable at such time and secured in such a manner as the Governor in Council may determine, the sum of \$15,000. It appears, however, that subsidy was intended partly to pay the men and partly to be applied to complete the road; and the Government determined that it should be secured by mortgage, and the mortgage is executed for that sum. In the mortgage the sum of \$4,836 is declared to be payable to the company for the purpose of paying the men's wages. I think that is the language of the agreement containing provision for the payment of these men. It is declared that the mortgage is made for \$15,000, whereof \$4,836 is first to be paid to the company on account of wages, and the balance on the certificate of the engineer as the work proceeds. This mortgage is dated 19th October. The

Government received it from Mr. Cowan, president of the company, immediately or shortly after the execution of it; and in the same month, I think within a day or two of the 19th of October, Mr. Bradley, secretary of the Department of Railways and Canals, writes to the president of the company from whom he received the mortgage, acknowledging its reception, and enclosing the first payment of \$4,836, which he informs the president is for the purpose of paying the wages, as stated in the mortgage. On the 2nd November the president acknowledges receipt of the money by a letter which I hold in my hand. So that it appears plain that without the loss of a moment the \$4,836 was remitted to the company, as required by the mortgage; and if there has been a failure of payment since it is not in any respect the fault of the Government. Then, with respect to the balance that has been paid from time to time on the certificate of the engineer, the total amount paid amounts to \$14,725.56. There seems to have been \$74.44 unexpended. That is the exact state of the matter, as the books of the department show. I do not know exactly who the president of the company is, but I presume he is answerable for his doings, and those who are interested in seeing these poor men paid should, I think, ascertain from him how it is that they have not been paid. If the Government can be of any assistance in compelling payment, I tell my hon. friend at once that we shall be most happy to act in any way that would be practicable and right for that purpose.

HON. MR. POWER—I think that the answer of the leader of the Government can hardly be deemed very satisfactory. Here is a subsidy granted by the Dominion Parliament, which was to be used in part for the very proper purpose of paying those workmen. It was the duty of the Government, when the grant had been made, to see that that grant was devoted to the purpose for which it was intended. But now, after the lapse of five years, we have the Government expressing a sort of gentlemanly regret that the money did not reach the purpose for which it was intended, and telling us that they are willing to assist anyone who takes an interest in these workmen to ferret out what has become of the money. If there ever was



a case in which it was the duty of the Government to stir themselves and find out where money had gone, this is the case. It is not a subsidy granted by the Province of New Brunswick. I could understand, even under the present circumstances, the generous interest that would be shown by the leader of the Government in that case. But this is a subsidy granted by the Dominion Parliament, which was completely under the control of the Government, and was a grant for the express purpose of paying these labourers.

HON. MR. ABBOTT—I beg my hon. friend's pardon. It was not for the express purpose of paying these labourers; it was granted under a mortgage deed, for the purpose of paying it to the company, that they might pay their labourers. That was the expression in the mortgage deed.

HON. MR. POWER—That is a distinction without any difference. The money was granted by the Dominion Government for the purpose of enabling the company to pay their workmen; and it was the duty of this Government to see that the workmen were paid, and that the money was not diverted to any other purpose. The mortgage I consider of very little value, for the mortgage to the Government was subsequent to a mortgage to the bondholders. If there ever was a case where the Government should have been watchful over the expenditure of public money it was in this particular instance. The name of the Albert County Railway Company is as well known in the London money market as in Canada. The road was bonded for a large sum of money by a number of gentlemen high in the councils of the Conservative party in New Brunswick, and the money which was borrowed did not go into the road, but, as I am informed, went into the pockets of those prominent gentlemen; and the Government, knowing the record of the company, should have been exceedingly watchful that the money intended for the payment of these labourers should not have gone as the moneys of the English bondholders went; and I think the Government, in not doing that, were guilty of a grave dereliction of duty. The mortgage was subsequent to the mortgage of the English bondholders, and that mortgage

has been foreclosed, and the road is now in the hands of a totally different people; but it is not too late for the leader of the Government to see that the determination which he expressed here the other day, that enquiries should be prosecuted where fraud and defalcation are charged, whether the offenders be high or low, rich or poor, should be carried out; and I had supposed that the hon. leader of the Government would have said, as a matter of course, that it was the intention of the Government to see that immediate and searching enquiry would be made, and to cause the guilty party to be brought to justice. Instead of that, we have a rather discouraging, but exceedingly gentlemanly, reply, that the Government will assist anyone interested in making enquiry.

HON. MR. ABBOTT—This indignation on the part of my hon. friend must have been pumped up because of something else besides this case: there is not the slightest justification, in the facts of this case, for any one of the charges the hon. gentleman has brought against the Government; and my hon. friend's reasons for making them seem to me to be just as extraordinary as his indignation. In the first place, the money was not granted to pay the men.

HON. MR. POWER—Then why did the Government not pay the men?

HON. MR. ABBOTT—The money was granted to the Albert Railway Company, so that the grant was not made to pay the men in the first place. In the mortgage there was a provision made with reference to the men. But my hon. friend says the mortgage is of no consequence at all.

HON. MR. POWER—I said it was of no value, as it came after the mortgage to the bondholders.

HON. MR. MILLER—I rise to a question of order. There is no hon. gentleman who addresses this House more frequently than the hon. gentleman from Halifax, and he is listened to always with attention. It is a rare occurrence that a member on the other side of the House gets up to speak that the hon. gentleman from Halifax does not interrupt him. In proof of this assertion, I ask hon. gentlemen to take up the

Senate *Debates* and look over them, and they will find that there is hardly an occasion that a member on the other side of the House gets up to speak that the hon. gentleman from Halifax does not cut his speech in two or three pieces by interruptions of this sort. Look at the hon. gentleman's own speeches, and you will find that it is a rare thing when he is so interrupted himself. The other day the Prime Minister was speaking for fifteen minutes, or a shorter time. I find his speech is cut in two places by interruptions by the hon. gentleman from Halifax. The hon. member addressed the House here for five or ten minutes on this question, and no one interrupted him; the Prime Minister did not interrupt him, although he says that the hon. gentleman misrepresented the case in almost every sentence.

HON. MR. O'DONOHUE—What is the question of order?

HON. MR. POWER—I hope that the hon. gentleman feels relieved after this little lecture.

HON. MR. ABBOTT—My hon. friend from Halifax says the mortgage has no bearing on this question at all, and is of no importance. But in reality the agreement of mortgage is the only thing which provides for the payment of these men. There is not a word in the Act about it, only in the agreement. I have already stated what the mortgage does provide, namely, that there shall first be paid to the company the sum of \$4,836 on account of wages due the workmen. That is the only obligation there is on the part of the Government at all—that is to say, to pay “\$4,836” to the company on account of the amount now due labourers, “immediately after the execution of this agreement.” That is the only undertaking that the Government entered into, and that undertaking was to pay the amount to the company immediately after the execution of the agreement. Where was the obligation on the Government to follow that money and to pay these labourers? There is nothing of that in any of the documents. This was the sum which the Government really were to pay to the company. The company owed the labourers \$4,836, and they wanted \$10,000

more to finish their road. The Government granted \$15,000 for these two purposes—one to pay the labourers, and the other to finish the road. I do not know whether Mr. Cowan has paid this money to the men or not. I do not know whether my hon. friend knows. I do not know by what sort of reasoning or what line of thought my hon. friend from Halifax has come to the conclusion that I am bound, or that the Government is bound, by the declaration which I made the other day, and which I am prepared to repeat at any moment—that I am bound to follow Mr. Cowan, the president of this company, and find out whether the company did pay those debts. I have nothing to do with that company; the Government has nothing to do with the company, the only thing the Government had to do with that company was to give the money to them that was voted to them by Parliament, and if the company did not pay the money to the labourers the Government is not responsible for it. I certainly know nothing at all about it, and consequently am not competent to say whether the Albert Railway Company has become bankrupt or not, but what I have enquired about, and what I have satisfied myself about, is this, that the Government has done what it bound itself to do by that mortgage, and if anybody is to blame for the men not being paid, and I do not know whether the men have been paid or not—but if Mr. Cowan has not paid this \$4,836 over to the men, I suppose he can be punished for it, and that he is good for it and it can be got from him. I never heard the man's name before, and I do not know anything about it; but I repeat that every obligation which the Government assumed in connection with the money granted to the Albert Railway they performed, and if this railway company have not performed their duty there is a mode of making them do so, and it does not fall, it seems to me, within the province of the Government. The Government has no control over Mr. Cowan; I have no control over him. He can be made to do his duty, if he has not done it, by process of law, which can be enforced by any interested party; but certainly the Government are not open to any reproach or any accusation of having neglected their duty in respect to this money.

## THE FISHERIES ACT AMENDMENT BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (122) "An Act to further amend the Fisheries Act, Cap. 95, Revised Statutes." He said: This is a Bill for the purpose of preventing the destruction of our fish by a practice which has prevailed to such an extent on the coast south of us as to practically destroy the coast fishing there altogether. It is to prevent or punish severely the use of a class of nets known as purse-seines. These purse-seines, I am told, are nets of an immense size, in which every fish within a large area is gathered up out of the sea, and these fish which are useful for commerce are taken out of the net and cured, and the remainder of them are destroyed. Gentlemen from the maritime provinces know better than I what this means, but I understand that is the difficulty. The effect of the use of these purse-seines has been to destroy fishing entirely on the south of our coast, and although the practice does not prevail to such an extent on our coast, it is held that it should be prevented, and the use of such nets severely punished. The object of this Bill is to provide a punishment for the use of such seines. Hon. gentlemen will see that the penalties are heavy. For each offence the penalty is not less than \$50 and not exceeding \$500, together with the confiscation of the vessel, boat and apparatus used in the catching. I understood from the hon. gentleman from Halifax that he desired to say something on this subject, and I have had a conversation with him about it, the discussion being in the direction of endeavouring to modify, to some extent, the penalties, and to change the tribunal to which application should be made to enforce them. But I have discussed the matter with the Minister of Marine and Fisheries, and it does not appear that it would be prudent or expedient to relax these penalties, or to soften the rigor of the procedure that is intended to be applied to the people who use these illegal nets. For that reason, I ask the House to have the Bill read the second time in its present condition.

HON. MR. POWER—Strictly speaking, I suppose I should not oppose the Bill at this particular stage, because I am in favour

of putting a stop to the practice known as purse-seining; but that is not the whole of this Bill. While it is in one sense the most essential part of it, still the other portions are so remarkable that they become almost of equal consequence. The first clause of the Bill prohibits the use of purse-seines altogether. I do not find any fault with that; although, on referring to the Report of the Minister of Marine and Fisheries for last year, I find that it was not suggested in that report that the use of purse-seines should be absolutely forbidden. The recommendation made by Commander Gordon and some other subordinate officers of the Fisheries Department was that purse-seining should be forbidden up to a certain time of the year, so as to allow the fish to spawn before being taken; and I understand that that is the law which has been adopted in the United States. In that country the use of purse-seines is forbidden in a roundabout way, by an enactment which forbids the bringing into the United States of mackerel caught before the 1st of June, the reason being that on the coasts of the United States the spawning season is supposed to be over by the 1st of June. Reference to the Fisheries Report for last year will show that on our coasts the spawning season ends considerably later, and the officials recommend that, as to the Atlantic coast of Nova Scotia, purse-seining should be forbidden up to the 1st of July, and that in the Gulf of St. Lawrence it should be forbidden until the middle of July or the 1st of August, I have forgotten which. However, this Bill goes a great deal further than the recommendation of the officers of the department. I presume that the Minister on making further enquiry has ascertained that the most judicious course would be to prohibit purse-seining altogether; and I am not prepared to find any fault with his decision. Now, there are two or three things to be borne in mind with respect to this matter. In the first place, a number of persons in the lower provinces own purse-seines. Those seines are very expensive; and the first effect of this Bill when it becomes law will be to render all that property valueless. Then this is a new offence. If hon. gentlemen will look at the 14th section of the Fisheries Act, to which the first clause of this Bill adds a 15th sub-section, it will be found that this section of the Fisheries Act sets out a number of things which shall not be

allowed. If this Bill had gone no further than simply to add a 15th sub-section, I for one should not have said a single word about it; but it goes a great deal further than that. The 18th section of the Fisheries Act provides that, except as therein otherwise provided, everyone who violates any provision of that Act, or of the regulations under it, shall be liable to a penalty not exceeding \$20 and costs, and in default of payment to imprisonment for a term not exceeding one month, and not less than eight days; and any Fisheries official or justice of the peace may grant a warrant of distress for the amount of such penalty and costs; but whenever it appears to the satisfaction of the justice of the peace or fisheries officer that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties would be excessive, a discretionary power may be exercised. The 4th sub-section of that section provides that a moiety of the penalty levied under this Act shall belong to Her Majesty and the other moiety shall be paid to the prosecutor, not being a fisheries officer, together with the costs. If a fisheries official is the informer the whole shall belong to Her Majesty. Now, let us look at the way this new offence is dealt with: instead of the penalty not exceeding \$20, we have a penalty of not less than \$50 and not exceeding \$500, and not only that, but the confiscation of the vessel, boat and apparatus used in such catch. The schooners which carry these purse-seines are very valuable vessels; many of them are worth five or six thousand dollars each, and some of them I understand are worth ten thousand dollars. Here, instead of the old penalty of \$20, you provide a penalty of not less than \$50 and not exceeding \$500, and the forfeiture of the vessel and her boat, and all her apparatus. And who forfeits the vessel? The law which I have read shows that a vessel may be forfeited by any magistrate along the shore or by the fisheries official himself. The old law contained a provision with respect to penalties which I think a very proper one-half the penalty goes to the Government in any case, and the other half goes to the informer, if the informer or prosecutor be not a fisheries official; if he be a fisheries officer, whose duty it is to enforce the law without any reward, he gets nothing, and the whole of the

penalty goes to Her Majesty. The second clause of this Bill repeals that altogether, not only as to the offence dealt with in the first clause of the Bill, but as to all the others, and provides that half the pecuniary penalty levied under this Bill shall belong to Her Majesty and the other moiety to the prosecutor. So, no matter whether the prosecutor is a fisheries officer or not, for every offence against the Fisheries Act, including this one, the informer gets half the penalty. I think we have carried that principle far enough in applying it under the Customs Act, without extending it to the case of fishing vessels. Hon. gentlemen will see that those valuable vessels are liable to be forfeited at the instance of a petty fisheries officer, or possibly of an exceedingly ignorant magistrate on our shores. The House will see the opportunities that are open there to foul play, when a reward of that sort is offered to induce men to secure convictions. If a collision takes place between two vessels, if a merchant has a claim against a vessel, as to which there is no question of doubt whatever, it cannot be dealt with in that summary way. He has to go into the Admiralty Court, and the question is tried out according to the rules of law; but here the property of the citizen is liable to be taken away, practically without any trial at all, and then in case the party is dissatisfied his appeal is only to the Minister. The experience in the case of appeals to the Minister of Customs has gone to show that appeals to the Minister from the acts of his subordinate officers are not likely to result satisfactorily to the appellants. This provision with respect to the mode of condemning the vessel is repugnant to every feeling of liberty and common sense. The Great Charter, which is supposed to be the foundation of English liberty, makes provisions, which are violated by this Bill, that a man's property shall not be taken from him except by due course of law or by the judgment of his peers. It was never contemplated that any petty king's officer could seize a man's property and confiscate it, and that the only appeal should be to the king himself. That is what the subject will have to face under this Bill when it becomes law. It is not necessary to call the attention of the hon. leader of the House to the fact that in the Declaration of Rights made at the time of the Revolution

in 1689-90 there was a provision against cruel and unusual punishments. To forfeit a vessel worth \$10,000 for perhaps an involuntary violation of the law, and to do that at the instance of an ignorant official, is certainly a cruel and unusual punishment, and contrary to the spirit of the British constitution altogether. What is likely to happen? We cannot deal with vessels fishing outside of the 3-mile limit. This Bill deals only with purse-seining inside of the 3-mile limit. That limit is not staked off in such a way that the territory which comes under our jurisdiction is clearly distinguished from that which does not belong to us. A Nova Scotia, or New Brunswick, or Prince Edward Island schooner catching mackerel may happen to drift within the limit, and if she does that vessel is liable to confiscation and its owner to a penalty of \$500, at the will of a fisheries official, who gets half the pecuniary penalty, or of an informer who gets half the penalty, and of a magistrate who knows nothing of legal procedure. I cannot understand how an experienced lawyer, a man bred in the traditions of our law, like the Premier of this Government, could consent to such a Bill as this. It may be thought that I have gone a little too far, but I shall refer to two or three passages in the Report of the Minister of Marine and Fisheries for this year to justify myself. In the Report, at page 71, the Deputy Minister says:

“To take any action looking to a restriction upon Canadian vessels in the use of purse-seines, while those of the United States continue fishing operations therewith, would be manifestly unjust, and it was therefore deemed expedient to seek joint action on the part of the Governments of the United States and of Canada, having in view the abrogation of this mode of fishing, to which may be directly traced the well nigh destruction of our valuable mackerel fishery.”

It does not appear, it has not been stated by the Minister, that that agreement has been reached with the United States. If the authorities of the neighbouring Republic had agreed that they would not allow their citizens to use purse seines in any waters, and if a sort of international convention had been made with respect to the fisheries in the Gulf of St. Lawrence and on the Atlantic coast of Canada, such as exists with regard to the North Sea in Europe, then I should not so much quarrel with the provisions of this Bill; but even then the penalties imposed would be enormous. They have legislated against this

practice of purse-seining in some of the neighbouring States. At page 73 of this same Report I find the following:—

“The Legislature of the State of Maine seemed to be fully alive to the baneful effects of this destructive method of fishing, for in the year 1883 that body passed an Act for the protection of migratory fish, prohibiting the use of the purse and drag-seines for taking mackerel within any bay or inlet, not more than two miles wide, under a maximum penalty of \$200 (*Rev. Statutes of Maine, '83, sec. 17, c. 4, p. 373*), and later on, in 1885, this Act was amended to include bays three miles wide, and the extreme penalty increased to \$500, making the statute read as follows:—

“Sec. 17. The taking of mackerel, herring, shad, porgies or menhaden, and the fishing thereof by the use of purse and drag-seines, is prohibited in all small bays, inlets, harbours or rivers, where any entrance to the same, or any part thereof, from land to land, is not more than three nautical miles in width, under a penalty upon the master or person in charge of such seines, or upon the owners of any vessel or seines employed in such unlawful fishing, of not less than \$300 or more than \$500, to be recovered by indictment, or action of debt, one-fourth of the penalty to the complainant or prosecutor, and three-fourths to the county in which the proceedings are commenced; and there shall be a lien upon the vessels, steamers, boats and apparatus used in such unlawful pursuit until said penalty, with costs of prosecution, is paid, but a net for meshing mackerel or porgies, if not more than 100 meshes in depth, and a net for meshing herring of not more than 170 meshes in depth, and a net for meshing shad of not more than 75 meshes in depth, shall not be deemed a seine.” (*Acts and Resolves of the State of Maine, 1885, c. 261, p. 215.*)”

As I have already suggested, the Federal Legislature, took steps to prevent the catching of mackerel by those purse-seines before the 1st of June. This matter is also dealt with in Appendix 9 of the Fisheries Report of this year, where there are reports from Lieut. Gordon and others; and Lieut. Gordon's views are about as I indicated in my opening remarks. Compare that legislation of the State of Maine with this Bill, and see how much more reasonable and moderate it is. If this simply outrageous provision for the confiscation of the vessel, boat and apparatus did not exist, although the Bill goes a good way, still I should not consider it unreasonable; but when the House comes to consider this question carefully and dispassionately, it will see that in providing for the confiscation of the vessel for a new offence we are going too far. I said that there were to a certain extent vested interests interfered with, and I shall read two or three telegrams from Prince Edward Island which show that. One says:

“Protest against Bill to stop seining if compensation is not allowed for outfit on hand or time to use it.”

Another is as follows :—

“Fishermen engaged in herring fishery excited over seine Bill; try get this business exempted from its operation.”

I do not go so far as to ask, as I think might be very fairly asked, that the people whose property will be rendered valueless by this legislation should either be allowed to use it for a certain time or be reimbursed for the loss of it; but I do think, as we are creating a new offence, and as the offence is not in itself an atrocious one, and as this purse-seining is indulged in by the citizens of the neighbouring Republic, and the prohibiting of it will certainly place our fishermen at a disadvantage as compared with them, I think Parliament should not, when at first declaring this practice unlawful, impose such extraordinary and severe penalties and such an arbitrary mode of dealing with them. One can conceive this case very readily: a merchant may own a schooner worth seven or eight thousand dollars, and may instruct his captain to be very careful not to use the purse-seine within the 3-mile limit. If the captain either deliberately or accidentally allows his vessel, in looking for mackerel, to drift within the 3-mile limit, that merchant's vessel and apparatus are liable to seizure and absolute forfeiture. There is no option left. Now that is a very serious matter indeed, and I hope that the House will give it the careful consideration which it deserves.

HON. MR. McDONALD (P.E.I.)—While I agree in some measure with the principles of this Bill, I do not think that its details are exactly such as should commend themselves to the House, or will commend themselves to the people generally engaged in the fisheries. The House must be aware that in the Province of Prince Edward Island, and I presume in the other provinces where fishing is followed as a business by a considerable class of the population, many people use purse-nets along the shore. They do not engage in deep-sea fishing, but they embark their capital in purse-nets and boats for the purpose of prosecuting their industry from the shore. The passage of this measure will prevent them carrying on that business from the time it becomes law, and this will prove a great hardship to many of our people. The passage of such a measure may be productive of some

good, as has been stated by those who favour it; possibly it may prevent the schools of fish from being broken up by those seines within three miles of the shore, but it will have no effect whatever beyond that distance, because we cannot prevent the use of those seines outside of the 3-mile limit. It is well known to fishermen that fish of the larger species, such as sharks and horse mackerel, do much more to break up schools of mackerel than all the purse-seines about the coast used in fisheries prosecuted from the shore. Now, I think in the passage of this measure there should be a provision that it should not come into force or effect until two years after the passing thereof, so far as it affects boats from the shore, or the business of those who pursue fishing of that kind in boats from the shore and not in vessels intended for deep-sea fishing. Hon. gentlemen are aware that the fishing industry is a very important one. There are some 63,000 persons engaged in it in the Dominion and some 53,000 boats, and the product of the fisheries exceeds \$17,000,000, and the interference with a business of that magnitude in any material way is a very serious injury to the trade of the Dominion. Now, I think that the passage of this Bill in its present shape would be a very serious injury indeed to those engaged in the fishing business by means of boats and seines when used from the shore, because these people confine their operations mainly to a distance of two or three miles from land. They do not go off to the deep water; they do not pursue their business in the same way as those who have vessels would do, and I should like to see a provision put into the Bill that these persons should be allowed to pursue their business at least for a period of two years from the passage of this Bill before it was allowed to interfere with them. I would therefore suggest that a clause be added to the Bill to that effect, and I give notice that in committee I will move such a clause. I do not agree with all the remarks made by the hon. gentleman from Halifax respecting the confiscation of property and the amount fishery inspectors are going to derive from the confiscation of vessels and seines. In the first part of his address he referred to the fact that the fishery inspectors were not to receive any money or any portion of the confiscated property, and then he proceeded to show the large

amounts they would receive if vessels were confiscated in consequence of pursuing this business.

HON. MR. POWER—I read first from the law as it is; then I referred to the effect of this Bill.

HON. MR. MACDONALD, (P.E.I.)—This measure is one which will affect fishermen of the Dominion more seriously than foreigners who come to fish in our waters, because it will apply altogether to fishing within the 3 mile limit. I do not know if we can control those who fish outside the 3 mile limit. We cannot prohibit foreign vessels from using seines outside of the 3 mile limit. This is a measure that will affect our own fishermen seriously. It is not only the mackerel fisheries it will affect, but various other branches of the fisheries. We know that herring are taken in great quantities by immense nets of this kind, and other fish which are supposed to be of little value, but in the aggregate amount to considerable—I refer to smelts. This Bill as it stands at present will effectually stop all business of that kind, and it is desirable that those persons who have gone to a great expense, not being aware of any such legislation as this coming up, to fit out boats and vessels for this business, should be allowed a sufficient time to recoup themselves for their outlay or dispose of the material that they have on hand for the purpose of prosecuting the fisheries, as they supposed they had a right to do before the passage of this Bill.

HON. MR. PROWSE—Coming from the maritime province of Prince Edward Island—I feel some interest in this question, so deeply affecting the fisheries; because the fishing industry is of wonderful importance, not only in the province from which I come, but in Nova Scotia and New Brunswick. I can very well understand that the question of the protection of the fisheries is one of very serious importance and very great difficulty indeed. I do not think that the Minister of Marine and Fisheries, or even his inspectors, are in a position to thoroughly understand the importance of this question, so far as it affects the fishermen. Theory is all very well, but I take it that the opinion and judgment of practical men, who have been

engaged in this business for many years, are certainly of greater importance than those of gentlemen who have been brought up in offices all their lifetime. I do not think myself that the Bill that is now before the Senate will have a very great effect, either one way or the other, unless a seizure is made; and, as the hon. gentleman from Halifax has demonstrated, if a seizure is made it becomes of serious importance indeed to a great many people. We know that the fishermen, as a class, are very poor. They are living from hand to mouth, and these fishing vessels, as already stated, are very expensive. They are worth from \$5,000 to \$10,000 each. Purse-seines are worth from \$500 to \$1,000 each, and one seine-boat is worth at least \$500. Vessels in some cases are owned by merchants who employ a captain and crew, each man having a share in the catch, and if they get a good season's catch they do very well. If they get no fish they get no pay.

HON. MR. ABBOTT—I have been instructed that these purse-seines are much more expensive and much larger than my hon. friend says—that they cost from \$1,500 to \$5,000 each. I understand there is a seine that is used from the shore in small boats, which is not a purse-seine at all; and I think the seine that my hon. friend speaks of must be a seine of that kind, and not a purse-seine, that is used from a steamer or large boat. I would like to have my hon. friend's view of that question.

HON. MR. PROWSE—I understand that purse-seines are made of all sizes. I do not understand that they are worth \$5,000. I cannot say that they are not. I am satisfied that they can be bought as low as \$500. I have no doubt that an ordinary seine is worth from \$1,000 to \$1,500. That does not affect the point I wish to get at, but it brings in another idea here. The larger the seine the more expensive it must be, and the larger the seine the less opportunity it has to be thrown within three miles of the shore. These large seines must not touch the bottom, for if they are thrown where they touch bottom the net is torn and the fish are lost. They cannot be used, except in a few instances, within the 3-mile limit. Smaller seines are more frequently used in the shore fisheries. If

it were possible to make any arrangement with the United States to prohibit the use of purse-seines outside of the 3-mile limit as well as inside, then the fisherman who works with hook and line would have a chance of getting some fish. But this Bill will have little or no effect in protecting the fisheries. These vessels are owned in some cases by merchants and in other cases by joint stock companies, and these joint stock companies are the fishermen employed in the vessels. These fishermen, as a rule, are poor men. The vessel is out seeking for fish. It is only in a peculiar state of the water and at certain times that the fishermen can use these nets at all. That is at a time when the fish are schooling; that is when a great body of mackerel come to the surface and play on the top of the water, and cause a ripple which can be seen for a mile off. Then all is excitement on board the fishing vessel. The seine-boats cost \$500 each. The seine-boat is ready for use. They approach the school of fish, which can be seen on the surface of the water, and they endeavour to throw the seine around the school. If they can get them within the net the fishermen may take from 100 to 1,000 barrels of mackerel in one haul. But many vessels have gone from the beginning to the close of the season, and have only caught 50 barrels of mackerel. They have gone month after month, watching day after day for these schools of fish, and, after having seen them, have not had an opportunity of netting them. Presently the time comes when they have an opportunity of making a haul. They are within a short distance of the 3-mile limit, and it is a question with the captain and the men whether they are within the limit or not. The men, thinking of their wives and families at home, and thinking it is the only possible chance of making a living for them during the winter season, say they are outside of the 3-mile limit, and perhaps convince the captain against his will that they are within the lawful limit, and they cast their seine and make a haul; but before they have the fish preserved the fishery officer comes down on them from the shore, induced by the prospect of making a large amount of money by the moiety of the fine imposed. Then the owner, whether the captain, fisherman or merchant, is liable to a fine under this Bill of from \$50 to \$100,

and his vessel, boat and apparatus, which are worth from \$5,000 to \$10,000 are liable to confiscation. Who is to be the judge? The fishery officer—and with all due respect to the fishery officers, my opinion is this, that these gentlemen are apt—and I speak of what I know something about now—to magnify their office, and to keep that in view more than the interests of the industry. They impose a fine and penalty and seize the vessel, and the only appeal the individual has is to the Minister of Marine and Fisheries. To do the Minister of Marine and Fisheries justice, I do not believe that he could be influenced by any persuasion or any political influence whatever to do anything contrary to what he believes to be right and lawful. But I believe that placing such power in the hands of a Minister leaves the door open to the accusation of favouritism and oppression. If the party should happen to be a supporter of the Government, and should be let off easily, political opponents will say it is favouritism. On the other hand, if it is a case deserving of rigorous punishment, and the party receives the punishment he deserves, it will be said by him and by his friends that it is because he was opposed to the Government or to the party. I can realize very well the great difficulty in making laws with respect to this industry, but in my opinion the greatest gain that can be got in this respect is in an effort to form such an arrangement with the United States that after reasonable time and warning has been given purse-seine fishing shall be done away with altogether. Why should a man, after building his ship and buying his seines, and preparing to enter upon a perfectly legal business, be subjected suddenly to a law which says that after the passing of this Act his vessel and seines shall be liable to confiscation? I think, in all fairness to these men, if a law of this kind is to be enacted and enforced the fishermen should have some opportunity to use up the plant that they have, and dispose of their property within a couple of years.

HON. MR. MILLER—I have listened with a good deal of attention to the interesting debate which this Bill has elicited. While I agree with a good deal that has been said by hon. gentlemen, there are some things with which I do not agree. I am happy to find, however, that in regard



to the principle of the Bill there is no difference of opinion. That is a great point gained. None of the gentlemen who have opposed the Bill before us have denied the correctness and wisdom of the principle it contains. They all admit that such a Bill is requisite, and that its operation is likely to prove beneficial to the fishing interest of this country. Some hon. gentlemen have spoken of the great value of the fishing interests of the Dominion. No doubt these interests cannot be over-estimated, and so far as the province from which I come is concerned, it is more deeply interested in this industry than any other province in the Dominion, and nearly as much as all the other provinces put together. Now, with regard to this Bill, I can only say that I have received several communications, from sources best qualified to judge, in favour of the measure. I live in a fishing district, in a portion of Nova Scotia where I am likely to know what public opinion is upon fishing questions, where they are of as much interest to every resident of that portion of the province as the agricultural interest is to every citizen of western Canada. We, of necessity, become more familiar with the details and particulars of those interests and the welfare and wishes of the large class engaged in the fisheries than those who have not the same opportunities. Now, my experience is, with regard to the Bill before us, that since it has been before Parliament—it was introduced in the Commons some time in June—the knowledge of it has gone all over the Province of Nova Scotia, and so far as I can understand, it has been hailed with satisfaction and approval in every direction. I have not seen in the public press of Nova Scotia one word against it, or any of its provisions. I have not seen in any of the fishing communities, which are largely interested in it, any attempt to get up petitions against it, or hold meetings to condemn it. No petitions have been presented against it, although it was introduced into Parliament months ago, and there has been plenty of time to get up petitions or meetings against the Bill. I fail to find any report in the press of any public meeting condemning the measure. On the contrary, the Bill is looked upon as one not only desirable, but absolutely necessary to protect the fishing interests of this country, and I am sure that the able and efficient head of the Fisheries Department, who has made

so many improvements in the law and its administration during the time he has been at the head of it, is one of the best qualified authorities on this question, and that it is not without due consultation with the great fishing interests of this country that he has submitted this measure in all its details to Parliament for adoption. I think my hon. friend who has resumed his seat is under some misapprehension with regard to the seines that are to be prohibited by this Bill. Seines are of two descriptions. Purse-seines are of a peculiar make. Open seines are large nets used in seine-boats, whereby fish are drawn to the shore, and such large nets or seines are not to be interfered with by this Bill. I should judge, from the remarks of the hon. gentleman from Prince Edward Island, that he imagines that boat-seines are to be interfered with; I cannot assume anything of the kind from the terms of the proposed enactments. I assume only that purse-seines are the subject of this legislation, and in the experience of the United States, as well as that of the fishermen of Canada, have become so destructive of the fisheries that it is high time to put a stop to the use of them. The law, of course, can only affect purse-seines within the territorial waters of Canada. These seines can still be used outside of the territorial waters of Canada by all fishermen using the great ocean highways. With regard to any joint action between maritime nations to prohibit purse-seining altogether, I think it would be very desirable indeed; but it is not the subject now under our consideration. Why are purse seines so very destructive? According to their size, they are thrown over a considerable area, and they draw in everything that comes within their reach—fish that are fit for curing and fish that are not—and very often three-fourths of the fish drawn in are too small, or unfit for curing, and are killed and thrown away. This causes great destruction of fish, without any recompense or return whatever. But it does worse than that. These fish are thrown away upon the grounds where the fish resort, and the grounds where the fishermen are in the habit of getting their haul and earning a living for their families are often deserted by the fish in consequence of being fouled with dead and rotten fish. If this were to take place all round the coast, the consequence would be that the

fish would desert the coast altogether. That is what the fishermen tell me, who have the practical knowledge that the hon. gentleman from Prince Edward Island speaks of. That is the reason why fishermen everywhere denounce purse-seining, excepting those who are concerned in it. They denounce it very much more than they used to denounce trawl fishing, which was very much deprecated in the province from which I come. I think, under the circumstances, the House ought to feel that without any protest from any part of the people interested in this law it is acceptable to the large class affected by it. I do not see that the question of giving compensation is one that could be urged upon the House with a great deal of force. I do not believe that purse seines are used in boats; if they are, it is a new thing to me. The ordinary seines which I have described are those that are used in seine-boats, which are not contemplated at all in this legislation, and these are the seines to which my hon. friends from Charlottetown and Prince County alluded. I think an effort ought to be made—and I believe this is the opinion of those best qualified to form an opinion on the subject—to arrive at some international arrangement to prevent purse-seining outside of the territorial waters, both of Canada and of the United States. I hope that in the near future some such arrangement may be come to between these two countries as will have the effect of preventing the use of these destructive implements in our fisheries. So much with regard to the first clause of the Bill. With regard to the second clause, as to which the hon. gentleman from Halifax has reiterated many of the arguments used in another place in opposition to this Bill, and which did not receive a great deal of attention or consideration there, I think they are very far-fetched. I do not think the liberty of the subject is threatened in such a dangerous way as the hon. gentleman has depicted. I do not think we are coming back to the practices of by-gone centuries when the prerogative and powers and rights of the Crown were much greater than they are to-day, and when the powers and rights of Parliament were much weaker and less than they are now. I do not think we are reverting to those ages at all, or that there is any danger in this country of a retrograde move-

ment taking place. To my mind, the great danger in this country is of going too fast in the other direction. With such liberty as we possess, and with the proper administration of the law and justice as our people have had ever since the establishment of the first colony in British North America, there is no danger that British tribunals would be permitted to treat the subject, however humble, harshly or unjustly, and there is no danger of the executive of the country placing in the hands of any inferior magistrate powers which could be used to the detriment of the rights of the people. I think the hon. gentleman from Halifax may make himself easy on that point, and that he need not either allow it to disturb his dreams here or elsewhere.

HON. MR. O'DONOHUE—As to the question of penalties and confiscations, I should be glad to hear the hon. gentleman.

HON. MR. MILLER—I am just coming to that. With regard to the tribunal, we have a precedent already on our Statute-book in connection with the Customs laws of the country. In that case the officer is given very summary power, much more summary than the officers indicated in this Bill will possess under it, and the court of final resort is the same as in this measure—that is, a Minister of the Crown. That law has been in operation for a long time. It was not brought into operation by this Government; it was in existence when the friends of the hon. gentleman were in power, and I think was made more stringent during their incumbency of office. Under that law we have not heard of any gross injustice being done, or of any arbitrary violation of the rights of the subject, and if that law has not been abused where the scope of injury might be much greater I do not see why we have any reason to anticipate beforehand that there will be extraordinary abuse under this law. But what is the object of a summary process, or proceeding given by this Bill? Is it with a view of exercising an arbitrary power over the subject? No; the very opposite is the reason—it is for the convenience and advantage of the subject, that in a case of this kind he may have the most ready and cheap tribunal. You might say, Why not give this to the Admiralty Court, to the County Courts, or to some power

superior to a magistrate? But the reason why it is not given is because it is of greater convenience to the law-breaker to have a ready and speedy process at home, a tribunal at his hand to appeal to, than to take it to a court where there would be a greater delay and expense, and the chances of getting justice would not be better than before the local tribunal. The other objection of the hon. gentleman is that the Minister is the court of last resource. The Minister is amenable to the highest court in the country, and is just as sensitive to the opinion of that court as any other tribunal can be: he is amenable to the high court of public opinion. His Government, his party, everything depends on securing the approval of his acts from that court, and he has this advantage, that in coming to a decision he can do so without unnecessary formality or waste of time, and without any regard to the technicalities which too frequently hamper the pursuit of justice in a court of law. These are the reasons that have always presented themselves to my mind why the procedure should in these cases be so summary and so simple, and I think they should be conclusive with this House, as they were certainly conclusive with the other House. What are the penalties in this Bill? Are they more severe than in other cases of law-breaking? If a vessel worth \$10,000 is caught with a 10 gallon keg of smuggled rum on board she may be confiscated and the owners fined, and she should be if she attempts to smuggle. No matter whether she is worth \$5,000 or \$50,000 she is confiscated. Now, no penalty is inflicted here on anybody at all who does not commit a breach of the law—who does not attempt to use these purse-seines within three miles of the coast. A good deal has been said with regard to the uncertainty of the line of demarcation between the high seas and the territorial waters. There is nothing in that argument to prevent the passage of such a Bill as this; if there is, the Bill should not be entertained at all. There must be uncertainty as to the territorial water limits, but that is no reason why you would abolish territorial water limits altogether, and confine your jurisdiction only to high and low water marks. Besides, the accused always gets the benefit of the doubt in doubtful cases. If the argument was good for anything it

would justify the abolition of the territorial limit; but these difficulties very rarely occur. In the history of all the cases which have arisen out of our fisheries you find very few indeed in which it was difficult to prove the fact whether the breach of the law was within the territorial limits or not. In very few cases was it difficult to produce evidence conclusive as to that point, and leave no doubt as to the innocence or guilt of the parties charged. Therefore, I see no force in the illustration given on that point by my hon. friend from Prince Edward Island. Now, what is the penalty? It may be \$50 or \$500, and the confiscation of the vessel, which, as I said, results in all cases under the Customs Act, where the slightest breach of the law is committed. I cannot conceive that for a serious offence like this, especially by a foreign vessel going into the territorial limits and throwing one of these destructive nets, and damaging the fisheries, that the punishment is too great. It is an interference with one of the most hardy and industrious classes of our population, who are dependent on the fisheries for a livelihood, and at a time when we are putting forth our energies and spending money to protect our fisheries in order to preserve that valuable heritage to our people—valuable not only as a means of giving support to a very large class in this country, but valuable also in a national aspect, as training up a body of sailors that in time of necessity may be ready to defend the interests and the honour of our country upon the high seas—the penalties ought to be severe. I will not undertake to say positively now whether they are too much or too little. If a magistrate might inflict too high a penalty—but the same thing might occur under the Customs Act or any court of law—the head of the department would reduce it to what is right and just; and I say, no matter what Government is in power, the history of penalties enforced by the heads of departments in cases like these show that the Minister leans on the side of leniency and mercy. Therefore, as there is no fear from past experience that the power given to the Minister will be abused, I, for one, am willing to support the second reading of the Bill.

HON. MR. READ—The whole discussion

on this Bill would lead one to suppose that it applies to the deep-sea fisheries and to the maritime provinces only, whereas I discover that it applies to all parts of Canada. In the inland waters of Canada it will be hailed with a great deal of satisfaction by our fishermen lawfully carrying on their business. These purse-seines are set by men who are only pirates in fishing. They catch all the smaller fish, in many instances fish put into the lakes and rivers from the hatcheries. These fish are caught in the purse-nets and destroyed, and become a nuisance on the grounds where they happen to be thrown; so, not only is this Bill needed in the maritime provinces, but it is required elsewhere in Canada. I have had opportunities of hearing the complaints of our fishermen. I have a fishery right at my own door—not a large one; they only fish about six weeks in the fall, and occasionally at other times. Their complaint is that the purse-nets are doing injury, destroying the small fish. This country, at great expense, has established hatcheries for the artificial propagation of fish, and we find that the fish are increasing in quantity in our inland waters. I am very pleased to notice that this Bill applies to the inland waters as well as to the sea fisheries, and I am sure it will be very favourably received by those who are legitimately engaged in fishing for a livelihood.

HON. MR. SCOTT—I assume from what has fallen from a number of hon. gentlemen that there may be a necessity for this Bill. I assume so from the fact that it emanates from the important department of the Government which is charged with the subject, but it is extraordinary that Parliament should give to the officers of the department the powers that are contained in this Bill—the extraordinary power of defining the penalties that shall be imposed. I do not know that there has been any precedent for it heretofore. I do not know that we have given to any inferior tribunal such wide powers for punishing offences against this particular Act. The penalty is a fine of \$50 to \$500, and confiscation of the vessel and apparatus. That is an exceedingly wide margin to give to an inferior tribunal. I say inferior advisedly, because cases may be tried before a fisheries officer. Several hon. gentlemen have adverted to the fact that the only question

which can arise is as to whether the party offended or not, and yet the difficulty arises at once as to how the Act is to apply. Some hon. gentlemen from the maritime provinces say that it applies to purse-seines on the coast. The hon. gentlemen from King's and Prince Edward Island say that it applies to nets on the shore. Other hon. gentlemen say that it only applies to nets to be used in deep-sea fishing. So, at the outset there is a difference of opinion amongst gentlemen who ought to know how it should be applied. Yet you are prepared to give to an inferior officer, a man who would not be trusted to try a case involving \$20, the extraordinary latitude of deciding what is an offence under this measure. Then, again, there is that other point, as to whether a vessel is within or without the 3-mile limit. That is another very vexed question. We know that officers of the Fisheries Department, like officers of any Government department, are exceedingly zealous, particularly in the seizing departments, where they look to getting a share of the plunder. They make seizures constantly, and they endeavour to establish that the seizures are justified. I have only to point to a remarkable case which occurred at Eastport recently, where six vessels were seized. The officer said they were within the line, but when it came to be investigated it was found that they were not.

HON. MR. ABBOTT—The hon. gentleman is wrong.

HON. MR. SCOTT—They were given up, at any rate.

HON. MR. ABBOTT—Yes.

HON. MR. SCOTT—The only statement that went to the papers was that they were given up because they were not within the territorial limits.

HON. MR. ALMON—The papers said it was in a fog that the vessels had inadvertently got inside the 3-mile line.

HON. MR. ABBOTT—That is it.

HON. MR. SCOTT—In all those cases there is a difference of opinion prevailing, and I do think it is improper for Parliament to give to inferior men the extra-

ordinary powers conferred in this Bill. One hon. gentleman has referred to the fact that we make confiscations under the Customs Act. That has been the case more frequently of late years. Since our tariff has gone up they are more frequent, but public opinion has insisted that the ultimate tribunal should not be the Minister, and that there should be a reference to the Exchequer Court; and under the pressure of public opinion this Government had to yield, and allow those cases to go to the Supreme Court. My hon. friend will recollect a very important case, that of the Ayers, where a very large amount of sarsaparilla was seized, and it was decided against them by the Government tribunals, yet when it went to the Supreme Court the departmental decision was reversed. I do not understand that there is any such appeal under this Bill.

HON. MR. ABBOTT—My hon. friend is mistaken. There is an appeal from every judgment of a magistrate to the high court, whatever it may be, in the locality—for instance, in Nova Scotia to the Supreme Court.

HON. MR. SCOTT—Will there be such an appeal under this Bill?

HON. MR. ABBOTT—It is under the general law. There is an appeal from every magistrate's decision.

HON. MR. POWER—I think the hon. gentleman is mistaken.

HON. MR. SCOTT—Unless it specifically overrides the Fisheries Act; I think it does not. Under the Fisheries Act the appeal is defined.

HON. MR. ABBOTT—In addition to the power which the Minister has to remit the forfeiture or penalty, there is, under the Summary Convictions Act, an appeal to the highest court in the locality which exercises jurisdiction. It is not in the Fisheries Act.

HON. MR. SCOTT—I have not looked into the point, and it is possible I may be wrong. It would be a great relief to my mind to feel that it was so; but under these circumstances, supposing there was an appeal, I think the Bill confers too wide a

power. The penalty may involve a sum of money up among the thousands, and to give a fishery officer, who may be directly interested, the power to impose such a penalty, is going too far. The fishery officer is one of the parties actually prosecuting. He is judge and prosecutor. He is watching on behalf of the Government of Canada for violations of the law. He is naturally very zealous in discharging his duties. He is told that certain parties are committing offences against the Fisheries Act by the use of these prohibited seines, and an informer prosecutes before him. I ask my hon. friend is he a proper person to try an offence of this kind? I unhesitatingly say he is not. No precedent will be found in the legislation of this country that will justify such a measure. It is a matter which may be properly discussed when we go into Committee of the Whole on this question, and I propose then to take it up more in detail, and to take the sense of the House on that point, because I think it is an extraordinary power to give to interested parties. You appoint a judge of a county court. He is not equal to men on the higher benches, and you limit his jurisdiction to cases involving amounts not larger than four or five hundred dollars. It is only to judges on the higher benches, the very cream of the profession, that you give power to impose such large penalties as are specified in this Bill. Yet here you give a fisheries officer, a man specially appointed to enforce the laws relating to the fisheries, and who is zealous in enforcing these laws, power to punish parties who, in his judgment, have violated them. I do not think that that is a right principle at all. He combines the two offices of being prosecutor and judge. When the Bill comes up in committee I propose to discuss this question at some length.

HON. MR. KAULBACH—As the hon. gentleman from Quinté has said, this Bill applies to the inland waters of Canada as well as to the sea fisheries, and I suppose my hon. friend from Ottawa considers himself an authority on this subject.

HON. MR. SCOTT—I was dealing with the principle of the Bill.

HON. MR. KAULBACH—The hon. gentleman has shown a degree—I will not say

of animosity to the Bill—but total ignorance of the rights of our fishermen. Now the power conferred by this Bill is not extraordinary. My hon. friend from Halifax in his remarks did not oppose making purse seine fishing within the 3-mile limit a thing to be prohibited. He believed that it should be prohibited, but he supposed that the penalties and the mode of applying them, and the jurisdiction in the matter, were not proper. Now, this is a very important matter to our fishermen. I do not know in the last three or four years any question which has so generally affected them as this one of purse-seining. In fact, all along our shores this question is regarded as the most important one of the day. From the nature of the offence, the remedy must be powerful and effective, and, unless it is, the legislation will be useless. No doubt the measure is intended chiefly to apply to those vessels which are fishing ostensibly outside the 3-mile limit, but which really poach on our fishing grounds. We know that American fishing vessels do that. They have destroyed their own fisheries, and now they are coming to destroy ours. To such an extent has this gone that our fisheries are injured very seriously. The effect of purse-seining along the shores is such that, although it is remunerative to the few engaged in it, the result will be the destruction of our fisheries, not only by leaving the dead fish in the waters, but by diverting the fish from their proper course along the coast. I do not consider that this Bill is intended to apply to boats that fish with seines from the shore; it is intended rather to apply to the class of vessels I have described. In fact, from the nature of the fisheries it must be meant for such vessels, because the boats cannot see the fish unless they are alongside of them, while the larger vessels can have some one at the masthead looking out for the fish. To be successfully carried on, purse-seining must be done from vessels with masts, so that the fish can be seen at a distance of a mile or two. I sent copies of this Bill down to the principal men engaged in the fisheries in the county from which I come, and they say it is just what they want, and that it should have been enacted long ago. There is no part of the Province of Nova Scotia that will be so much affected by this as Lunenburg. Our people are, above all things, fish-

ermen, and keenly alive to the protection of their own interests. Any man pretending to represent the county of Lunenburg who would favour purse-seining might as well stay at home. He would get no support from the fishermen. This Bill will not affect the people of Prince Edward Island to the extent that my hon. friend supposes, because purse-seines can only be used in deep water. If any vessel were to attempt to use deep seines entirely outside of the 3-mile limit the attempt would be unsuccessful, and it is only by poaching within the 3-mile limit than they can hope to succeed. There is no doubt that this is a drastic measure. It is very severe. Nevertheless, the law has at all times empowered magistrates and fishery officers to enforce the laws. But it is said in this case the fishery officer sits in judgment. If so, he cannot take a portion of the fine. The trouble with our fisheries is, that we have fishery officers who are not as active and zealous as they should be. If they can draw their salary they do not care so much about the discharge of their duty, and the people do not interfere. Therefore, I think this law which offers inducements for enforcing the regulations is advisable. Now, as regards the tribunal: It is necessary, from the nature of this offence, that the process should be summary. My hon. friend from Halifax would have these cases dragged through the courts, with the result that enormous expense would be incurred. Then, as to the question whether equitable principles would apply in the case of an appeal to the head of the department, my hon. friend from Ottawa has shown that they probably would. As he pointed out in the case of the seizure made at Eastport, when it was proved that the vessels trespassed inadvertently while a fog prevailed, they were released. All these cases when appealed to the Minister will be dealt with leniently, but if they had to go to the Admiralty Court they would be dealt with on strict legal principles. The court will enquire whether the vessels were within the 3-mile limit, and if they were the court will have no option but to fine them. We have penalties imposed under various laws and I do not know of an instance in which the department has not dealt leniently with offenders. I cannot see that in this case there is likely to be an exception, or any reason to fear

that any one connected with the department will be tyrannical. I do not believe the Minister of Justice would retain his popularity if he were to impose an unnecessary penalty on a party who had inadvertently offended against the law. Therefore, I feel that it is necessary, in the interests of the fishermen, that purse-seining should be done away with, that the law should be made effectual, and you cannot make it so without summary means and without leaving to the Minister of Marine the discretion of having the penalty enforced; and I believe that in all cases he will do justice, and the penalty will not be unnecessarily severe on offenders.

HON. MR. ABBOTT—I do not propose to prolong the debate. I think every hon. gentleman who has spoken admits the importance of putting a stop to this kind of fishing; but I do not think that some of them appreciate the extent of the injury caused by seine fishing; and I think others are under the impression that this law applies to a kind of netting which is not really contemplated by it at all. These two facts would account, I think, for a great deal of the opposition to some details which has developed itself in the course of this discussion. I shall not say much now about those details, because we shall have an opportunity of discussing them when we go into committee; but I do not wish the House to rise with the idea that this Bill is open to all the obligations which we have heard so strongly urged against it. I do not think it is, and I wish to say a few words on two or three points, just to convey to the House that some doubt may exist as to the correctness of the application of three objections. The hon. gentleman from Halifax, in speaking of the provision for a penalty, appeared to convey the idea that he supposed that in the forfeiture of a fishing vessel the price of it was to be divided between the informer and the Government.

HON. MR. POWER—I did not say that, and I certainly did not mean it.

HON. MR. ABBOTT—My hon. friend did not mean it, although what he said implied it. It is only the pecuniary penalty that is divided, and the division of that pecuniary penalty, it appears to me, offers a

sort of premium for diligence in putting a stop to a practice which it is very important should be prevented. The hon. gentleman from Ottawa and the hon. gentleman from Halifax both attach much importance to the mode of trial. Now, the mode of trial is not new. It is by a fishery inspector or magistrate that all the offences—I think I am right in saying all offences—created by the Fishery Act have been tried for years, and as far as I know there are no complaints whatever against the administration of the law by these officials. It is not conclusive that a man who has an appointment of that description should immediately become dishonest, and that he should behave with partiality or tyranny because he happens to be a fishery inspector. There is also this protection against him, that, as I am informed by the Department of Justice, there is an appeal in every case from the decision of the magistrate to the local court having the highest original jurisdiction—in Nova Scotia, to the Supreme Court. I do not remember what court it is in New Brunswick, but it is to a court of the highest original jurisdiction in the province; therefore if, there be any grievance it is quite plain that the remedy is very simple. It is not absolutely necessary that the person condemned should throw himself upon the mercy of the Minister, though he might not go far wrong in doing so, as was exemplified in the case of the six boats referred to by the hon. gentleman from Ottawa. Those boats were seized in a very thick fog, and the Minister was satisfied that the intention was not to violate the limit, but that the fog was so thick it was impossible for the people to see where they were, and they had inadvertently crossed the line, and an order to release them was at once given.

HON. MR. BOTSFORD—They were within the 3-mile limit.

HON. MR. ABBOTT—Yes; but on the fact being made known that the fog was so thick that it was impossible for these people to know where they were, and it was evident there was no intention to violate the boundary, they were immediately ordered to be released. As I have already said, this mode of proceeding is not new, and has not given rise to any abuse, and there is a further check upon it by the appeal to the judge of the Superior

Court—and it has its advantages. If the proceeding be well founded the man who is condemned saves a vast amount of costs which he would lose if he went before a higher court. The costs of the proceedings are trifling, as compared with the costs of the Admiralty Court or any other higher court. If the judgment is an erroneous one, it is very easy to appeal to the higher court to obtain redress; so that in point of fact the taking of a case before the local justice is a preliminary proceeding, which, if the judge is a just one, will probably rest there, and if the judge is an unjust one will inevitably be appealed to the Superior Court; and even if the judgment of the Superior Court be against the petitioner, the Minister will have the right, under this Bill, to soften the rigor of the law, by remitting the penalty; so that there is no danger of the party being affected injuriously by this procedure. There are plenty of means by which an innocent man may escape unjust punishment. The injury which this method of purse seine fishing does is very serious indeed. There can be no doubt about that. The Bill is made as stringent as it can reasonably be made, for the express purpose of absolutely putting a stop to this kind of fishing. It has already practically destroyed the American coast fisheries, and would very soon produce the same result in our own; and I understand from a great many sources precisely what the hon. gentleman from Richmond said with reference to the fishermen in his neighbourhood, that there is the strongest desire on the part of the fishermen of the maritime provinces to have this kind of fishing entirely stopped. As to the number of boats employed in it, my hon. friend from Prince Edward Island spoke of several thousand, and \$17,000,000 resulting from the fisheries. I understand, as regards this class of fishing, there are not a dozen of those purse-seines owned on our whole coast, and there is no danger whatever to ordinary fisheries, but the contrary—it will be the greatest possible benefit to the fishermen, because all the reports which have been had from the fisheries with respect to the fishing done by these purse-seines go to show that they enure to the profit of those who use the seines when they are fortunate, but destroy the chances of profit of the minor class of fishermen, who depend on the ordinary means of fishing for the

support of themselves and their families. These are the men for whom my hon. friend spoke, and they are the men who are injured by those purse-seines. I am not sorry, however, that we have had a discussion on those details. The Bill has been discussed in another place, and after a long and violent debate the Bill was carried there without any alteration, and I think only two, or at most three, of the members from the maritime provinces spoke against the Bill at all. None of them were against the principle of the Bill; they made objections merely to the details to which my hon. friend has called attention, some of which we may find, when we come to discuss the Bill in committee, may require revision. At all events, we shall then have full opportunity to take them up item by item, and endeavour to get the Bill in the best possible shape.

HON. MR. O'DONOHUE—To whom does the confiscation enure?

HON. MR. ABBOTT—To the Crown.

HON. MR. McDONALD (P.E.I.)—Allow me to say in explanation of the comments made by the Premier on some remarks of mine, I did not say the amount embarked in the fisheries was seventeen millions of dollars. I said the production of the fisheries was over seventeen millions of dollars.

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

HON. MR. ABBOTT—I move that the Bill be referred to a Committee of the Whole House to-morrow.

HON. MR. PROWSE—I would suggest to the leader of the Government, before the time comes for the House to go into committee on this Bill, whether it would not be advisable to have the Bill printed for the information of the people, and have it postponed until next session? The Bill will scarcely have any effect this fishing season, as the season is nearly over, and it is scarcely probable that it will be brought into operation this year. The probability is that the next session of Parliament will be held before the fishing season opens, and in the meantime the maritime province members will have an opportunity of



advising with their supporters and obtaining information from those interested in this legislation.

HON. MR. KAULBACH—Whether this year or not, the consensus of opinion in Nova Scotia is that such a law must be passed at the earliest possible moment. Allow it to remain in abeyance now and the same question will arise next year and the same point will be raised for delay. The people of Nova Scotia mean that this law shall be passed, and no person can represent our people who opposes this legislation.

HON. MR. MILLER—I would suggest to the Government whether it might not be well to consider the question of not allowing the Bill to go into operation this year; but to postpone the passage of the Bill this session I think would be a very great mistake. I agree with all the strong declarations made by my hon. friend from Lunenburg in regard to the feeling in the great fishing province of the Dominion, so far as I am able to gauge it, and I think the law is very much desired by all those interested. Those who are interested in maintaining the purse-seine fishing are a very small minority to the fishing population.

HON. MR. POWER—The hon. gentleman from Lunenburg has laid a great deal of stress on the unanimity of the fishermen of Nova Scotia. The fishermen of Nova Scotia are unanimous, just as the representatives of Nova Scotia in the other Chamber and the representatives of Nova Scotia in this House are, in favour of putting an end to purse-seining. Beyond that, they know nothing about it. That does not deal with the details of the measure at all.

HON. MR. O'DONOHUE—I do not pretend to speak upon the merits of the purse-seine, but simply to say a word, since the hon. Prime Minister intends looking over this Bill again, as to the provision for confiscation. It impressed me when I heard the statute of the United States cited, that there the fine is imposed, and if not paid the amount of it is held as a lien on the vessel. That seems to me to be a far more equitable mode of imposing the fine than that of confiscating the vessel. Whether the vessel be worth \$5,000 or \$10,000 makes no difference

under the law of confiscation, but by holding a lien on the vessel for the fine imposed I think it would be entirely more equitable and is worthy of some consideration. There is a great deal of mischief and perhaps great loss involved in allowing vessels to be confiscated, and I think the holding of the vessel subject to a lien for the amount of the penalty is entirely more equitable than confiscating it.

The motion was agreed to.

## THE INDIAN ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (144) "An Act further to Amend the Indian Act."

(In the Committee.)

HON. MR. MACDONALD (B. C.)—I desire to call the attention of the hon. Premier to the summary character of this Bill in dealing with the Indians. Sub-section 2 of section 1 gives an Indian chief or constable the power to order off any other person from the reserve if he is on the roadway or any line that he should not be on. The hon. Minister will see that an Indian settling on a piece of land before the lines are run, and building his house and outbuildings on it, it would be a very great hardship to compel that man to move in this summary manner without compensation. It inflicts a penalty of from \$5 to \$20 a day if he does not move, and if he does not pay it he is liable to imprisonment for six months. The only redeeming feature of the whole Bill is sub-section 2 of section 3, which allows the penalty or expense of a law suit to be paid by the Government if the judge so orders. I think the Indians should never be restricted from hunting or fishing in any stream or river in any part of the country. They should be allowed to take enough for their own use, without selling. In the last clause, where fishing or shooting have been leased with the consent of the Indians, they are liable to be fined or imprisoned if they shoot or fish in such waters. In British Columbia the close season is not applied to Indians at all; they are allowed to take all the fish and game that they may require for food, because game is the natural food of the Indians, and if this Bill passes the

third reading I think the Minister might look more closely into the provisions of it, as they are of too summary a character altogether.

HON. MR. ABBOTT—My hon. friend refers more particularly in this instance to sub-section 2 of the first clause of the Bill. I think this must be intended for a mere migratory trespasser, because the earlier part of section 22 applies to the case of a man settled on the land. This is in addition to that clause. I take it that it is intended to apply to a migratory trespasser. However, I will inquire into that, and from what my hon. friend says about it, it seems deserving of consideration. The penalty is severe.

HON. MR. POWER—I think the hon. gentleman from British Columbia misapprehends the effect of this enactment. If he would look at section 21 of the Indian Act he will see what this is intended to deal with. It is trespassing on reserves; it is to prevent outside Indians from coming in and taking possession of the property of the band. I do not think it is so very unreasonable.

HON. MR. PERLEY—Up to a recent date the Indian reserves have been *en bloc*. Lately the authorities have been subdividing those reserves into sections and putting an Indian on each homestead, and I suppose the commissioner or the Minister at the head of the Department of Indian Affairs has framed this Bill with a view to meeting difficulties which may arise in putting the Indians on the homesteads. I do not propose to ask for any amendment, because I know that the Indian Department has been so well managed in the North-West that there is no doubt these men are entitled, by their experience and their judgment of the case, to every confidence, and their judgment would be a thousand times better than anything I can suggest.

HON. MR. ABBOTT—The explanation sent me by the Department is as follows:—

“Under the Indian Act, as it is at present, no such fine is impossible. Section 22 provides for the removal of a trespasser, and section 23 provides for the imprisonment of a trespasser who returns after being removed, in accordance with the provisions of sec. 22. It frequently happens, however, that parties are allowed to trespass on a reserve and to leave it without being

removed in the manner set forth in section 22, inasmuch as that section requires that a warrant be issued, and the trespasser removed by the person holding the warrant.

“This is a cumbersome proceeding, and often results in the trespasser escaping without punishment; whereas, were he to be brought before a magistrate or the Indian agent, and a fine imposed, he could be dealt with, and in most cases this would be a much more effectual way of punishing the offence than the law as it is at present provides.”

I will enquire of my colleague and see if the fine cannot be reduced.

HON. MR. KAULBACH—Generally, the offence comes from a white man, but I suppose the section applies to Indians as well?

HON. MR. ABBOTT—It also applies to Indians.

The clause was agreed to.

HON. MR. MACDONALD (B.C.)—Are there any cases in the North-West of fishing being let?

HON. MR. ABBOTT—I do not know of any.

HON. MR. PROWSE, from the committee, reported the Bill without amendment.

The Senate adjourned at 6 p. m.

## THE SENATE.

Ottawa, Tuesday, August 18th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## INVERNESS AND VICTORIA RAILWAY CO.'S BILL.

### BILL DEFEATED.

HON. MR. READ, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (136), “An Act to incorporate the Inverness and Victoria Railway and Mining Company,” reported that the preamble had not been proved, and recommended that the Bill be not passed. He moved that the report be concurred in.

The motion was agreed to.

## INDIAN ACT AMENDMENT BILL.

## THIRD READING.

The Order of the Day being called,—  
“Third reading, Bill (144) “An Act  
further to amend the Indian Act.”

HON. MR. ABBOTT said: With refer-  
ence to this Bill, I have had some conver-  
sation with my hon. friend the Minister,  
and he tells me that these penalties are  
not unusual, that there are similar penal-  
ties imposed on Indians on other grounds,  
but as my hon. friend appeared to think  
the pecuniary penalty too high, I thought  
we might reduce the maximum to \$10 :  
say that an Indian might be fined to the  
extent of \$5 and not exceeding \$10, instead  
of \$20, which would be a considerable  
reduction of the possible penalties.

HON. MR. MACDONALD (B.C.)—And  
the imprisonment is too long—six months.

HON. MR. ABBOTT—Then I am pre-  
pared to reduce the imprisonment to three  
months. That, I think, would be long  
enough. The maximum in both cases  
would be reduced one half.

HON. MR. KAULBACH—Does it apply  
either to Indians or white men?

HON. MR. ABBOTT—The penalty is  
general.

HON. MR. MACDONALD (B.C.)—Is  
there anything about a man being removed  
from his land?

HON. MR. ABBOTT—In point of fact, a  
man is bound to know that the land was  
not his. When he goes on land he is  
bound to know that he is not going on his  
own, but on land which does not belong  
to him. To make a change in that provi-  
sion would open the door to a good deal of  
illegal occupation. I move that the Bill  
be not now read the third time, but that it  
be referred back to a Committee of the  
Whole House for amendment.

The motion was agreed to.

HON. MR. PROWSE, from the commit-  
tee, reported the Bill with amendments,  
which were concurred in.

The Bill was then read the third time,  
and passed.

## FRAUDULENT MARKING BILL.

## REPORTED FROM COMMITTEE.

The House resolved itself into a Com-  
mittee of the Whole on Bill (140) “An Act  
in restraint of Fraudulent Marking.”

HON. MR. MASSON, from the commit-  
tee, reported the Bill without amendment.

HON. MR. ABBOTT—A suggestion has  
been made to me as to the proportion of  
oil and of basic carbonate of lead, which I  
desire to consider before the passing of  
the Bill. These are the proportions men-  
tioned in the schedule. Therefore, I move  
that this Bill be read the third time to-  
morrow.

The motion was agreed to.

The Senate adjourned at 3.30 p.m.

## THE SENATE.

*Ottawa, Wednesday, August 19th, 1891.*

THE SPEAKER took the Chair at 3  
o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (106) “An Act to provide for the  
marking of Deck and Load Lines.” (Mr.  
Abbott.)

Bill (117) “An Act further to amend  
the Exchequer Court Act.” (Mr. Abbott.)

Bill (150) “An Act to amend the Acts  
respecting the Harbour of Pictou, in Nova  
Scotia.” (Mr. Abbott.)

Bill (154) “An Act respecting the ship-  
ping of Live Stock.” (Mr. Abbott.)

Bill (158) “An Act to authorize the  
sale of the Carleton, City of St. John,  
Branch Railroad.” (Mr. Abbott.)

Bill (160) "An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec." (Mr. Abbott.)

Bill (138) "An Act to amend Chapter 135 of the Revised Statutes, 'An Act respecting the Supreme and Exchequer Courts.'" (Mr. Abbott.)

Bill (159) "An Act respecting Grants of Land to members of the Militia Force on active service in the North-West." (Mr. Abbott.)

### FRAUDULENT MARKING BILL.

#### THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (140) "An Act in restraint of Fraudulent Marking." He said: I had a suggestion, as I mentioned yesterday, on the subject of the schedule to this Bill—that the percentages of the base of the paint and of the oil used in it were erroneous to some extent. I have had the suggestion carefully looked into, and I find it is not well founded.

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

The Senate adjourned at 3:30 p.m.

### THE SENATE.

*Ottawa, Thursday, August 20th, 1891.*

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### THE CIVIL SERVICE.

#### ENQUIRY.

HON. MR. MACINNES (Burlington) rose to enquire

Whether, in view of the irregularities and violations of the "Civil Service Act" recently discovered,

it is the intention of the Government to institute an investigation by commission or otherwise, or to take such other steps as may be deemed expedient to secure the better administration of the Civil Service, and prevent the recurrence of similar irregularities to those which have lately been brought under the notice of Parliament.

He said: The problem to be solved, then, is how to secure the better administration of the service and to prevent a recurrence of similar irregularities, and to increase its efficiency. It may be of some interest to the House if I refer to the various attempts which have been made since Confederation to improve the organization, efficiency and general administration of the service. An Act was passed in 1868 and a commission appointed, which submitted a scheme for a reorganization of the service; but it was never fully carried out, as the Act did not contain the necessary clauses under which the rules recommended could be enforced. In 1875 a Bill was introduced by the Government, which, however, did not become law. In 1877 a Committee of the House of Commons was appointed to enquire into the conditions of the service, but no legislation resulted, and the service continued to be administered under this Act of 1868 until 1882, when the Civil Service Act of that year was passed, and is the Act under which the service is at present administered. A commission was appointed under an Order in Council dated 16th June, 1880. I was a member of that commission and had the honour of being its chairman, and Mr. Griffin, the present Librarian of Parliament, its secretary. The commission issued its report in March, 1881. The recommendations made in that report were not fully carried out or adopted. We recommended the abolition of political patronage; open and competitive examination, promotion by merit, and the appointment of a permanent Civil Service Commission; but these views were then believed to be in advance of public opinion either in or out of Parliament; but I believe the provisions of the Act of 1882 were at the time abreast of public opinion. The Honourable Sir Alexander Campbell, the then Minister of Justice, leader of the Senate, in introducing the Bill, said:

"In this particular instance, one or two points which the commissioners considered of great importance (and I quite agree with them as to their importance) have been for a time, and I hope only for a time, passed by as not being, as the Government and the other House have considered, at the moment

such as, considering all the circumstances, we can reasonably or with advantage to the country seek to give effect to. One of the cardinal points in the commissioners' report is that the Civil Service ought to be taken out of the hands of the Government and Parliament, and placed in the complete control of a body of commissioners appointed by the Crown, and holding office during good behaviour, which is the case, I believe, in England, Belgium, France and other European countries."

Sir Alexander Campbell was under the misapprehension that our recommendation was to take the control out of the hands of the Government and Parliament. Our recommendations were largely based on what we found to be the case in other countries. When I addressed the House on the same occasion, I said :

"The Bill now before us, and which has been so clearly explained by the leader of the House, must be considered as an instalment in the direction of Civil Service reform. The Hon. Minister of Justice has correctly stated that it has not gone the length of the recommendation made by the commissioners, of which I had the honour of being chairman."

Amendments were afterwards made in the Act which did not advance or improve its provisions. The irregularities and violations of the Act which have taken place are evidence of the defects of the present system and organization; and that it has become necessary to take such steps as will prevent their recurrence. What these steps will be is the problem. It may be instructive to take a glance at the Civil Service systems of other countries which are known to furnish examples of excellence and thoroughness. The Civil Service of Great Britain furnishes such an example. Until the appointment of the commission composed of Sir Stafford Northcote and Sir Charles Trevelyan it was most defective, as ours is at the present time; but leading men of both sides of politics united in an effort to bring about a reform, and for that purpose the two statesmen I have named, who were on opposite sides of politics, were appointed. The cardinal points of their recommendations were: The abolition of political patronage; open and competitive examinations, promotion by merit, and the appointment of a permanent Civil Service Commission. To this commission is deputed, under certain restrictions, the control of all appointments to the Civil Service. These recommendations were adopted, and the Civil Service of Great Britain is governed by the rules and regulations recommended by them, and from having been a defective Civil Service has

become one of great excellence, furnishing an example to other countries. The Civil Service of the United States is being modelled on the English system, and of late years has been vastly improved. Their Post Office Department, for example, is a model of excellence. It is within my own recollection when it was a notoriously defective service, but since the adoption of a permanent Civil Service Commission, by which all appointments are made to it, the service has become a model of excellence. The Civil Service of France and Germany might be cited also as examples. It is my opinion, therefore, that the want of a permanent Civil Service Commission is the cardinal defect in our system, and that the problem would be solved by the appointment of a permanent Civil Service Commission, composed of men selected from both political parties, to whom would be deputed, under certain restrictions, the control of all appointments to the service, and who would frame rules and regulations from time to time as the needs of the Service required, and to make annual or semi-annual reports to Parliament as to the condition of all branches of the service, both inside and outside. Should the Government deem it necessary to appoint a commission to make a full and painstaking enquiry into the present condition of both the inside and outside services, I would suggest that the members composing that commission should be selected from the best men on both sides of politics, so that whatever recommendations the commission might make would have greater weight and inspire more confidence in the public mind. There is, I believe, a consensus of opinion, both in England and the United States, amongst those who have made the question a study, in favour of the abolition of political influence in the Civil Service. I trust, hon. gentlemen, and I have confidence that the Government of the Premier, who is also our leader in this House, will adopt such measures for the improvement of the Civil Service of this Dominion as will make the service an example for other countries to follow.

HON. MR. MACDONALD (B.C.)—Did the commission, of which the hon. gentleman was a member, ever take into consideration the propriety of allowing civil servants to perform extra work and get paid extra for it?

HON. MR. MACINNES (Burlington)—We discussed that very fully. I did not allude to it to-day, because I consider it more a matter of detail than anything else. It was my own opinion at the time that when an officer is employed by the Government, or for private service, the Government or the person employing him is entitled to the whole of his services for the pay which is agreed upon between them; but it has been found in some of the departments, I believe, that extra pay is absolutely necessary, and in England that difficulty is met by what they call "duty pay"—that is, the services performed after hours are paid for under the name of "duty pay." In the Post Office Department, the Savings Bank branch of it here, that is provided for, I think, by an Order in Council authorizing them to pay for extra work at the time they are balancing their books.

HON. MR. ABBOTT—The question which my hon. friend has proposed is one of vital importance at any time, and is of all the greater interest now, in consequence of the lamentable circumstances which have been disclosed in the committees of both Houses with reference to irregularities, and worse than irregularities, in the Civil Service, in the management of public funds. Of course, the attention of the Government has been forcibly called to the subject, and it has been felt to be necessary to come to some conclusion as to a mode of remedying these evils, and of preventing their recurrence if possible. They have been more particularly occupied in the meantime in punishing the delinquents, wherever guilt has been brought home in such a way that no further investigation for that purpose is needed. And while we are all engaged on both sides in both Houses in investigating and ascertaining to what extent, and in what particulars, dishonest conduct, irregularities and speculation, have prevailed in connection with the public service; I hope, in so far as the power lies with us, we shall not be found wanting, as those investigations proceed, in punishing properly those who are found to have offended. But besides doing that, I hope we shall be able to adopt a system under which those improprieties, although perhaps not absolutely preventable, since human nature must always be human nature, may be

reduced to a minimum, and checked, with greater facility than under the present system. My hon. friend's question, as I understand it, is directed more to that point; and the attention of the Government has been directed largely to the same point. Of course, the organization of the Civil Service; which must obviously be considered to be defective, since it has resulted in such unfortunate circumstances; must be taken up as a whole. It is quite impossible for the Government, sitting as a council, and dealing through its various departments with all the business of the country, to devote of themselves the requisite time and consideration towards a thorough study of the system, and the construction of a complete plan of reorganization; and they have determined that so soon as the session is over—of course, it would be useless to attempt it during the session—to appoint a Royal Commission for the purpose. And it is the intention of this Government that such a commission shall be so composed as to possess the experience and knowledge necessary for the advantageous exercise of its important functions. For instance, it would probably, be composed of three persons, one of whom, it is hoped, we shall be able to select from the Civil Service itself, whose position before the country will be such as will place him practically beyond the suspicion of partizan control; another probably having a judicial character, and a third probably, from among persons having an experience outside of politics, in the management of large numbers of people—a gentleman, if possible who will not have engaged in politics, and will be free from any imputation of partiality on that score; though I do not see why partiality should exist in a matter in which both parties are equally interested. But, if practicable, a person will be selected who is independent of politics and party; and who will have had a large experience in the management of men in a business way. I venture to suggest as my view with regard to the business of the country, that probably one of our greatest defects hitherto has been, that the public business has not been sufficiently regarded and treated as the business of a private individual would be. If it were possible, and I see no reason to doubt that it is possible, the business of the country should be conducted with the same regularity, its servants should work

with the same diligence, and its business should be carried on on the same principles, as in the conduct of the business of an individual. I see no reason why that should not be; and I know this, that my efforts will be directed towards the adoption of a system in which the business of the country will be conducted on business principles. It will be my ambition so to do my portion of the work of the country, while I happen to remain where I am, as to have it regulated by such principles as these; and I hope that by the appointment of a commission, such as I have described, we shall be furnished with the description of a system which will enable us to carry on the work of the country on such principles; and I hope that we shall be able to do so by such means and in such a manner that we shall be spared such unfortunate developments as have occurred during the present session. I have regretted very often to find in a matter like this—which really is not a question of party at all—that such extravagant language has been habitually applied to the developments that have been made in the various committees. There is no doubt that the discoveries of irregularities and dishonesty, have been serious—most serious, and most lamentable. I regret it extremely, and I am sure every hon. gentleman regrets it; and I desire most earnestly that we shall be able so to improve our system that such misconduct may be minimized or prevented in the future. But I see no reason, because of those discoveries, to assert the decadence of our country; to proclaim the universal loss of morality among our public men; or to characterize our country otherwise in the terms in common use in the press. I do not desire to minimize the gravity of the situation; I would like to characterize the evil as strongly as possible, consistent with truth; but I do not desire to promulgate to the world, in language stronger than necessary, the lamentable delinquencies of some of our public officials. We have over 1,400 employes in the Civil Service. About one per cent. of them, after a great interval, in which there does not appear to have been any special investigation or scrutiny into their conduct, have been found to be guilty of irregularities, and in some cases of gross dishonesty. There has been a group of contractors who have succeeded in imposing, greatly to our loss,

upon one of our departments. I hope we have put a final stop to that, and I hope we shall put a similar stop to all other delinquencies. I do not despair of my country because we have discovered that we have some rogues amongst us. It is the experience of all communities. I venture to say there are rogues in all communities, and the best we can do is to prevent them, if possible, from doing us further injury, and punish them severely as we discover their offences. But in answer to my hon. friend I have to say that for the prevention of such regrettable circumstances in the future, we have in contemplation another step with regard to the Civil Service. If we shall succeed in obtaining from the commission we propose to appoint a sensible and practical scheme for conducting the business of the departments, we have in contemplation the appointment of a person who shall occupy a position similar to that of the Auditor-General—that is to say, independent to a large degree of the Government or of party.

HON. MR. MACINNES (Burlington)—Does it include a permanent Civil Service Commission?

HON. MR. ABBOTT—We have not considered the propriety of having a permanent Civil Service Commission. We propose the appointment of a commission which shall investigate and report upon the best mode of conducting the public business; but I doubt if circumstances would justify the expense of a permanent commission. And I think, moreover, that the measure which I have stated we contemplate; would have in a large degree the same effect as a permanent commission—that is to say, the appointment of an official standing independent of party and of the Government of the day, to a large extent, very much as the present Auditor-General does, who might be called the Comptroller, or Inspector, or any other name that might properly describe his office; whose duty would be something analagous to that of the inspector of a bank. He would have a right to enter every department of the service when he chose, and investigate the conduct of the employes and officials; scrutinize the management of the finances of the department, as well as the way in which its work is done—in fact, look thoroughly from time to time into the

mode in which the business of every department is conducted, and the mode in which the clerks and employés of that department are doing their duty, and report upon those subjects accordingly. By these means what we hope to attain by these methods is this: we hope to arrive at a better system—at a more complete system—by which the affairs of the country will be managed in a business-like way; and if we carry out what we further contemplate, we hope to obtain the services of a person of standing, who will have the confidence of the public, and who will make it his business and duty, from time to time, to supervise the operations and working of every department of the service. And by these means we shall hope to prevent in future a recurrence of the unfortunate circumstances that have developed themselves during the present session.

**GOVERNMENT RAILWAYS IN THE MARITIME PROVINCES.**

**ENQUIRY.**

**HON. MR. WARK** enquired of the Government—

The cost of constructing and equipping the following railways, with the length of each in miles, viz:—

1. The Pictou Town Branch;
2. The Oxford and New Glasgow Line and its branches;
3. The Cape Breton Line;
4. The bridge at Grand Narrows on the last-mentioned road?

**HON. MR. ABBOTT**—In reply to my hon. friend's question, the cost of constructing and equipping is as follows:—

1st. The Pictou Town Branch, 14 miles, is, . . . . .	\$ 388,401 63
Terminals, &c. . . . .	115,425 58
Total . . . . .	503,827 21
2nd. The Oxford and New Glasgow Railway, 72½ miles, is, up to 18th August, 1891. . . . .	\$1,787,701 40
3rd. The Cape Breton Railway, 98 miles, is, up to 18th August, 1891. . . . .	3,021,524 44
4th. The bridge over Grand Narrows is, up to 18th August, 1891. . . . .	525,365 02

**DISQUALIFICATION OF MEMBERS OF PARLIAMENT.**

**NOTICE OF MOTION.**

**HON. MR. POIRIER** rose to call—

The attention of the House to the propriety of amending the Act respecting the Senate and House of

Commons, and amendments thereto, so as to render ineligible to the Senate or House of Commons, and to disqualify from sitting therein, any person who is a shareholder in any incorporated company holding a contract with, or receiving or having received any subsidy from the Government of Canada."

He said: Hon. gentlemen must not imagine that the notice I have given proposes anything radical in its nature. I simply mean to suggest that the laws to secure the independence of Parliament should be made as complete as possible—something in the lines that the hon. Premier suggested as to the Civil Service—not that I believe that it is possible to infuse an angelical nature to members of this House or of the other House, but that the occasions for evil-doing should be minimized, so that developments of the sad character of those that have been made public shall, if possible, be averted in the future. The law as it exists to-day is very stringent, prohibiting members of either Houses from holding contracts with the Government, but it leaves a loop-hole, I might say a barn-door-open, by which any one who is inclined to abuse the law can easily do it. A member of this House or of the other House would not, directly and openly, make a contract with the Government. Even if there were no law prohibiting it it would be repugnant to them; but if a person is so inclined he can now do it in a fraudulent manner; for the law as it exists permits members of Parliament to become shareholders and stockholders in incorporated companies receiving Government subsidies, so that any hon. gentleman who wishes to supply the Government, say, with steel rails, may form a joint stock company with his clerks, for example, or some of his friends, and do it with impunity.

**HON. MR. KAULBACH**—I rise to a question of order. I do not think my hon. friend has placed his motion on the minutes of the House in such form as to justify him in making a speech. There is no question before the House, no question is asked, and I consider that my hon. friend cannot go on and make a speech on the notice he has given. I ask for the ruling of the Chair.

**HON. MR. MILLER**—I rise to the question of order raised by the hon. member from Lunenburg. I think it is quite unanswerable. Strictly speaking, no discus-



sion can arise in this House unless upon a regular question, or in case of an enquiry, where the discussion is limited to a statement of the facts necessary to explain and elucidate the enquiry. These are the only two cases in which a discussion can arise upon a notice of motion of this kind. We have had a practice, and I think it is rather censured in Bourinot, introduced some years ago in this House, of first calling attention to a subject and then making an enquiry of the Government regarding it; and under a statement and inquiry of that kind, discussions have been permitted irregularly, as if it were upon a regular question or motion, and these discussions, though irregular, as every parliamentarian must know, have been allowed to be adjourned from day to day. But the present motion does not come within the scope even of that irregular description of discussion. What is the notice on the Paper? That the hon. gentleman will call attention to the propriety of amending the Act, &c.; but there is no inquiry, no question, merely the bald statement that my hon. friend will call the attention of the House to a certain subject. We have, as I have just said, and as has been commented upon in Bourinot, already got into an irregular habit of discussion upon a notice and an inquiry; but here there is no inquiry at all, simply a notice, and if an hon. member is to be allowed to put a notice on the Paper that he will call attention to any subject under the sun, and a discussion is allowed to arise on it, there will be no end to the irregularities which will arise out of such a practice. There is no question before the House, and there cannot possibly be a discussion.

HON. MR. POIRIER—It has been tolerated, in my recollection, in this House, for hon. gentlemen to make remarks on notices similar to the one I have given.

HON. MR. MILLER—I never knew an instance.

HON. MR. POIRIER—I admit that the practice is not regular; I shall not, therefore, persist in forcing what I believe has been tolerated with other gentlemen, but which seems not to be tolerated with me. In order to put myself right I will, with the permission of hon. gentlemen, move the adjournment of the House and go on with my remarks.

HON. MR. MILLER—I rise to a question of order. The hon. gentleman is bound to take his seat when a member rises to a question of order.

HON. MR. POIRIER—A member can only be called to order when he has finished his sentence.

HON. MR. MILLER—The hon. gentleman from Acadie has been called to order by the hon. gentlemen from Lunenburg, and upon that point he has not allowed the Chair to decide, which he should have done.

HON. MR. POIRIER—I admitted the propriety of the point of order, and afterwards moved the adjournment of the House.

HON. MR. MILLER—The hon. gentleman is out of order, and has committed another breach of the rules of the House. He is not in a position to move the adjournment of the House; he has spoken already, and cannot move the adjournment of the House.

HON. MR. POIRIER—The hon. gentleman is simply mixing up matters. When a person has once spoken on a question he is debarred from moving an adjournment. That much I admit; but my hon. friend states in his own argument there was no question before the House; therefore, I am perfectly at liberty to move the adjournment. The hon. gentleman should be more careful, if he wishes to retain control of the procedure of the House. He seems to have got a little rusty as to the rules. I say I have a perfect right to move the adjournment and speak to the adjournment.

HON. MR. BELLEROSE—It is impossible to allow our rules to be set aside. I do not admit that in England the rule is not to allow a person to speak on a question. I say in England the rule is to allow of speaking on a question.

HON. MR. MILLER—Certainly; but there is no question here.

HON. MR. BELLEROSE—No doubt the hon. gentleman from Acadie is wrong. If he had added three or four words to his

notice it would make it all right. If the hon. gentleman from Acadie only adds to his notice that he will ask the Government what they propose to do on this subject his motion will be in order and the whole objection falls. The hon. gentleman will remember that Sir David MacPherson, on such a motion as that, spoke for three days.

HON. MR. MILLER—But there was an inquiry at the end of his notice.

HON. MR. BELLEROSE—It was just such a notice as this would be if the hon. gentleman were to add his inquiry at the end of it; and the hon. gentleman from Richmond said that even then the hon. gentleman from Acadie would be out of order.

HON. MR. MILLER—I said nothing of the kind.

HON. MR. BELLEROSE—I understood the hon. gentleman to say so, and that having been the practice for twenty-five years, now is not the time to say it is contrary to rules of order. I have been called to order myself under similar circumstances, and that is the reason why I know a little more about it. I had forgotten to add the question, and the House allowed me very courteously to do so without notice; and I suppose the House will have no objection to permit the hon. gentleman from Acadie to add a question to his notice.

HON. MR. MILLER—I do not want the hon. gentleman from Delanau dière, and I do not suppose he desires, to put words or sentiments into my mouth that I never uttered. What I said was this: that on simple questions it was permitted to make such explanations as were necessary to explain or elucidate the question. That was permitted in the House of Lords. I said that we had gone a step further by the introduction of a notice calling attention to a subject, followed by an inquiry, and that in this House we had treated that as a regular motion with a subject before the House, which was not considered in order, and is referred to in Bourinot's work on Parliamentary Procedure as being irregular. I did not deny the practice; on the contrary, I stated that discussions on such a notice and such an inquiry had extended from day to day in this House previously.

I did not deny or controvert the practice which had grown up in this House under motions such as that of the Hon. Mr. McPherson, who introduced that practice in this House. What I contend with regard to the present motion is, that it is simply a notice calling attention to a subject, and without an enquiry at all; that no such notice can be found on our minutes anywhere, and that it is out of order. I think the question of order should have been decided by the Chair, and the motion of an adjournment should not be allowed to interfere with it. If, after it is decided, the hon. gentleman desires to move the adjournment of the House, then there will be a cut of the previous discussion and he will be able to start afresh.

HON. MR. POIRIER—I wish the hon. gentleman to remark that on the first calling to order I admitted the pertinency of the objection, and therefore, in my estimation, did render unnecessary the decision of the Chair. But I subsequently moved the adjournment of this House, seconded by the hon. gentleman beside me, and that, I submit to the House, I had a perfect right to do, as I had not spoken to any motion before this House.

HON. MR. MILLER—The hon. gentleman has spoken on the subject before the House.

HON. MR. POIRIER—Not so; I was called to order and submitted at once; and I maintain that I had spoken to no motion before the House. Therefore, I contend I was perfectly correct in moving the adjournment.

HON. MR. BELLEROSE—Let the hon. gentleman add three or four words to the end of his motion, and then he will be in order.

HON. MR. POIRIER—I took the other course.

SOME HON. GENTLEMEN — Chair! Chair.

THE SPEAKER—The question submitted to the House seems to me, as a matter of practice, to be a very important one. It is one under the heading of "motion." A notice has been given by an hon. mem-

ber, and the question is, whether it would entitle him to speak. It is a very important question, and I believe it would be better for him to refer to the practice of the House. I would ask the hon. gentleman to adjourn this question until to-morrow, to give him time to enquire into our practice. My mind is made up as to the rules, but I would rather adjourn the question until to-morrow.

HON. MR. POIRIER—I would readily consent to the suggestion of his Honour the Speaker; but the question before the House is, whether I have the right to move the adjournment of the House or not.

THE SPEAKER—I believe there was a question put to the Chair, and it had a right to be answered. Until I give my decision, the hon. gentleman cannot move an adjournment.

HON. MR. POWER—I would recommend the hon. gentleman to give the notice in proper form. All he has to do is to add a question at the end of the notice, and then there will be no question as to his being in order.

HON. MR. POIRIER—I give notice that I will add to my motion the question whether it is the intention of the Government to take action in the matter, or something to that effect.

HON. MR. MILLER—I have no objection to the hon. gentleman amending his motion and going on with it now.

HON. MR. DE BOUCHERVILLE—After appealing to the Speaker, and His Honour telling us that he will study the question and give his decision to-morrow, it seems to be showing a want of respect to the Chair not to discharge the Order of the Day until he has given his decision.

HON. MR. HOWLAN—It would be better for the hon. gentleman to postpone his question until to-morrow, until we get the decision of the Speaker.

HON. MR. ROSS—We have asked for the decision of the Speaker, and we had better postpone the Order until to-morrow. On motion to adjourn the House the hon. gentleman would have the right to speak. If

I were to propose the adjournment of the House my right to move it would not be contested.

HON. MR. BELLEROSE—No.

HON. MR. ROSS—Then I move the adjournment of the House.

HON. MR. BELLEROSE—I second it.

HON. MR. POIRIER—Since, through the kindness of the House, I am permitted, without interruption or impediment, to deal with this question, which you will all admit is one of public interest, and which I brought up without any improper motive whatever, but simply to call the attention of the House and of the country to a defect in the law, which defect should be remedied, I beg to thank you for your kind indulgence and crave that I may be allowed to say a few words. The law which I propose to have enacted is simply that which was placed on the Statute-book the year following the confederation of the provinces. The Independence of Parliament Act of 1868 precluded members of the House of Commons from having any contract whatsoever with the Government, and that, I believe, was a wholesome law. No mention was made at the time of senators, because repressive laws are useless except when abuses call for them. What I now advocate is, that the law be restored to its primitive state. By the Act of 1868 members of the House of Commons were absolutely precluded from having contracts with the Government. No exception was made; all were included, whether shareholders in companies or individuals; the law said "directly or indirectly." In 1878 the Hon. Mr. Laflamme, then Minister of Justice, introduced a clause in the Independence of Parliament Act, making exceptions in favour of shareholders and stockholders of incorporated companies. That amendment was strongly combatted by the leaders of the then Opposition, and among others by the late Sir John Macdonald. They objected to the amendment on the ground that it was simply nullifying the law; that abuses would creep through that loophole which the Minister of Justice was making. Unfortunately, events have shown the correctness of Sir John Macdonald's predictions. With the permis-

sion of the House, I will quote some of Sir John Macdonald's remarks on that occasion, and I am very sure it will have a soothing effect upon some of my ardent opponents, who will begin to think that I am not so radical after all, since my views are in harmony with those of our late leader, and the words will be accepted as words of wisdom when they come from the lips of our late Premier. I find the following at page 1239 of the *Debates* of the House of Commons, session of 1878. Sir John Macdonald quoted the amendment proposed by Mr. Laflamme, as follows: The clause was as follows:—

“This Act shall not extend to disqualify any person as a member of the House of Commons by reason of his being a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company incorporated for the construction or working of any part of the Canadian Pacific Railway.”

“Hon. members would observe how, under that clause, the whole Act might be evaded, so that it would not be worth the paper upon which it was printed. Five men could form a company to construct a work, become incorporated either under the general or a Dominion Act, and might get a contract, they having previously gone to the Government, as individuals, and obtained an understanding that if they formed a company they might get a contract. Every man connected with the contract would thus be the slave of the Government, and in spirit and in fact dependent upon the Government as much as if they were not incorporated. There ought to be a provision in the Act in order to prevent contractors becoming the tools of any Government. That could easily be done. It could be easily provided that shareholders in specific classes of companies, such as banking and insurance, were exempted; but that shareholders in companies for purposes of construction and for selling goods and doing work, with the exceptions indicated, should be excluded, just as if the parties forming those companies were acting independently.”

All the other sub-leaders of the party to which I have the honour to belong expressed similar views, and I believe they were right. I do not mean to throw any disapproval on the Minister of Justice at that time, because no scandals had then been perpetrated to the knowledge of the people. I submit that the predictions of the late Premier have unfortunately been, to a certain extent, fulfilled, and that the amendment to the law has holden out an inducement to people to evade the Independence of Parliament Act. My own experience teaches me that in very many instances, when members of Parliament seek with extreme zeal for subsidies in aid of local railways, it generally turns out that they are shareholders to a considerable extent. Within my own knowledge, railways which have been aided by the

Government have been largely owned by members of Parliament. I do not mean to say that they were not useful works, and I do not wish to be offensive to anybody. I simply desire to be outspoken; I am aware that in many cases members of Parliament in either House have displayed a great deal of zeal in procuring subsidies for railways, and have afterwards been given, in consequence, a certain amount of watered stock. Under my proposition, inducements to violate the spirit of the law would be removed, and I submit that the Independence of Parliament Act should be restored to the shape in which it stood before the amendment was introduced by Mr. Laflamme, and that members of either House should be precluded from being shareholders in joint stock companies receiving aid of any kind from the Government. Objections have been raised to my proposition: one objection is that I am trying to make members of Parliament virtuous by Act of Parliament. Is not that the intent of all this kind of legislation? Why is it that members of the other House are prevented, under a penalty of \$200 a day, from sitting and voting in the other House, and that they forfeit their seats, if they have contracts from the Government? Is it not to check an evil, and to help making members of Parliament virtuous? In this House we hold our seats for life under a patent, and therefore they are not forfeited; but the Consolidated Statute imposes a penalty of \$200 a day on senators if they commit a breach of the law, the object being to help them also to be virtuous. How is it that in every contract between the Government and private individuals there is a clause stating that if any member of either House is a party to the profits of the contract there is a fine to be imposed on the contractor? Simply, to help members of both Houses to be virtuous. What I desire is to shut the door against evil-doing and to remove temptation. Other objections have been raised. I have been told: “You would preclude members of Parliament from being stockholders in banks.” Why not make an exception for them in the new Bill? Such or similar exceptions now exist in our laws. Take the case of militia officers and men: they can hold their seats in Parliament; and there are other exceptions. With this proposed amendment

the law will have a general application, and, I believe, prove most beneficial. I hope, therefore, that the Government will see their way, in the interest of all concerned, to put members of Parliament in the position of Caesar's wife—that we should not only be pure and virtuous, but above suspicion. I hope the Government will see their way to introduce a Bill in the direction indicated in my notice, because if they do not I shall have to introduce such a Bill myself, and its chances of success in my hands would be considerably diminished as compared with its chances if introduced by the Government.

HON. MR. MILLER—I wish to ask the hon. member if he means to say that the first Independence of Parliament Act passed after Confederation applied to the Senate?

HON. MR. POIRIER—No; because there was no occasion then.

HON. MR. MILLER—I thought my hon. friend said it did apply to the Senate and was altered, and that he wished to have the law placed in its original shape.

HON. MR. POIRIER—The first restrictive law concerning senators was the amendment introduced by Mr. Lafamme in 1878.

HON. MR. MILLER—I do not intend to occupy the House at any length on this question, for a reason which I think I will be able to show to be very conclusive; but, before proceeding to give that reason, I desire to say that one would come to the conclusion, from the remarks of the hon. gentleman, that there was really a necessity for the legislation proposed as regards the Senate. Now, I am not aware of anything in the history of the Senate, from the time it was called into existence until the present hour, that justifies or calls for any such legislation as my hon. friend suggests. I do not believe that any suspicion of corruption in this body has ever existed since its creation to the present day, and I do not see that there are any grounds that now render it necessary, if we had the power to do so, which I contend we have not, to apply the Independence of Parliament Act in its entirety to the Senate.

HON. MR. POIRIER—I do not believe that I made such an insinuation—at least, I did not intend to; if I did, I wish to withdraw it. I simply wished to make the law complete.

HON. MR. MILLER—I am sure that my hon. friend had no intention to throw any slur or insinuate anything disrespectful to members of this House, but it may be supposed by those who do not know the facts and circumstances of the case that there may be serious and real ground for the motion of my hon. friend and for the step he has taken here in regard to the independence of this branch of Parliament. I contend there is no ground whatever for anything of the sort. I do not see why a person may not be a member of an incorporated company and have dealings with the Government without impairing his fitness to be a member of this House. I do not see any valid objection to that; but so far as I am personally concerned, I may say I have never belonged to any corporation that had business with any Government. I have never even had my name in any charter that has passed Parliament during all the thirty years that I have been in public life, either in the Local Legislature or here. I have never been interested to the extent of one dollar in any charter that has come before either the Parliament of the Dominion or of the province I represent in any way, and I am sure the large majority of members in this House can say the same thing.

HON. MR. DEVER—Can they all say it?

HON. MR. MILLER—Perhaps there may be shareholders of incorporated banks that have dealings with the Government, but is it to be supposed that such shareholder should be disqualified from sitting in this House. I desire, therefore, to emphasize the fact that I do not believe there is the slightest circumstance in the history of this body that calls for any such legislation as seems to my hon. friend to be necessary—at least, I presume he deems it necessary or he would not call upon this House to pass such legislation. But the main point to which I wish to come is this: My hon. friend seems not to have read the Constitutional Act, or, if he has read it, he seems not to have properly interpreted it. I contend that it is not in the power of

the Parliament of Canada (and I believe every authority of weight in this country will support me) to add any qualification or disqualification to a senator, to affect his seat in this Chamber.

HON. MR. POIRIER—I believe I hinted that in my speech.

HON. MR. MILLER—I did not understand so. We are a nominated body, and we are not subject to the conditions that render such legislation necessary in the other House. We are independent alike of the people and of the Crown. The independence of this branch of Parliament cannot be interfered with in any way that the people have a right to complain of by the Crown, which has appointed us, but it is not so with the elected branch. The Independence of Parliament Act is intended to secure the independence of the elected representatives of the people from being impaired by means which the Government have in their hands to use. That is why we have an Independence of Parliament Act at all. These considerations do not apply to us, and under no constitution such as ours, where the upper branch has been nominated, has an Independence of Parliament Act ever been applied. Under the old legislative system of Canada, when there was a nominated Legislative Council, the Independence of Parliament Act was never applied to that body. It would be inconsistent with the nature of the tenure of office by which gentlemen held seats as nominated members, in that branch of the Legislature. Afterwards, when the Legislative Council of Canada was made elective, the Independence of Parliament Act was then applied to the elected members, but not to the nominated members.

HON. MR. POIRIER—Does not the Independence of Parliament Act apply to senators now, and has it not applied since 1878?

HON. MR. MILLER—I am coming to that. I have very strong doubts as to whether that clause of the Independence of Parliament Act of 1878, applying to senators, is not null and void, or *ultra vires* of this Parliament.

HON. MR. POIRIER—But does it not apply in the way of a penalty?

HON. MR. MILLER—As a matter of fact, that point never has been tested. I do not know of any case that has ever occurred under it. It might be perfectly proper for the hon. gentleman, if circumstances justified it, to move that the Imperial Parliament be appealed to for the purpose of changing the constitution of this House and adding other disqualifications to those now imposed on members of the Senate. The British North America Act, which is the constitution of this country and the Act under which this House lives and has its being, lays down certain qualifications, the possession of which is necessary to any gentleman desiring a seat in the Senate. These qualifications are as follows:—He shall be of the full age of 30 years; he shall be either a born or naturalized subject of the Queen; he shall be possessor of four thousand dollar's worth of property above his debts; he shall be a resident in the province for which he is appointed, and in the case of Quebec shall have his real property qualification in the electoral division for which he is appointed. There are, on the other hand, certain disqualifications with regard to a senator. His seat becomes vacant in case he fails for two consecutive sessions of Parliament to give his attendance in the Senate. If he takes an oath of allegiance to a foreign power; if he is adjudged bankrupt or becomes a public defaulter; if he is attainted of treason, convicted of felony or of any infamous crime, or if he ceases to be qualified in respect of property or of residence. Now, these are the qualifications and disqualifications of a senator, and the Imperial Act, which created our constitution, expressly declares in few and emphatic words in the 29th section, that "A senator shall, subject to the provisions of this Act"—not of any Act which may hereafter be passed by the Parliament of Canada—"hold his place in the Senate for life." I say the Parliament of Canada had no power to pass an Act to contravene that, or to add to the qualifications or disqualifications of a member of the Senate.

HON. MR. POIRIER—I never denied that; on the contrary, I hinted it.

HON. MR. MILLER—I did not understand my hon. friend to hint anything of the kind. I am very glad to find that he agrees with me.

HON. MR. POIRIER—I hinted that the impositions upon a senator are in the way of penalties, but they cannot deprive us of our seats, because we hold them by patent.

HON. MR. MILLER—I do not value the patent as much as I value our constitutional Act. I might lose my patent to-morrow, but I would not lose my seat. In 1877 or 1878 there was, after a good deal of doubt, a clause put in the Independence of Parliament Act prohibiting contractors being members of this House; but that Act did not attempt to say that a man becoming a contractor should forfeit his seat as in the other House. The Parliament of Canada did not pretend that there was any power in it to pass such a law as that; but it says that a man who has made a contract with the Government, while that contract exists, shall forfeit \$200 for every day he shall sit in the House. Now, I do not unhesitatingly say so; but my belief and opinion are that that enactment was *ultra vires* of the Parliament of Canada, that it affects a seat of a member of the Senate, and, I believe, in a court of law would be held to be null and void. But, having gone that far I think we have gone far enough. If any change were found necessary in the constitution I would as readily as any of the ardent advocates of purity be ready to support an appeal to the Imperial Parliament for a change in the constitution to meet the circumstances; but I believe there is no necessity for anything of the kind. Circumstances do not justify any interference by the Government if they had the power, and I think that this debate is calculated only to spread the impression abroad in the country that there is really some ground for an amendment to the Independence of Parliament Act in regard to this body.

HON. MR. POWER—I do not think the intended resolution of the hon. gentleman from Shediac is liable to the construction put upon it. The hon. gentleman does not call attention to the propriety of amending the Act solely with regard to the Senate, but as applied to Parliament.

HON. MR. MILLER—The Senate is part of Parliament.

HON. MR. POWER—It would not be

proper to direct our attention to the House of Commons alone, and as a matter of etiquette, I suppose the Senate was included also. Substantially, although under the terms of the British North America Act, a Senator's seat might not be called in question, still under the Act of 1877 or 1878, the validity of which I never heard called in question before, the seat of a Senator could be made very uncomfortable and he could be made to cease being a contractor.

HON. MR. ROSS—The paying of \$200 a day would make it very unpleasant, no doubt, for many of us.

HON. MR. POWER—I do not understand the hon. gentleman who has given the notice to say that the Senate is any worse than it was at any previous time, or even that the House of Commons is very much worse; but the case which he tries to establish is that the state of things which existed at the beginning of the Confederation has changed, that at that time members were forbidden to have contracts with the Government and that the spirit of that provision has been evaded by members entering into incorporated companies. That was a practice which was not so common in the early days as it is now, and I think the case quoted by the hon. gentleman from the late Premier's speech in 1878 is just to the point. If four or five influential and wealthy men wish to get a contract from the Government, all that they have to do in order to evade the penalty now provided for such a breach of the Act, is to become incorporated as a company. The interest of those gentlemen is not diminished by the fact that they are incorporated; they have exactly the same interest as if they were partners, and I think with the limitations indicated by the hon. gentleman, some such change in the law as he suggests would be very desirable. The hon. gentleman suggests that the Government, in drawing up the Bill, should except persons engaged in banking, insurance and other corporations of that sort, whose dealings with the Government, if they had any, would not be likely to seriously influence the conduct of their business, and whose interest in the companies would not be likely to influence their actions as members of this House or of the House of Com.

mons; and if there is any object in having an Independence of Parliament Act at all, I think it should be made applicable to the case of incorporated contractors, as well as to those who are not incorporated—that is, to companies incorporated to construct railways and public works at all events.

HON. MR. OGILVIE—I am very glad indeed that we have got at the head of our Government a first-class business man as well as a professional man, who will understand this case, so that I do not think that there is any likelihood of this notice of motion of the hon. gentleman from Acadie amounting to very much. Of all the notices that I have seen upon our paper in the ten years that I have had the honour of sitting here, I never saw one that is so perfectly impracticable of being carried out as this, without making a great many members of the House of Commons and of the Senate vacate their seats. There are a great many members of this Senate and of the House of Commons who are interested in incorporated companies having contracts with the Government, who have not the slightest idea what these companies are doing; and if a cotton company, for instance, in which one of those gentlemen has stock, should contract with or sell to the Government ten pieces of cotton, that the stockholders know nothing at all about, he would lose his seat. If he was connected at all with a banking or insurance company, he would be liable in the same way. The hon. gentleman from Halifax was good enough to suggest that banks and insurance companies and such institutions should be exempted from the operation of such a law; but if banks are to be left out and insurance companies are to be left out, why should any other corporation be included? The effect of it would be that no man would venture to take stock in any company with any certainty of holding his seat in Parliament. I never considered for a moment that this notice of motion would bring on any discussion, for I did not think there was any hon. gentleman in this House who thought the hon. gentleman from Acadie was serious in bringing it to our notice. I do not think there is very much more in it than there was in the motion he brought up a few years ago to reconstruct the Senate. He

was then going to reorganize the constitution of the Senate, and have Senators appointed in a different way altogether from what they now are, and, as the hon. gentleman from Richmond pointed out very plainly then, it was beyond his power or our power to do anything of the kind. I repeat that if anything like the suggestion in this notice of motion was to be carried out a great many members of both the Senate and House of Commons would have to sell out every dollar of stock they have in the world. They would not be sure of holding their seats for an hour, for companies do not consult their stockholders as to what they are going to do when they are making contracts, nor do the stockholders inquire. The hon. gentleman from Halifax speaks about the incorporation of contractors. Of course, the incorporation of a number of members of Parliament as contractors is possible, but it is not very probable. But if a stockholder in an ordinary joint stock company, who owns 10 shares or 100 shares, is to be excluded from either House in consequence of such a company having a contract with the Government, it is the most ridiculous proposal I ever heard.

HON. MR. MCCALLUM—I do not wish to occupy the time of the House but a few moments on this question. My hon. friend said that he wants to make us all virtuous; but he subsequently stated that the Senate is all virtuous, and he wants to make members of the House of Commons virtuous. He goes further, and quotes the language of the late Prime Minister of this country. That is the language which was used in the House of Commons in 1878. That hon. gentleman governed this country from 1878 until a few days ago, but he never suggested such an amendment to the Independence of Parliament Act as the hon. gentleman has submitted. If he thought the present Act was injurious to the people of this country I am sure he would have amended it. But what is the case to-day? Are members of Parliament the worst men in this country? I know many of them very well, and I say they are not the worst men. I say they are the best men from the localities from which they come, and that they are the first men of this country as a body. At the present time, association and co-operation are the order of the day. In a progressive and



prosperous country, are you going to deprive these men from taking stock in any company that is formed to promote the interest of this country because they are members of Parliament? Are you going to force the first men in the country to come in here as drones and not work in the hive of industry? A man with \$1,000 cannot do much in the way of improvement in this country, but if you take 100 men with \$1,000 each it will aggregate a \$100,000, with which something can be done. By this proposal you would deprive such men, who are members of Parliament, of the privilege of taking part in the improvement and development of the country. Of course, the hon. gentleman admits that the Senate is pure, but I think the House of Commons is pure, too, as far as that goes. No great evil has been shown to exist under the present law, but my hon. friend says that the present law leaves a loop-hole—a barn-door—open for hon. gentlemen to have underhand dealings with the Government. I do not understand it so, and I question very much if a company were formed of members of Parliament to take a contract from the Government whether they could not be indicted for conspiracy, and no instance is on record, in the history of the country, where a thing of that kind has taken place. I think the Independence of Parliament Act is strict enough now; in fact, I think it is too strict, for I never knew of the Government of the country exacting the penalty yet. If the penalty was reasonable it might be collected. Supposing a member of Parliament disqualified himself by taking a contract from the Government, I think the penalty is so severe that it would never be enforced.

HON. MR. POIRIER—It will not apply if he does it in ignorance, and it would not apply either in the case I suggest.

HON. MR. McCALLUM—I contend that the members of the House of Commons of Canada and the members of the Senate are men who have large experience in the business of this country. They do not come in through the cabin windows; they come in over the jib-boom bowsprit and knight-heads. They do not steal in through the cabin windows, and then undertake to tinker with the constitution of the country. We do not need that, and with a little

improvement, as far as the Civil Service is concerned—and I was glad to hear the remarks of the Prime Minister with reference to that subject to-day—I am satisfied we will progress much more rapidly than we have done, and that Canada will be an example to the world by-and-bye.

HON. MR. KAULBACH—I regret that the question before us is not in such form as to enable us to put it to a vote and obtain an expression of the opinion of the Senate on it. My hon. friend who has moved in this matter has introduced a question of vital importance to this country—probably of greater importance than any other question that has come before us—a question affecting the constitution of the Parliament of Canada; and unless he had some grave reasons to bring before this House to justify the suggestion he has offered I think he is far from exercising his right and doing his duty as a member of the Senate. Hon. gentlemen in introducing any reforms should show that the necessity for reform exists. My hon. friend has entirely failed to give a reason for the reform that he suggests. He says his object is to render the House pure and virtuous. My hon. friend must have supposed that the House was not pure and virtuous, and that in order to make it such it is necessary to purge it, and expel from Parliament gentlemen who are corruptly influenced in matters affecting the public interest. He says he would like to see the House like Cæsar's wife, pure—

HON. MR. POIRIER—I said like Cæsar's wife, "above suspicion."

HON. MR. KAULBACH—Then the inference is that we are not "above suspicion;" but that he would, by the suggestion he has made, place us above suspicion. I would ask, who are the men composing the two branches of the Legislature? Are they not men of large minds, and large experience in every branch of trade and commerce in the Dominion? I ask my hon. friend, if he could get the constitution changed to meet his views, in what position would he place this country? Men who have stock in the important enterprises of the country, and who have a knowledge of every branch of industry and trade, would be disqualified to hold seats in this House. I would not be surprised, as I am interested

in some steamboat company that carries mails, if I would not lose my seat myself. I am not sure but my hon. friend from Antigonish might also forfeit his seat, and I believe it would affect almost every member of this House, except probably my hon. friend who has moved in this matter, and even he may be affected by it. The hon. gentleman speaks of corruption that might be purified. He included in his motion "any person who is a shareholder in any incorporated company holding a contract with or receiving or having received any subsidy from the Government." If a member had at any time, being a stockholder of an incorporated company, received money from the Government, he would be deprived of the opportunity of holding his seat in Parliament. Even my hon. friend himself, having at one time been postmaster, would not be qualified for a seat in this House. Being appointed by a certain Government, he is, of course, under obligation to those who appointed him, and could not sit here without a feeling of subserviency to the Government of the day. My hon. friend will see how far this would go. It would affect every member of this House. There is no necessity for such a change and my hon. friend has shown no reason for it. It would affect the best men in both branches of Parliament and leave us—whom? Men who have scarcely a stake in the country at all—who have never done anything to develop the country and have not done anything to promote any public enterprise. One hon. gentleman would exempt insurance men, another would except bankers, and another would except railway contractors. If they were all taken out I wonder who we would have left. I do not disparage my hon. friend's wisdom generally, but when he comes to tinkering with the constitution, as he wanted to do a few years ago, and now asks for another change, for which he has given no reason, and under which he would deprive the Legislature of Canada of the ablest men in it, and put in their place men who have no stake in the country and who have no grasp of the trade and commerce of the country, it is evident he has not studied the question very deeply.

HON. MR. CLEMOW—I feel diffident in taking part in this discussion, because I admit freely that, were such a law passed, I should be ineligible for a seat in this

house. I certainly would not deprive myself of the stocks I hold in incorporated companies, because I would be placing myself and my family at a disadvantage. I could not live unless I had the advantage of being a stockholder in several companies; therefore, as far as I am concerned, I should be obliged of necessity to resign my seat in this Senate if the Act were amended as the hon. gentleman has suggested. A similar law was in operation a number of years ago in Ontario, but they found that the effect was disastrous, and I believe that under the present Government—the Liberal Government—they changed the law, because they found that under the operation of the Act the best men of the country were ineligible to sit in the councils of cities, towns or municipalities. Therefore, they amended the law and made it similar to what it is at present. In those days, if a man wanted to get into the council he had to transfer his stock in an indirect way. I do not like an indirect way to obtain a proper thing. I would look upon myself as doing an act that I would feel alarmed at in being obliged to transfer my stock secretly, for the purpose of qualifying myself legitimately for a seat in this House. Nothing has been shown in the history of Parliament to warrant it. The hon. gentleman would ostracize the best men in this country. It is an incentive to every energetic man to make a standing for himself in this country, the fact that he has a chance of being called to take part in the councils of the nation; but the hon. gentleman by this step would prevent any successful man taking part in the public affairs of the country. Probably the hon. gentleman may have some object in view. He may think there are acts of impropriety connected with members of this House or of the other House, but I have yet to learn that they have done any great evil, because the tribunals of the country are open to prosecute such men, and we know that people are very apt to take advantage of them. Some years ago the late member for this city, Mr. J. M. Currier, who was concerned in a milling establishment, because he supplied to a department a few thousand feet of plank, that were necessary for the use of the Government, found that he had contravened the Independence of Parliament Act, and he immediately resigned his seat. He at once appealed to the people, and the

people sent him back by an overwhelming majority—a larger majority than was ever given to any member of Parliament for any other constituency in Canada. It showed the indignation of the people at the injustice that was done to that gentleman under a stringent Act. We ought to stimulate the ambition of every able man, and give him an opportunity of doing everything he can to benefit his country; but if you are going to ignore him, and place him in an unfortunate position, if he should happen to have stock in a company that may have dealings with the Government, you will shortly deprive Parliament of its best men. Even as it is, our best men are prevented from entering the public arena because the inducements political life affords are not sufficiently great. Men will not sacrifice their private business and go into public life, because they are subjected to adverse criticism from Opposition newspapers and political opponents, and many of them dread the ordeal that public men have to go through. Is the country going to be benefited by such a measure as the hon. gentleman suggests, that will put men of brains and enterprise out of Parliament? Are you going to put in their place men who have never done anything for themselves or their families? Show me a man who has made a business reputation for himself or acquired property for himself, and I will trust my interests in his hands rather than in the hands of a man who has made nothing for himself, and has never benefited the country in any way. I should certainly not have said anything on this question only I am interested myself, and if a measure of this kind was to pass to-morrow I should not sit in this House five minutes. I have been a contractor in this way myself with the Government for the last twenty-five years, and it would deprive me of the benefit of carrying on a business which I have carried on successfully and to the satisfaction of the people of this country, and I would be debarred from taking a seat in this Senate, because I happen to hold stock in an incorporated company which has been a benefit to this Senate and the country at large. I do not think the Bill should pass. I do not believe we have the constitutional power to pass it, but if we had, I do not believe we could find a class of men sufficiently strong in this country to support any such measure.

HON. MR. FLINT—I was elected in 1862 to what was called the Upper House. I was in that House until Confederation, and I have been in the Senate ever since, and have missed but one session of Parliament all that time. I have taken particular notice during those years of the gentlemen with whom I have been connected here, and I must say, for the credit of the Senate, I have never yet discovered anything wrong with any of them in reference to the boodle question. Now we are placed here—what for? To stand between the Crown and the people. That is the oath that I took when I was first a member of the Upper House, and the oath that I took when I was appointed to the Senate. I never sought the position of senator or member of the Legislative Council, but my friends would not allow me to remain quiet, and the consequence is I have been since 1862, down to the present time, in public life. How much longer I shall continue I cannot say. So far as I am individually concerned, had I ever known, during my time in this House, of any member of the Senate having done anything disreputable or wrong, I should have been the first to expose him. I should have considered that my duty. With reference to the question before the House, as the Senate has existed since Confederation without having done anything particularly wrong, I do not see any necessity for altering the law. We have been placed in a high and honourable position by our Queen and country, and we should retain it without feeling that legislation is required to keep us honest. If I felt for one moment that I could not be honest in this House I should retire at once. In this House we are independent of the Government and of the people. We do not have to coax and persuade the electors to keep us in the Senate. We do not have to get money from various sources to bribe the electors, and I trust we shall never have to adopt such means. While I was a member of the Legislative Assembly, I can assure hon. gentlemen I never paid a cent to anybody to vote for me, and I would not though often asked to do so, and I never went round asking people to vote for me. I felt that if the people wanted me to represent them they should elect me without having to canvass them for their support. The Independence of Parliament Act has worked well, so far as we are concerned, and until something takes place in the Senate to require such

a change as is suggested there is no necessity for amending the existing law.

HON. MR. READ—As I look at this motion, it would, if adopted, have a very pernicious effect. Take the case of a steamship line which carries the mails. Every man holding stock in that company would be precluded from occupying a seat in this House. Would that be a desirable thing? It would have the effect of preventing capitalists from investing in such enterprises, and I cannot conceive that anything would be more injurious to the country. But there are in the House and in the country always constitution tinkers, and this is the second time that my hon. friend from Shediac has undertaken to tinker the constitution. Perhaps it would be better if he would look and see whether the spots require mending before he undertakes the work. If his suggestion were adopted it would place members of both Houses in such a position that they could not have a share in any great enterprise.

HON. MR. POIRIER—We were in that position between 1868 and 1878.

HON. MR. READ—Experience showed that that was not desirable, and that provision of the law was modified. I well recollect in 1878 a member of this House taking a contract with the Government. It was not considered that it affected his seat.

HON. MR. DEVER—He had to give up his seat.

HON. MR. READ—It was not considered that he could not take the contract, but the Government thought it better for him to resign his seat, and he did resign it. If the intention of the hon. gentleman could be carried out I think it would be exceedingly undesirable, and it is not at all requisite. No case has been shown where it was requisite to pass such a law, and we should be exceedingly chary how we move in such a direction. Experience has shown that it is unnecessary, and there is no reason why we should make an alteration.

Mr. ROSS—I beg leave to withdraw my motion.

The motion was withdrawn.

## FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (122) "An Act further to amend 'The Fisheries Act,' Chap. 95 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT—This Bill received a good deal of discussion previous to its second reading, and some points seemed to present themselves as requiring special attention. I do not know that it is necessary for me to show the House to what extent these purse-seines are injurious to the fisheries. They are very few in number, and the property of individuals of more or less wealth, and the result of their use is more particularly disadvantageous to the class of fishermen in respect of whom my hon. friends from Prince Edward Island spoke at the second reading. These large seines have the effect, in fact, of destroying large numbers of fish, destroying their food and driving them away and breaking up the shoals, from which the ordinary fishermen obtain their supplies. My hon. friend from Halifax seemed to think, and so did my hon. friends from Prince Edward Island, that this law would apply to a small class of nets used from the shores and from small boats. I am told by gentlemen who understand the business of fishing, which I do not, that a purse-seine is well described by that phrase, that every one who understands the business of fishing knows what is meant by a purse-seine—that it is an enormous net, the smallest of which is over 150 fathoms in length; that it is used from large vessels, such as schooners and steamers—that in point of fact it is hauled up by means of machinery; that it is in every respect beyond the means of ordinary fishermen, and that, in point of fact, there are not many of them—I would not be able to make an estimate of the number—on the coasts of our maritime provinces. The phrase which is used in this Act as describing this kind of net is the phrase used in the Acts of the United States directed against them, and there does not seem to have been any difficulty as to the definition of them. If my hon. friends from Prince Edward Island desire to be further assured as to the character of the nets indicated I would have

no objection at all to say that this provision shall not include any net or seine that is less than 150 fathoms in length.

HON. MR. POWER—That would not do

HON. MR. ABBOTT—My hon. friend is hard to please. The other day he was afraid that these seines would be confused with small seines. Now, I am willing to confine the operation of the Act to very large nets indeed, but my hon. friend is not satisfied. There was another objection taken, that the procedure was too summary, that it was not to be had before a competent judge, that an ordinary magistrate was not competent to decide on questions relating to such large sums—involving perhaps the ruin of the person accused. My reply was that there were two modes of redress, one by appeal to a superior court and the other by appeal to the Minister of Fisheries. These at present are the appeals from penalties under the Fisheries Act. It is true the Act does not mention the appeal to the superior court, but there is no doubt that such exists, because the Summary Convictions Act provides for it, and in Nova Scotia and in New Brunswick appeals have been taken under the Summary Convictions Act from magistrates' decisions in cases arising under the Fisheries Act, and are published in the reports. I would refer my hon. friend to the case of the *Queen vs. Todd* in Nova Scotia, and in the New Brunswick reports, volume 25, *ex parte Wilson*, is a decision in the Supreme Court on an appeal taken under the Fisheries Act.

HON. MR. POWER—Did the court hold that they had jurisdiction?

HON. MR. ABBOTT—They decided the cases. A recent decision under the Summary Convictions Act shows that there is an appeal to the superior court, which would be a comparatively inexpensive matter. This seems to meet my hon. friend's objection, which I told him I would look into and satisfy myself about, and it seems to me a complete answer to the objection of my hon. friend from Ottawa. There can be no possible difficulty about that. Under these circumstances, I do not see why there should be any serious objection to the passage of the Bill.

HON. MR. PROWSE—I think the explanation which has been given by the leader of the Government in reference to the intention of the Government, as far as the class of seines is concerned, is perfectly correct, that it is not intended to apply, and does not apply, to these ordinary fishing nets which are in very general use in the Maritime Provinces. I might, however, for a few minutes give a little description of the different modes and ways in which these fish have been caught in times past. These purse-seines are specially prepared and intended for mackerel fishing, and I may say for mackerel fishing alone. The mackerel is perhaps the most valuable fish that we have in our maritime waters. It is a very shy and difficult fish to catch. Some 20 years ago the only method by which those fish were taken was by the ordinary hook and line, and at that time it was a very profitable industry. Everyone engaged in it usually had a good summer's business, catching them in that way, and they were caught in their best condition. The outfit cost a mere trifle. It amounted, in the case of those fishing off shore, to a small boat with a keel of 14 to 17 feet, a little bait and two or three hooks and lines. With the exception of the boat itself, the outfit would not amount to more than \$2 or \$3, and that was the way in which mackerel were caught almost universally until a few years ago. Since then nets have been introduced and mackerel are not so generally caught by hook and line but are largely captured by what are called gill-nets. The mesh of the net is so fixed that the head of the fish gets in and is caught by the gill and the fish thereby is actually drowned and kept very often in the water for some hours or for a day or two, the result being that the fish caught in these nets to which this Bill does not apply at all, are injured very much in quality. I know from experience that fish caught in the gill-nets are not worth as much by two or three dollars a barrel as the fish caught by purse-seines and hook and line. When caught in the gill-nets they soon become soft and unmerchantable. The people who live along the shore catch the fish with these small nets. In the harbours they have larger boats, with 25 to 30 feet of keel. They live in these, and not only catch mackerel by hook and line, as I have described, but they have

with them eight to ten large gill-nets, which they set at different parts of the coast, or at the stern of their little vessels in the evening, and catch a large number of fish in that way; and then there is the other class, for which provision is made in this Bill, to prevent and avoid their use altogether. Now, I think it will be found that the fishermen who are in the habit of fishing with the old hook and line would prefer not only that the purse-seines should be done away with altogether, but that these gill-nets should be done away with also, and then the system of fishing would be restored as it was 20 years ago, when every man that went out caught a good number of fish. In Prince Edward Islands the year before last, meetings were held and resolutions passed in favour of prohibiting the use of these gill nets, and it will be found that while those who are in the habit of using hook and line and of using gill-nets are determinedly opposed to the purse-seines, those who use only the hook and line are equally opposed to the gill-net, and I believe they are right. I do not believe that doing away with the purse-seines will improve matters much on the coast. I believe the only way to restore the primitive condition is to do away with purse-seines and gill-nets; but there is a difficulty in doing that, inasmuch as doing away with those gill-nets would prevent people setting them for herring, and that is the only way that herring could be caught at all. To meet that difficulty there should be certain localities laid down by the department where these gill-nets could be used at certain seasons of the year, and they should be used only in such localities as are frequented by the herring. I believe that an agitation will spring up in the Maritime Provinces to do away with purse-seines and gill-nets so far as the mackerel fishing is concerned. A statement was made by the hon. gentleman from Quinté to the effect that it was necessary, so far as the lake fisheries are concerned, to pass a law of this kind. I submit that no law can be made which will be applicable to both the sea fisheries and the lake fisheries. They are separate and distinct. They have no such nets as purse-seines 150 fathoms in length in use in the fresh water fisheries. The fishermen use small nets. The laws governing the fisheries in the fresh water should be separate

and distinct from those which govern the sea fisheries.

HON. MR. POWER—The hon. leader of the House seemed to think that this Bill in its present shape was intended only to apply to very large purse-seines.

HON. MR. ABBOTT—Yes.

HON. MR. POWER—The hon. gentleman does not seem to be aware of the fact that there are purse-seines of various sizes which are used in the way the hon. gentleman from Prince Edward Island explained—taken out in fishing boats from the shore and used a short distance from the shore. The purse-seine which is hauled up by machinery and worked by steam or by machinery attached to the mast of a schooner is not much used on our coast. The hon. gentleman thought he would meet the difficulty by limiting the size of the seine, but that would defeat, to a considerable extent, the object of the Bill, which is to prevent the indiscriminate use of the purse-seine. The large seine is injurious in the way described by the Premier, and the small purse-seine is injurious to a less degree. In reference to what has been said by the hon. gentleman from Prince Edward Island, I beg to call attention to the words of the Maine statutes, which clearly indicates that those purse-seines are used comparatively close to the shore. This Maine statute, which I quoted from the other day, says that "the taking of mackerel, herring, shad, porgies or menhadan, and the fishing therefor by the use of purse and drag-seines, is prohibited in all small bays, inlets, harbours or rivers." So that the purse-seine that is contemplated there is not the large purse-seine 100 fathoms in length and hauled up by machinery. The hon. gentleman will see that merely saying that the Act shall apply to those large seines would defeat the object of the Bill. I do not suppose there is very much use in saying anything against this measure; the Government are resolved pass it in the form in which it has come to us, and I do not know that there is any good to be got by discussing it. I think I adverted the other day to the fact that no member on the Government side of the House of Commons defended some of the provisions of this Bill which are objected to here. If I

might be allowed to suggest what I think would be the best plan, it would be to say that after the lapse of three years from this the use of purse-seines would be absolutely forbidden, and that in the interim from the passing of this Act the use of these seines shall be forbidden, except under certain restrictions. That would give the people who already own these seines (and they are not so few as the hon. gentleman said—I think he said only half a dozen—there are a great many people who own them, large and small) a chance to get rid of their property. This is the course which is recommended by the fisheries officers themselves in the report which I quoted from the other day. I think that that would be an improvement on the present form of the Bill. However, that is a suggestion to the Government which I presume will not be accepted. I think the penalty should remain at \$50 to \$500, and that there should be a lien on the vessel, apparatus and boat for the penalty, but I think the confiscation of the vessel, boat and apparatus should be stricken out.

HON. MR. KAULBACH—My hon. friend is with me in this, that it would not be wise or practicable, and would vitiate the effect of the Bill, if any purse-seines are to be used at all. I think the moment you fix the size of the purse seines you make it unsatisfactory to the fishermen; it would open the door to evasions of the law. My hon. friend from Halifax thinks that after three years it would be advisable to prevent purse-seines being used. That might be all very well if we had not the Americans alongside of us, who would use them. Would our men be deprived of the rights of going on the high seas and catching fish?

HON. MR. POWER—I mean within the 3-mile limit.

HON. MR. KAULBACH—My hon. friend from Prince Edward Island talks about doing away with gill-nets. That would destroy the fisheries along our whole coast; 99 out of every 100 fish taken on our coast are caught by gill-nets. We do not catch them in the foolish way that they were caught in old times, but we take them in large quantities by net. The object of this Bill is to do away with purse-seines and allow the fish to have their usual

course, trimming along the shore, so that they pass every man's door and he can catch them within a quarter of a mile of his home. The object of the Bill is to prevent the waters being fouled and the fish driven away to deep water, but it would never do to abolish the use of gill-nets.

HON. MR. HOWLAN—This is a very wise and important Bill and a step in the right direction. Purse-seining at its very inception was not approved of by a great majority of men, even those men who are in the business themselves. However, when one man got a purse-seine others had to do the same. It is not so much the fish that they take, but the destruction they cause on the fishing grounds. It appears that the habits of the small herring and the habits of the mackerel are nearly alike, so far as schooling is concerned, and I have seen a haul of mackerel taken with a seine, and out of some 400 barrels, I do not think there were less than 25 barrels of herring, and those herring were all thrown out and destroyed. In this way the fishing grounds are being ruined. More recently the American fishermen have abandoned sailing vessels in fishing and have taken to steamers. One of those steamers "The Novelty," carries as many as six seines for different depths of water, and takes enormous hauls of fish. The universal feeling is that the time has arrived when purse-seining should be put a stop to. There is on this continent about 6,500 miles of shore fisheries. These fisheries are the most valuable in the world, and in a short period of time must be the source of supply even for England, for the English fisheries are being depleted rapidly. Last year's returns of the English fisheries show that she purchased of foreign fish £2,500,000 worth, and a great proportion of that was supplied by France, so that in a short time, as steamboat facilities are improved and increased, and refrigerator ships come into use, the source of supply for fish for England will be Newfoundland and the Gulf of St. Lawrence. Of these 6,500 miles of coast fisheries 1,500 miles belong to the United States, 3,200 to Newfoundland, and the rest to Canada. The United States authorities have most exhaustive reports on the fisheries north of Cape Hatteras, and hon. gentlemen who will take the trouble to read them will see that during the last 25 or 30 years those fisheries have

been entirely destroyed. On some parts of our own coasts the fisheries are also being rapidly depleted in the same way. I can speak from experience of one place, where 30 years ago I used to ship some 2,000 brls. of fish every year, and now there is not a barrel shipped from there. I know another place where we used to get several thousand barrels of mackerel, and now there is not a barrel taken. The opinion of fishermen is that seining must be put an end to or our mackerel fisheries will be totally destroyed. I hope the time will soon arrive when we can make some arrangement with the neighbouring Republic for reciprocity; and if such an arrangement should be made for 10 or 12 years, a commission should be appointed to examine and report upon the fisheries, their feed, the places of resort, and a most thorough knowledge obtained of the details of the fisheries. I know that in the Gulf, during the French occupation of the maritime provinces, there were two classes of fisheries, that were then valuable, that are now extinct. There were the sea-cow fisheries. That fish has become totally extinct in the Gulf. Then, again, there was also in the Gulf a whale fishery, for which a company was organized in France. That fishery is now extinct. The same result has followed in many other places. Fish are animals, with animal instincts, and if their haunts are interfered with at all they soon leave, and it is an interesting fact in fish life that even those fish which are not very valuable for human food are valuable as feed for other fish that are food fishes, and interference with them in any way would destroy the fisheries in the end. One particular reason more than another why the Gulf is a favorite breeding ground for fish is that the bottom of the Gulf is like a green field covered with a thick carpet of kelp as thick as my finger, and from 15 to 20 feet long, and after a north gale I have seen it piled up on the coast of Prince Edward Island several feet deep, where the farmers load it on waggons and draw it on to their fields for manure. That kelp grows from a muddy bottom and it attracts the animalculæ on which the fish feed, and during heavy gales forms a protection for the fish. On parts of the coast of Prince Edward Island where there is no kelp there are no fish. When refuse and dead fish are thrown on these fishing grounds to rot it drives the other fish away. I think if

you consult the fishermen themselves, even those who own seines, they will say that they are in favour of going back to the hook and line to prevent the fish from being destroyed altogether. I am very glad to see that the Government are taking a step in the direction of putting a stop to purse-seining. I hope also that the Government will ere long be in a position to utilize the men they have been training in the preventive service and fishing cutters to form the nucleus for a marine brigade which would be of great value to the country. I am glad to see the Government taking up the question of purse-seines and putting a stop to such destructive modes of fishing. It will, no doubt, be hard on persons who have invested their money in such appliances; but I think if we stop purse-seining in three or four years the result will be that the exports of fish will improve, and the policy proposed by the Government will be found to be the proper one. The catch of mackerel will increase in quantity and enhance in value. It is now of more value even than the salmon fisheries, inasmuch as more barrels of fish are taken, and they are very often sold at a greater price even than salmon bring. Then the salmon fisheries are of a different nature altogether. The mackerel fisheries are a training school for sailors, and the taking of the poorer class of herrings that are used as bait for mackerel provides work for the fishermen when the mackerel are not there. All this shows how important it is that we should preserve these fisheries. In winter the coopers are engaged in making barrels in which they pack the fish, and in summer they are engaged in packing the fish, and everything connected with the fisheries provides work for our own people. The people of Canada as a whole do not realize anything like the value that lies in the Gulf. It has been stated by one writer that an acre of water along the shores of the Gulf is worth 100 acres of land. It is very hard sometimes to understand that; and the other day, when the hon. gentleman from Mirimachi explained that in the river opposite his house 100 tons of fish are caught in a few hours, hon. gentlemen wondered. But when you remember that an acre of fishing ground is first visited by herring in the spring, who deposit their spawn, and are then followed by cod fish, and then by hake,



and then by haddock and mackerel, and then fall herring again, you have seven crops of fish off the one acre, and these are the facts which prove the value of our fisheries. There may come a time when, perhaps, Newfoundland will become a portion of the Dominion, and it will be necessary to ascertain readily by some means or other the haunts of the fish and where to establish telegraph stations around the coast to give notice to the fishermen where the fish are to be found. Sometimes fishermen sail 600 or 700 miles before they strike fish, having no means to telegraph from point to point. With the existing telegraph system we are able to tell the weather all the way up from the entrance to the Gulf until the ship reaches Montreal. The fisheries on our Atlantic coast are of very great importance to us in the maritime provinces, and to the people throughout the Dominion. A great deal of the fish consumed in Ontario and Quebec are taken in our maritime waters, but are sent by way of Boston and Portland to Ontario. This arises from a variety of causes. The time is coming, however, and that very shortly, when the curing of fish with salt for home consumption will be a thing of the past. I refer to the adoption of refrigerator ships, now in use by Gloucester fishermen, by which means fish can be packed fresh and sent here or anywhere, and bulk can be broken at any time. When refrigerator ships are in common use there will be a better supply of fresh fish and a greater demand for such food in the upper provinces. I cannot represent too forcibly the immense value of our Gulf fisheries to the Dominion, now on the threshold of becoming a nation. No country can become great as a nation except they are a power on the sea, and we have in our fisheries a training school of the best kind for crews required to man our ships. This Bill is a step in the right direction, and it has my hearty support.

HON. MR. ALMON—I am quite aware of the fact that the people down in the county I come from are opposed to purse-seine fishing, but I do not think it is properly defined in this Bill what a purse-seine is. It cannot be a large seine, because that class of seine is commonly used on the coast when a school of mackerel strike in towards the shore. When a school is sighted by the man who is on the watch on a high

rock overlooking the sea, the fishermen with their long seine, one end of which is moored, shove off from shore in their boat and endeavour to surround the school with the net. That is a large and expensive net, and I am sure it is not intended that this law shall include that class of net, for there is no way of capturing a school of fish except by the use of such a seine. Sometimes as many as fifteen hundred barrels of fish are enclosed in such a seine, from which they are taken by means of smaller nets. No law should interfere to prevent that class of fishing, for there is no other way of catching fish profitably. Nobody in this House will suppose for a moment that any fisherman will go out to take a school of mackerel of some 1,500 barrels with a hook and line to jig them. Large seines must be used and if this Bill will prevent the use of them, it is certainly not in the interest of the maritime provinces. If it refers to seines that are taken out in ships some distance from the shore, and catch both large and small fish, that kind of fishing, I suppose, ought to be put down by force of law. My hon. colleague from Halifax said that it was no use for him to propose an amendment to a Bill introduced by the Government. He is wrong there. I do not know that there is a member in this House to whose views the Government pay more deference, and very often, in my opinion, when they ought not to do it. That was the case under the late Government, and I think it occurs now oftener than it should. I think every person on both sides of the House pays a great deal of deference to the hon. gentleman; and the leader of the Government, though with a powerful support in this House, pays great deference to the views of the Opposition, and listens more attentively to what the hon. gentleman from Halifax says than he does to the utterances of the gentlemen who speak on the Government side of the House. Therefore, I think the hon. gentleman was wrong in making the remark that he did. I would like to have a clear definition of what a purse-seine is, so that if any action is brought against anybody charged with this kind of fishing there will be no difficulty in deciding what is meant by the law.

HON. MR. KAULBACH—My hon. friend did not mention my name in his remarks,

but he looked towards me and spoke at me. I am always glad when the hon. gentleman is in opposition to me on any question that comes before the House, because the hon. gentleman is always erratic, and generally is on the wrong side of the question. I am surprised, however, at his asking what a purse-seine is. He has shown his utter ignorance on this, as he has on most questions that he opposes. If he had been in the House and had listened to the description of a purse-seine given by my hon. friend behind me, and by every hon. member who has spoken on the subject, even though my description of a purse-seine is so vague and uncertain, he might have learnt from others what is meant by the term. I am sorry that any hon. gentleman coming from the maritime provinces should have to rise in this House and enquire what a purse-seine is, and ask if those large seines which are used along the shore to take mackerel are the seines referred to in this Bill. The hon. gentleman must have been very deaf, or he could not have grasped the explanations given by hon. gentlemen, or he would not at this hour of the day be asking what a purse-seine is.

HON. MR. ALMON—If I had spent more of my time in deep-sea fishing I would not have shown my ignorance with regard to purse seines; and if the hon. gentleman from Lunenburg had devoted more of his time to reading "Plutarch's Lives" he would not have made the mistake of referring to Cæsar's wife as a pattern of chastity; because the story told there of Claudius at the festival rather compromised her character. I now propose to move my amendment in respect of the penalty. The penalties for violating section 14 of the Fisheries Act are not to exceed \$20 and costs, and in default of payment imprisonment for a term not exceeding one month and not less than eight days. We are adding a new offence to the list of offences in section 14 of the Fisheries Act, and propose a penalty of not less than \$50 and not more than \$500, together with confiscation of the vessel, boat apparatus, &c. I think it must strike the committee, if they stop to look at the thing a little, that the penalty is out of all proportion to the offence. We are making this thing an offence which has never been an offence before, and we are imposing an extraordinary and unusual penalty. I have read the statute of the

State of Maine, and I think that the penalty imposed by this Bill, without confiscation, is enough, provided that we make this penalty a lien upon the vessel, boat and apparatus used in connection with such catching; and the amendment I propose is intended to have that effect—that is, to do away with the confiscation of the vessel and provide that the penalty, no matter to what amount, shall be a lien upon the vessel, boat and apparatus. I admit that it was unparliamentary to have said that any amendment that I move is not likely to be carried in this House. I am ready to own that I should not have made that remark. I am also free to acknowledge the courtesy I have always received at the hands of the House, and I made the remark I did simply because I gathered from what the Minister said that he was not disposed to accept my amendment.

HON. MR. KAULBACH—The hon. gentleman referred to the 18th section and to the penalty there imposed. That is only a penalty for cases not otherwise provided for. If he refers to the Fisheries Act he will find there is a larger penalty as well. But he cited a clause here which is only to meet unprovided cases, and compares it with the fine and confiscation provided under this Bill. My hon. friend must see that it is a different kind of offence altogether, and unless you can have authority to take the vessel at once you may lose the chance of imposing any fine at all. The vessel must be taken on the spot, and if you make the penalty a lien upon the vessel there will be very little chance of imposing any punishment, considering the class of vessel and fishermen you will have to deal with. They will have to be dealt with in a drastic manner if you deal with this offence at all.

HON. MR. POWER—I am afraid that my hon. friend's little difficulty with my respected colleague from Halifax has excited him so that he has not read the section as it is. Section 18 refers to and includes section 14. In section 2 there is a provision that where waters are set apart for the propagation of fish anyone who trespasses thereon without written permission from the fisheries office is liable to a penalty of \$200.

HON. MR. ABBOTT—I would say to

the hon. junior member for Halifax that I have been as ignorant as himself, probably more so, as to what a purse-seine is; but I see on reading reports on the subject, and hearing what hon. gentlemen who know tell me, that it is very easily distinguishable from other nets—that the term purse-seine is well known amongst fishermen, and it is a term used in scientific reports by inspectors and other officials connected with the fisheries; and it is also a term used in the statutes passed by the legislatures of some of the States of the American Union who have legislated against the use of purse-seines. A purse-seine, I believe, is an immense net from 150 to 500 fathoms long, which is arranged with a series of rings at the lower edge of the net. A rope is passed through these rings in such a manner that when the net has been cast round a shoal of mackerel it is then drawn together at the bottom, and becomes an immense purse or bag. This is hauled up by means of machinery. The hon. gentleman from Halifax, in proposing to reduce the penalty, refers to the small penalties for offences which are mentioned in section 14 of the Fisheries Act, to which this is intended to be an addition. These are petty offences which, as compared with the offence which we are now trying to prevent, amount to nothing at all.

HON. MR. POWER—We are making this an offence. It has not been an offence in the past.

HON. MR. ABBOTT—I do not traverse what my hon. friend says. I think we ought to have made it an offence long ago. When my hon. friend examines the amount of penalties mentioned in section 14, and on them bases an argument against the amount of the penalty for this offence, I wish to point out to him that the offences referred to in section 14 are trifling offences which appropriately have a small penalty attached. Now, what is this kind of offence? The present method of our fishermen in seining mackerel is such that while taking over 500,000 barrels of good sizable fish, it causes a total destruction of over 100,000,000 barrels of young fish that have grown to one-third the usual size of fully matured fish. Could this number of fish be protected and caught when fully grown the amount would be 3,000,000 barrels; and, at the present price of No. 1 mackerel

(\$15 per barrel), the amount of \$45,000,000 worth of fish-food is no small item to our people.

HON. MR. ALMON—If the meshes were made large enough for small fish to escape, would not that be sufficient?

HON. MR. ABBOTT—I do not know, but I assure my hon. friend that the mischief is what is stated. The writer continues: The two principal agencies for this work of destruction are purse-seining and trawling. Against these two agencies of mischief our boat fishermen send up a united and universal protest:

“1. When a seine is thrown amongst a school of mackerel or other fish the school is broken up and scared, so that what escapes from outside the seine enclosure is scared and makes off to deep water for a refuge. This effectually destroys all chances of boat fishermen, who depend on hand lines and ordinary nets, for a share of the broken schools.

“2. When, for instance, a seine is thrown for mackerel, it encloses the fish of every kind within its great area, and the aggregate quantity of these varieties are frequently much larger than that of the fish sought to be entrapped, including the small, valueless fish as well as the large.

“3. When the seine is closed, and the work of taking out commences, all kinds of fish, large and small, good and bad, which are not of the grade sought, are thrown dead into the sea, thus polluting the bottom to an extent which repels living fish from its proximity. By this method thousands of barrels of herring and hundreds of quintals of cod, including bait and other fish, are destroyed, and boat fishermen who are depending on them for a supply are deprived of all participation in the catch.

“4. The large quantities thus destroyed in theseining process is far beyond the powers of nature to sustain by reproduction; consequently, the fishing grounds are being rapidly depleted of their tenants.”

HON. MR. PROWSE—Is there not another reference to bag nets?

HON. MR. ABBOTT—The purse-seine is a huge implement; the bag net is a small affair. The fishermen are unanimous in agreeing that purse-seining should be done away with. This writer further says, speaking of the chief agents which cause this shortness of catch:

“The first and principal of these causes, the fishermen are everywhere unanimous in agreeing upon—that is, the shore fisheries, are being ruined by purse-seine fishing, as well as by trawl or set line fishing.

“The consequence is, that the schools are broken, and such as escape the seines are scared away and lost to further capture by the boat fishermen. The mischief does not end here, for on being enclosed in seines at least 50 per cent. on an average of the fish are of kinds not wanted. This residue is taken out dead, thrown back into the water, and to this mass of dead, rotting matter are added the offals or cleanings from the fish retained, by which a large area of bottom is strewn, by aid of

wind and tide, with tons upon tons of putrid matter, which repels all approaching schools for the remainder of the season. This process repeated upon the same grounds and within the same bays, year after year, destroys the fish beyond the powers of reproduction; and the condition of the waters, together with repeated scaring aways, leads the fish by degrees to abandon these places for other grounds. There is now no more firmly or accepted fact than that the fish shun filthy and polluted waters, just as graminivorous animals of land avoid filthy pastures whenever they can, by seeking out cleaner grounds. That fish will flee from tainted bait, in place of being attracted by it, is known to everyone, and is a great illustration of the aversion of fish to contact with putrid or even tainted matter. Out of a haul of 500 barrels by purse seine, from 200 to 250 barrels will be rejected, and is thus lost to food and commerce, besides being thrown out dead, to pollute the waters and the bottom. This putrid mass will be largely increased by offals from the retained fish being thrown in after it."

The hon. gentleman from Halifax says that this penalty will never be collected. I do not think it ever will be collected; I think the penalty will be so severe that it will virtually put a stop to this kind of fishing, which, if continued, would soon place our fisheries in the same condition as the fisheries of the United States, from which the fishermen are obliged to come and trespass on our grounds instead of prosecuting that industry at home. I think the House should retain the clause as it is.

The amendment was declared lost on a division.

HON. MR. O'DONOHUE, from the Committee, reported that they had made some progress, and asked leave to sit again on Monday.

The report was agreed to.

The Senate adjourned at 6:15 p.m.

### THE SENATE.

*Ottawa, Friday, August 21st, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BAIE DES CHALEURS RAILWAY.

#### MOTION.

HON. MR. MCINNES (B.C.)—In the absence of HON. MR. O'DONOHUE—moved:

"That an humble Address be presented to His Excellency the Governor General; praying that His

Excellency will cause to be laid before this House, an account showing all the moneys expended by subsidy or otherwise on the Baie des Chaleurs Railway, from the commencement of the works thereon to the present time.

"The names of those to whom paid, and the amount, if any, appropriated to said works and remaining unpaid by the Government of Canada."

The motion was agreed to.

### A POINT OF ORDER.

THE SPEAKER—A point of order was raised yesterday under the following circumstances:—On the 12th August the hon. member for Acadie gave the following notice:—

"That he will call the attention of the House to the propriety of amending the Act respecting the Senate and House of Commons and amendments thereto, so as to render ineligible to the Senate or House of Commons, and to disqualify from sitting therein any person who is a shareholder in any incorporated company holding a contract with, or receiving, or having received any subsidy from, the Government of Canada."

On the 20th the hon. member being called, rose and went on addressing the House upon the subject referred to in his notice until he was called to order by the hon. member for Lunenburg upon the ground that the hon. member for Acadie was not speaking to any question before the House. The point raised necessitates a decision upon the question whether the hon. member for Acadie could, under the notice given by him, address the House upon the subject-matter of his motion. The notice is not that of a motion, nor of a question to be put to the Government, nor of an inquiry to be made; it is merely a notice that the hon. member will call the attention of the House to a certain matter. This is not, in my opinion, putting a question before the House, according to Rule 21, which provides that:

"A Senator may speak to any question before the Senate; or upon a question, or an amendment to be proposed by himself; or upon a question of order arising out of the debate; but not otherwise without leave of the Senate, which shall be determined without debate."

There being no question before the House I think that he is not, under that rule, authorized to address the House. I find on page 272, 9th edition, that

"Every matter is determined in both Houses upon questions put by the Speaker, and resolved in the affirmative or negative as the case may be. As a question must thus form part of every proceeding, it is of the first importance that good rules should prevail, etc."

I find also in Bourinot, at page 321, that :

“ It is an established rule of parliamentary practice and one that should always be strictly observed, that no member is to address the House unless it be to speak to a motion already under debate or to propose one himself for discussion.”

A practice has prevailed, and is now established, of putting questions to members of the Cabinet and of making inquiries of the Government on some subject of public interest, though this is not, strictly speaking, a question before the House, and submitted to its decision. I think that the practice ought not to be carried further, and that a member ought not to be allowed to address the House merely to call its attention to some matter. Members, however, have addressed the House at length on similar notices, in some instances, but it was, as far as I could see, by mere tolerance, the question of order not having been raised. A practice of that kind would, in my opinion, be abusive, against the rule of this House, and against parliamentary practice. The point of order has been well taken.

HON. MR. POIRIER—I was the first to admit the point of order when it was raised; I admitted that I could only speak by the unanimous consent of the House, but there was another point of order raised on which issue was joined. After the objection was taken, I moved the adjournment of the House, to which the hon. member from Richmond objected, calling me peremptorily to order. I joined issue on that: I believe it was the only issue which was joined, and I ask for the ruling of the Speaker as to whether I had not a right to propose the adjournment of the House as well as any other member, since there was no motion before the House.

THE SPEAKER—I think no such point of order was submitted to the Chair.

HON. MR. MILLER—What I thought was the case was this: That even if my hon. friend was right in his contention that there was no question before the House, it was not decided. If the Speaker has decided that there was no question before the House, there might be something in the hon. member's contention, but he did not wait to get the decision of the Speaker on the point of order raised in regard to his notice on the paper, and, therefore, he was

speaking to the very same question as was on the paper, no decision having been given by the Chair.

HON. MR. POIRIER—The Speaker reserved his decision for to-day, and upon that temporary decision, I moved the adjournment of the House in order to be able to speak, and I was called to order. That was the point on which the issue was joined.

HON. MR. KAULBACH—I raised the point of order yesterday, because I thought the hon. member was not in harmony with the House. We have a practice here of permitting a member who asks a question to make a speech in connection with it. In speaking he may use expressions or pass opinions which are not in harmony with the views of the House, yet other gentlemen, not wishing to violate the rules of the House, are silent and thereby an undue advantage is given to the gentleman speaking. I think that any member who puts a notice on the Paper should make it so explicit that it will be only necessary to read the question and get the answer. If that rule is not conformed to, other members are deprived of an opportunity to take part in the debate; they are excluded from doing so by reason of the notice being simply a question. Every question should be intelligible in itself and require only to be read to be answered by the Government.

HON. MR. MILLER—Especially if it is intended to alter the constitution.

HON. MR. POWER—I wish to remark—

HON. MR. ABBOTT—I really do not like to interrupt my hon. friend, but there is nothing before the House—no point of order or any question before the House. My hon. friend from Acadie commenced by making a remark on the Speaker's decision, which was out of order.

HON. MR. POWER—I only wish to say one word: I do not think it was necessary to wait for the Speaker's decision, inasmuch as the hon. gentleman admitted that the point of order was well taken.

#### PICTOU HARBOUR COMMISSION BILL.

HON. MR. ABBOTT moved the second reading of Bill (150) “ An Act to amend

the Acts respecting the harbour of Pictou, in Nova Scotia." He said: There was an Act passed in 1873 providing for the harbour of Pictou, but in a very minor degree it was regulating the business of the harbour and appointed commissioners who should take charge of it, regulating their duties to a certain extent, making provision for the collection of harbour dues, and so on, and keeping the harbour in repair; but the powers which have been usually since then given to persons appointed for the construction and management of harbours were not granted to these commissioners. They were not made a corporation. There was no process by which they could acquire any lands for the completion of the harbour. They had no power to take possession of the beaches on which to build a harbour, and had no power to borrow money with which to build it. This Bill is for the purpose of putting the Pictou Harbour Commission on the same footing as a great many other harbour commissions throughout the Dominion, giving them the powers I refer to as being wanting on the former occasion, and placing them in a position to go on and build the harbour and raise money for that purpose.

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

## SECOND READING.

Bill (158) "An Act to authorize the sale of the Carleton, City of Saint John, Branch Railroad. (Hon. Mr. Abbott.)

The Senate adjourned at 3:25 p.m.

## THE SENATE.

Ottawa, Monday, August 24th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## PUBLIC BUILDINGS AT EDMONTON.

HON. MR. GIRARD rose to—

Inquire of the Government whether public buildings are to be soon constructed at Edmonton, in the district of Alberta, and on which side of the Saskatchewan such buildings are to be built?

He said: In making this enquiry I take the liberty of making a few remarks. Edmonton is a town about the furthest north of any in the Confederation, and it certainly is a most promising little settlement. The people there live on good terms with each other, though differing in religion and nationality. They work together for the peace, progress and prosperity of their settlement. Naturally they were much pleased at having the railway come to their door; at the same time, they are very uneasy at the possible consequence—not because the railway is coming to them, but because they are afraid it will have the effect of changing the site of their town. Edmonton is built on the north side of the Saskatchewan River, while the terminus of the railway is on the south side of the river. There are some large holders of land on the south shore, and they have subdivided their properties into lots, and expect to make large sums of money out of them by speculation. On the other hand, the *bonâ fide* settlement—the settlers—the men who are building and improving are located on the north side of the river, and the Government officials and those who are employed in different offices there have invested their money in the town, and are doing their best for the progress and advancement of the place. I have received information recently that there is to be a change, and the people there are uneasy in consequence. They are afraid of the future of their town. They expect that the Government will soon decide on a site for the public buildings. It is very important for those who are living there that the public buildings should be located on the north side of the river. It is, in fact, a question of life and death for many of the people, for the location of the public buildings on the south shore of the river would destroy all their hopes. It is important that the Government should solve this question at once, to allay the uneasiness that exists. Building operations are suspended and the progress of the town is hindered, because those who desire to build fear that if they invest their money on the north side of the Saskatchewan their property may be rendered of no value if the public buildings are located on the other side of the river. Such a location might be, in the view of the Government, a wise one, but as far as the people living there are concerned it will be entirely contrary to

their interests. I live at a distance of 1,200 miles from Edmonton, and I may be naturally asked why I take such an interest in this matter. The reason is, I have tried and true friends in Edmonton ever since I went to reside in the west, and they have asked me to make this enquiry for them. I hold in my hand a letter from a prominent resident of Edmonton—a man who holds a responsible position there. The letter is dated Edmonton, 22nd July, 1891, and is as follows:—

“You know, without any doubt, that in some day<sup>s</sup> we will have the railroad to our doors. I say ‘to our doors,’ because the road will have to stop on the other side (meaning the south side) of the Saskatchewan River for some time at least; and what is a cause of anxiety for us is to know where the Government is to build the public offices. I must tell you at first that it would be an injustice to the old settlers, to those settlers who have made Edmonton what it is to-day, if these buildings were to be constructed on the south side of the river. That part of the district is not occupied yet; and the interests of some speculators only would be served by the construction of the public buildings in that place yet in embryo. All the settlements of importance are on the north side of the river. The people at Edmonton are in a state of anxiety easy to understand. No one can decide to make improvements on his property, being afraid to see the town taking another direction. If we were certain to see the Government buildings built at Edmonton the uneasiness would disappear, and property would resume its normal value.”

I will now give the opinion of the press of that town, as represented by *The Bulletin*:—

“Regarding the prospects of the railway town site and its possible effect on the town of Edmonton there is not any very great difference of opinion among people acquainted with the country. Those who believe in the south side rest their faith solely on the fact of nearness to the railway station, which, no doubt, is an advantage, and with other circumstances favouring may count for a very great deal; but with other circumstances unfavourable may count for next to nothing, as is proven by the experience of hundreds of towns in the east. Even if there were no town established on the north bank of the river, the fact that four-fifths of the settlement and nine-tenths of the trade of the district is on the north side would naturally tend to establish business on this side. But when there is an old and well-established town on the north side there is no good reason why it should not continue to grow and prosper, even during the few years that are likely to elapse before the railway crosses the river in its future inevitable extensions northward and westward.”

I think that I am excusable in calling the attention of the House to this very serious question, affecting as it does one of the most deserving towns of the Dominion—because there is no settlement in the North-West that up to the present time has rendered as important services to the North-West country as the town of Edmonton. It seems to me it is in the interest of the

Government of the country and of the people who are so deserving, and who have so well performed the duties of pioneer settlers in the far North-West, and who are noted for their observance of law and order, that this question should be settled according to the wishes of the people themselves.

HON. MR. BOULTON—Before the hon. Minister replies to the question of the hon. gentleman from St. Boniface I should like to have the privilege of supporting him in the view he has expressed with regard to the location of any public building that may be erected at Edmonton. Many hon. gentlemen are aware that the river Saskatchewan and all the rivers of the North-West are exceedingly wide in their valleys. The valleys average from a mile in width in some places to two miles in others. I do not know exactly what the width of the valley of the Saskatchewan is at Edmonton.

HON. MR. MCCALLUM—About 250 yards, and very steep banks.

HON. MR. BOULTON—That is the width of the river, but the valley. I understand, is over a mile in width. The hon. gentleman from St. Boniface has suggested, in the interests of the people of Edmonton, that the public buildings should be located in the town where the settlers have located themselves, instead of at the terminus of the railway at the south side of the valley. It is very desirable, in a new country like that, that the efforts of the people who locate their centres should be supported in every possible way, and that those efforts should not be frustrated by allowing the establishment of opposing centres one or two miles apart. Having resided in the North-West some years, and having experienced the disappointment caused by centres being located at other points than where the people themselves desire to locate them, I can feelingly understand the anxiety that the people of Edmonton desire to express through the hon. gentleman from St. Boniface that their efforts should not be frustrated by establishing two distinct centres within such a short distance of one another.

HON. MR. KAULBACH—I do not desire to prolong this discussion, but rise simply to ask whether we should continue this

irregular method of debate? The rule is, that a question shall be so framed that it is clear and explicit enough to be answered by the Minister without debate. We are drifting from that rule day by day, and we do not know how far we may drift. If an hon. gentleman wishes to introduce a motion that will cause a debate he can easily frame it in that way. Hon. gentlemen are diffident in expressing themselves in a debate of this sort, as they know it is out of order. Hon. gentlemen should try to keep themselves within the rule that no debate, except remarks that are absolutely necessary to explain the question, should be allowed on a notice of this kind.

HON. MR. ABBOTT—I am unable to inform the hon. gentleman from St. Boniface where these buildings are to be placed, because it has not yet been decided. In fact, there is no vote yet for the buildings. Two sums of money have been put in the Estimates for this year, one of \$7,000 for a registry office, and one of \$6,000 for the office of the Crown lands and timber agents, but they have not yet been voted by the other House. I notice what my hon. friend says about the anxiety of the people to know where the location of the buildings is to be, but I hesitate a little to say much on that question, because I am not in a position to make a statement upon which any speculative transactions could be based; but I may tell my hon. friend that the impression of the Government is at this moment that the proper place for the public buildings is on the site of the old town, and I think it is very probable that that will be selected. I cannot say anything more decided than that.

#### BILL INTRODUCED.

Bill (151) "An Act respecting the Ontario Express and Transportation Company." (Mr. McMillan.)

#### A QUESTION OF ORDER.

HON. MR. MILLER—Before the Orders of the Day are called, I wish to draw attention to a notice of motion which has been on our Order Paper for a long time, in the name of the senator from New Westminster. It is to this effect:

That when the House is in Committee of the Whole on Bill (146) intituled: "An Act further to amend

'The Dominion Elections Act,'" he will move that the following clause be added to the said Bill:—

Now that notice has been on our Paper since the 29th July every day, and the Bill which it is proposed to amend has not yet reached us—in fact, it is not yet out of committee in the other House. The point of order that I wish to raise is this: It is irregular to give notice of an amendment to a Bill which is not in the possession of the House. I do not think there can be any question on that point. Here is a notice taking up nearly a whole page which has been printed every day for the last month.

HON. MR. BOTSFORD—It is irregular.

HON. MR. MILLER—If this practice is allowed to creep in, notices of amendment may be given to any number of Bills introduced in the other House before they reach us. In the end the Bills may never come before us at all. The House can see the irregularity and confusion that would result from this practice, not to speak of the expense of printing the notice from day to day. The point is so clear that I should think there could be no argument upon it. A notice of an amendment to a Bill can only be given when the Bill is before the House. We know nothing of what is transpiring in the other House. I desire the opinion of the Chair, if not to-day, at least to-morrow, as to whether it is desirable that this practice should be allowed.

HON. MR. McINNES (B.C.)—I did not give notice of this amendment until the Bill had been read the second time in the other House. I believed then, as most hon. gentlemen in this House believed, that the Bill would be before us in a few days. Bills relating to the North-West Territories were at the same stage as this Bill in the other House at the time that I gave this notice, and they came up here and were disposed of a week or two ago, and I had no reason to suppose that this Bill would not be introduced here about the same time. I thought it only courteous and proper to give ample notice to this House of my intention to move an amendment to the Bill when it came before us. The hon. gentleman who has raised this point of order invariably takes possession of the House and dictates what we should do.



HON. MR. MILLER—I rise to a question of order.

HON. MR. McINNES (B.C.)—Has the hon. gentleman fallen so low—

HON. MR. MILLER—Order. I appeal to the House whether there was anything in my remarks to justify the tone in which the hon. gentleman has thought proper to refer to me in this House. I have not dictated nor have I attempted to dictate to the House, but it is impossible for the hon. gentleman to refer to some members, and I believe I am one of them, in tones of civility and courtesy, and that is the reason why he has spoken in this manner now. He says I have attempted to dictate to the House. I say I have not,

HON. MR. McINNES (B.C.)—Every member of the House knows it.

HON. MR. MILLER—I am in the judgment of the House. I have raised a question of order for the Chair, as I have a right to do, and all I ask is a decision with regard to it.

HON. MR. McINNES (B.C.)—Some two or three years ago, I put a notice on the Order Paper of which this notice is almost a precise copy. The hon. member from Richmond was at that time Speaker, or if not, he had been a short time before. That notice was on the Order Paper for three or four weeks before it came up, and no objection was raised to it. If that is the only thing to justify these carping criticisms—

HON. MR. MILLER—Order.

HON. MR. McINNES (B.C.)—I am in order, and I am not going to be put down when I am simply trying to vindicate my position and discharge my duty in this House. It has come to a pretty pass in this House if members of the Senate are to be nagged-gagged and annoyed by such criticisms; it is about the only thing the hon. gentleman does from one session to another. I will not submit to him or anyone who attempts to put me down in that style, so long as I am conscious of doing my duty. The hon. gentleman has fallen lower than I ever supposed he could fall.

HON. MR. MILLER—I rise to a question of order. The hon. gentleman is

using language that he is not justified in employing. I appeal to the Chair to say if he is not out of order.

HON. MR. McINNES (B.C.)—State the words that you object to?

HON. MR. MILLER—The hon. gentleman said that I had fallen lower than he supposed I could. I thought he was going to say that I had fallen lower than he has fallen himself, which would be an impossibility. I can take those remarks from him with perfect indifference. I know his standing and I know my own, and I can let him abuse me from morning till night, and feel that it could not affect my position in this House or in the country. The truth is, his abuse can hurt no one.

HON. MR. McINNES (B.C.)—I am not in the habit of attacking any member of this House, but when cowardly attacks are made on me I would be worse than a worm if I allowed them to pass without notice, especially when they emanate from a man like the hon. member from Richmond. I find in the Senate *Debates* of 1886, on page 151, when I had a question before this House, the hon. gentleman from Alma made use of the following language: "The hon. gentleman from New Westminster has spoken of the expense of the few visits that were made by the Ministers of the Government to the western provinces. I really thought he would not have gone so low." I rose to a question of order. The hon. member from Richmond then occupied the position of Speaker, and I appealed to him to say whether such language was parliamentary. The Speaker said: "I do not think that the hon. gentleman from Montreal is out of order in using that language." Now, I ask does it lie in his mouth to call me to order for using precisely the same language to-day? I know I am out of order now when I say he has fallen lower than I ever supposed he could fall, and I knew that the hon. gentleman from Alma was out of order on that occasion; I merely wish to show the House how utterly worthless the opinions of the hon. member from Richmond are on questions of order or anything else. He will give an opinion to serve his own purpose. If I am out of order in placing this notice on the Paper

I think a gentler and milder way might have been found to show that I was not in order. However, I do not think it was irregular, and if it is the only thing that our minutes are burdened with for several weeks past I think the minutes would be very clear and regular indeed. It is not often that I attempt to address the House, but when I do it is on some subject on which I claim to have some knowledge, and in the public interest, and not merely to raise points of order, as the hon. gentleman from Richmond prides himself on being able to do. If this House decides that it is not proper that this notice should be on the Order Paper, of course it can be dropped. However, whenever the Bill to which it relates comes before this House I propose to move that amendment, and I do not consider it fair play or justice to call me to order for giving notice of an amendment that I intend to move.

HON. MR. BOTSFORD—The point of order raised by the hon. gentleman from Richmond is quite correct. The hon. gentleman from New Westminster has given notice of an amendment to a Bill which is not before us. It is clear that he has nothing on which to base his notice, and it is not parliamentary to allow such a notice to remain on the minutes for days and weeks. Under the circumstances, the hon. member from Richmond was perfectly right in bringing the subject before the House, and I will say, further, that he did it in a proper and gentlemanly manner, that no improper language was used by him and no insinuation against the hon. member from New Westminster, but he considered it his duty to put down something which was not in accordance with parliamentary practice.

HON. MR. SCOTT—I do not at this moment remember whether we have been in the habit of giving such notices, but of course it is only an act of courtesy on the part of the hon. gentleman from New Westminster, and I do not see that it can do anybody special harm. It need not be there at all: any hon. member may move an amendment without giving notice. No doubt it is correct to say that a notice of an amendment should not be given until the Bill is before the House, but still, on an important question like this, it is but courteous to notify the House of any pro-

posed amendment. We usually do not find fault with a notice that is merely superfluous. It is merely an intimation to the general public that the hon. gentleman desires to make an amendment. It may do good, by inviting public opinion and criticism on an important question, and I do not see how it can increase the expense, for the reason that I fancy that this matter is all stereotyped, and can be printed without additional cost from day to day. I do not dispute the point that it may not be regular to give a notice of an amendment to a Bill which is not before us. I do not recall any precedent where we have done it before; but after all, it is not a very important matter—it is simply giving the outside public notice of an intention to move such an amendment.

THE SPEAKER—As the matter is not urgent, I would beg leave to defer my decision until to-morrow.

## SHIPPING OF LIVE STOCK BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (154) "An Act respecting the shipping of Live Stock." He said: No doubt, every hon. gentleman is familiar with the fact that this question of shipping live stock has within a few months assumed great importance indeed. The trade which we have been fortunate enough to carry on prosperously in this country has reached such proportions that it is one of the most important branches of the export business that we have, and it has a good many enemies, as we know. There are many people who would gladly stop it, and it is necessary, in order that we may protect ourselves in it, to take steps to carry it on in a way that will render it subject to no objections by its opponents, and not liable to be stopped or embarrassed. The mode which the Government have thought advisable is, that it should be made subject to an inspection at the time the vessel leaves the country. The difficulties that have occurred refer principally to the space which is occupied by the cattle, but also to the mode of feeding them and attending them, and the provision that is made for ventilation. The principal one, as I have said, has reference

to the space occupied by them. Now that is a problem which is not susceptible of immediate and final determination, because a good deal depends on the size of the cattle. A smaller space is sufficient for a small animal than for a larger one. For the purpose of procuring the regulation of this trade in a way that is most desirable the Government contemplate special regulations respecting it, by which the space to be occupied by the cattle will be determined, and rules will be made with reference to all the contingencies which arise upon an ocean voyage in carrying cattle; and amongst others for the proper ventilation of the spaces in which the cattle are placed when, from any cause, those spaces are shut from the outer air either temporarily or for the whole voyage, as may be the case when they are placed below decks. This Bill is for the purpose of enabling the Government to make and enforce these rules. It establishes an inspection, provides for the payment of inspectors, and makes careful provision as to all the details on the departure of the ship, so that the rules may not be evaded. That is the purpose of the Act. There is nothing specially intricate or complicated about it. The first important clause of the Bill gives the Government power to make the rules and regulations. The remaining clauses are for the appointment of inspectors and providing means of enforcing those regulations.

HON. MR. POWER—The Bill is undoubtedly a very decided step in the right direction; and I do not rise for the purpose of saying anything against it, but the hon. gentleman's speech suggests a question on a cognate subject which he will perhaps have no objection to answer. Of course, he is not obliged to answer it. Some newspapers have stated recently that the Government had it under consideration to allow the importation into Canada, for the purpose of slaughtering, of cattle from without the Dominion. That is a practice which, if legalized, would be very likely to interfere seriously with the sale of our cattle in England, and with their being admitted into English ports on the very favourable terms upon which they have been allowed to come in up to the present time, and it would be desirable if the House could be informed on the subject.

HON. MR. KAULBACH—My hon. friend had better reserve that question until a later day.

HON. MR. POWER—I am not urging it, if the Minister prefers not to answer.

HON. MR. KAULBACH—That is a very important question, and should be considered on its own merits. If the hon. gentleman wishes to move in the matter let him do so in the proper way and we can have a discussion upon it. The country will be pleased with the enquiry that has been made into the loss of cattle last year. I am sure the Minister of Agriculture and the Minister of Marine and Fisheries deserve credit for the enquiry they made, and the result of that enquiry is such as to justify this legislation. A Bill has been introduced in the House of Commons in England to provide that no cattle shall be taken across the Atlantic alive. Such a Bill as this which is now before us is necessary to provide for the safety of cattle in transit, and by that means prevent the passage of the English Bill. The cattle trade should be protected as far as possible. Its importance can be realized when we look at how it has grown of late years. Some 12 or 14 years ago we sent less than 100 animals to England; we sent last year over 120,000. The country, and especially the farmers, must feel that the Government are anxious to do everything in their power to extend and protect this industry, and to perpetuate the exclusive privilege that we now possess of sending live cattle across the Atlantic. We should neglect nothing that would preserve the privilege that we now possess.

HON. MR. ABBOTT—I am always glad to give any information in my power, with or without notice. My hon. friend asks me as to this matter of the slaughtering of cattle in Canada. I may tell him that the matter is under the consideration of the Government, but in order that there may be no mistake as to the nature of the subject which is now under consideration, I may perhaps trespass a little on the time of the House. My hon. friend the Minister of Agriculture is really more familiar with the whole subject than I am, and I do not propose to go into a debate upon it, but only to answer the question of my hon. friend, more especially as I have seen

the subject referred to in the newspapers in a way that is not justified by the facts. I shall, however, have to occupy the time of the House but for a few moments. As my hon. friend knows, about ten or twelve years ago the question of carrying cattle across this country was mooted in England and here, and by the railways entering this country, or commencing, at the Detroit River. After very full discussion it was decided, with the entire assent of the English Privy Council (a department of which has jurisdiction of these matters) to allow railways to carry cattle from the American frontier on the one side to the American frontier on the other side—that is to say, from the Detroit River to Niagara, across that section of our country. The precautions, as my hon. friend may suppose, which were to be taken in order to be able to make that transit in safety, were very numerous and very carefully considered, and they were adopted with the entire consent of the Department of the English Privy Council having jurisdiction over such matters. That trade has been carried on from that time until now, and has become very large and important, and this country derives benefit from that trade. When it was found that cattle could be carried through the country without danger the privilege was extended to the Grand Trunk Railway, and for some years past that railway has been carrying cattle on the same principle across a much longer portion of our country, down as far as Island Pond. That has been going on now for several years with the entire sanction of the English Privy Council and under the precautions which have been adopted by this Government. Since then it has been suggested that the slaughter of cattle imported from the other side of the line in bond, and the manufacture and shipment of their products might be carried on at given points in this country with the same facility and with as little danger as the transit, because the rules respecting the transit require that there shall be, at some intermediate point within our own limits, a quarantine yard or place where cattle are taken out of the cars and rested for a certain number of hours, and watered, and given exercise and air to enable them to be freighted across the country with safety. It has been suggested that cattle might just as well, without any additional danger, be

slaughtered at those places where they are so taken out for rest and water; and a suggestion has been made by a company, who are represented to have considerable capital, who are disposed to carry on the slaughter of cattle and the manufacture of their products on a large scale, to bring them to a point in the country which shall be fixed by the Government, and when taken out there to be permitted to slaughter them and manufacture the products in quarantine, and under bond for export, under rules and regulations which are to be determined upon by the Government of Canada. The permission to do that has not yet been finally accorded. It is now under consideration, but I may say that the proposed rules and regulations for that purpose have been submitted to the British Privy Council, and are perfectly satisfactory to them, and the probability is that with the precautions which are suggested and which the Government will exact, and under rules and regulations which the Government will fix, the production for export only, of canned meats and other kinds of meat, and of the various articles which are manufactured from the refuse and offal of cattle so slaughtered, will be permitted at some point, and perhaps more than one point in this country. That, I may say, is now under consideration of the Government. I mention the position of the negotiation now, though it is somewhat unusual at this stage, because there is some uneasiness felt about it; and I wish to have it clearly understood by the public that the proposal which is made will not involve so much danger really of infection to our cattle as the practice which has been going on with the entire approbation of the British Privy Council and with perfect safety for the last twelve years. And it will, I hope, prove a source of considerable profit to the country, inasmuch as the people who will be employed in the various manufactures—which are more important than hon. gentlemen will suppose—from cattle and their offal, will be numerous, and a considerable amount of money will be expended; and the benefit to the neighbourhood will be very large.

HON. MR. SCOTT—This Bill will be very opportune at this time, as I noticed in the morning paper that the vessel "Loch Lomond" lost her cargo of cattle in a hurricane last week. I am not aware of

the regulations under which cattle have been carried in transit in the past, but I presume there has been some sort of supervision.

HON. MR. ABBOTT—Certainly there has been.

HON. MR. SCOTT—I notice also that a meeting of the Dominion Live Stock Association has been held, and also a meeting of persons interested in the shipping trade, and that they have been formulating some regulations with a view to bringing them before the notice of the Government. The interests of the great mass of the people may not be in conformity with the interests of the shipping trade. They may object to the strict regulations which are enforced, and it will be interesting to know whether this Bill is to be passed independently of any such feeling outside, or whether it is proposed to wait and hear the propositions which are to be made by the Live Stock Association and shipping interest. Possibly these regulations may be matters of departmental arrangement and may not interfere with the Bill, for it would give very arbitrary and decided powers.

HON. MR. ABBOTT—I noticed in the the papers the announcement to which my hon. friend refers with regard to the "Loch Lomond." It is described as being a terrific hurricane, in which most of the animals were killed or injured. That might be the case, I presume, if it were a cargo of human beings; but, I presume, such a visitation of Providence as that cannot be guarded against by any rules, though its effects may be mitigated to a certain extent. With regard to the other observations of the hon. gentleman, I may assure him that this Bill has no relation whatever to the meeting of the shipping interests. This Bill has been in preparation for several weeks past, and it has involved necessarily correspondence with a great many people about it. The Government have also received many deputations, mainly of cattle shippers and of those who carry the cattle, and they are thoroughly familiar with the subject from both points of view. But the Bill itself makes no rules. The Bill leaves it to the Governor in Council to make the regulations, and I can assure my hon. friend that neither the

shipping interests nor the people interested in the cattle shipped will have any favour from the Government in respect of the rules to be made. The Government will endeavour to make the rules which extensive enquiry upon the subject has familiarised them with thoroughly, so as to benefit the trade and preserve and protect it for the advantage of the country.

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

### QUEBEC SKATING CLUB BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (160) "An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec."

He said: "This is a Bill for a very small affair, but it requires to receive the sanction of this House in case it should be thought worthy of it. The skating rink at Quebec stands on some ground between the Parliament buildings and the wall. It is unsightly and inconvenient there, and it is desirable to remove it. There is some vacant Ordnance ground on the other side of the street, and it is proposed that the skating rink people be allowed to put their building there. Their building is largely used for other purposes besides skating, and is a convenience to the city, and it has been arranged that the rink people will remove their building from the present site, in order that the ground may be laid out properly, and will place it on the site which it is now proposed to give them.

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

### SUPREME AND EXCHEQUER COURTS BILL.

HON. MR. ABBOTT moved the second reading of Bill (138) "An Act respecting the Supreme and Exchequer Courts." He said: This is a Bill to make several small changes with reference to procedure mainly, but it deals with one very important matter, which is new. It has been a subject of discussion for some time past before the public and in other places, and the Government have now endeavoured to embody it in legislation in such a way as

to make the suggestion useful. It is with regard to obtaining the opinion of the Supreme Court as to questions touching the constitutionality of provincial legislation, and as to other matters which it is important to have defined by the courts. For instance, the appellate jurisdiction which appears to be given to the Governor in Council by the constitution with reference to separate schools, which is somewhat difficult of construction as it stands. This bill, by one of its clauses, with several sub-sections, provides for the taking of the opinion of the court upon such questions as these, and the sub-sections provide for the procedure. There is one matter referring to appeals in Lower Canada which is somewhat important, and which, I think, probably when the Bill takes a further stage, I shall find it necessary to make some slight amendment in. That is the case of appeals from the court of review or revision. Under the procedure in Lower Canada, when a case is taken to review by the losing party in the first court, and the judgment is confirmed, that party cannot take the judgment by appeal to our ordinary courts of appeal, but may go straight to the Privy Council. It is suggested by many practitioners that it is wrong to deprive them of the appeal which they have in the country, and to which we desire to direct our cases as much as possible, and force them to go to the Privy Council, when we have our Supreme Court here; and the amendment to which my idea tends at this moment is to allow these persons who can now go direct from the court of revision to the Privy Council, to go if they choose to the Supreme Court instead. I think that will be the only important amendment I shall propose.

HON. MR. MILLER—Can they do it now ?

HON. MR. ABBOTT—No; I think the law was passed before the Supreme Court was established. I cannot understand on what other ground it could have been omitted.

HON. MR. MILLER—I was aware that they could go direct to the Privy Council from the court of review, but I thought they also had their option to go to the Supreme Court.

HON. MR. ABBOTT—No; it is an isolated case, that of Quebec. They can go to the Privy Council direct from the court of review, but they cannot go to the Supreme Court—in fact, they have no appeal at all to the Supreme Court from the court of review.

HON. MR. SCOTT—This Bill gives very considerably increased powers to the Supreme Court, which, I think, are quite in accordance with the demand that public opinion has been making for some time, and I think the Bill itself is a great improvement on the Act. I desire to call the attention of my hon. friend particularly to the first section of the Act. He said the only amendment he proposed is to subsequent sections, but I think the first should be properly amended, or the time for which the Bill goes in operation should be fixed for the 1st of November, and for this reason: The next sitting of the court takes place on the fourth Tuesday of October, and if it is moved to the 1st of October, if Parliament does not rise until the 10th or 15th September there will only be a few days in which to file factums, so that my hon. friend will see that it will be necessary to change the date. I think the simpler way of dealing with the matter would be to fix the time at which the Bill shall come into the operation any day after the first sitting of the court; otherwise, it would create considerable confusion.

HON. MR. MILLER. That is a point which can be easily arranged in committee. I think the fourth section is the most important in the Bill—that repealing the 37th clause of the Act as it now stands. The clause is as follows:—

“Important questions of law or fact touching the exercise of the power of disallowance of provincial legislation, or of the appellate jurisdiction as to educational matters vested in the Governor in Council by “*The British North America Act, 1867*,” or by any other Act or law, or touching the constitutionality of any legislation of the Parliament of Canada, or touching any other matter with reference to which he sees fit to exercise this power, may be referred by the Governor in Council to the Supreme Court for hearing or consideration, and the court shall thereupon hear and consider the same.”

I think that is a very necessary and a very desirable amendment in the law as it now stands. If this amendment had been the law on several occasions, when questions of the most exciting character in connection with the disallowance of pro-

vincial legislation came before the Federal Government, a great deal of the trouble, agitation and bad feelings which were engendered in this country with regard to important legislation on those occasions would have been avoided. It is certainly very desirable that the question of deciding with reference to the allowance or disallowance of provincial legislation should be largely given to a tribunal without a semblance of a partizan character or complexion. For instance, if the question of the disallowance of the Act of the Quebec Legislature in reference to the Jesuits' Estates had been submitted to the Supreme Court instead of to the Minister of Justice and the Government, all the unfortunate excitement which took place with regard to that measure might have been avoided. So on other occasions, and they have been numerous, as we are all aware, since Confederation, of conflicting claims of the Local Legislatures and the Federal Government with regard to the limit of their authority or powers of legislation. I look upon this as a most important change contemplated in the law, and I consider it a very desirable one indeed, and I have no doubt it will receive the unanimous approval of this House.

HON. MR. POWER—I think that the leader of the Government will probably not be displeased at the hon. gentleman from Ottawa for having at this stage of the Bill called his attention to a clause which needs amendment. It is more convenient than to wait till the House goes into Committee. But notwithstanding the fact that strictly speaking one should not take up the various clauses of a Bill at the second reading, I desire to call the attention of the leader of the House to the fact that there is a clerical error in the Bill—that the 6th clause is not put in the proper place. It should be No. 5, I think.

HON. MR. ABBOTT—The 6th clause of the Bill will have to be placed as No. 7 of the sub-section of section No. 4. My hon. friend from Ottawa also is perfectly right in his criticism as to the time of bringing the law in operation, and I have in my notes an amendment to add to this clause, to the effect that this clause of the Act shall not come into force until next year.

HON. MR. KAULBACH—This Bill seems

to me not to be taking away the powers of the Government in this regard, but simply provides that any legislation respecting education may be referred by the Government to the Supreme Court, but their decision is not authoritative or binding upon the Government. As the hon. gentleman from Richmond has said, it is well that the Government are providing a means by which these questions can be disposed of, instead of leaving them to the Government themselves, because the deciding of such questions by the Dominion Executive provokes a great deal of jealousy. The opinion of some prominent member of the Government who may hold strong views on any particular question may predominate or influence the decision of the Cabinet upon such questions. I think the Government have acted wisely in relegating all such questions to the Supreme Court to obtain an expression of opinion that will guide them in any action they may take. For these reasons I think this Bill is a very important one, and under its provisions the Government can dispose of a great many questions without irritation that otherwise would create bad feeling between the provinces and the Dominion with regard to provincial rights.

HON. MR. ABBOTT—I should be sorry that hon. gentleman should form an opinion on the Bill, or construe it as introduced in any respect differently from what I think it is—what is intended, at all events, to be its true purport. I do not think the Bill as it stands really relieves the Government from any responsibility in respect of disallowance. That is a sort of prerogative which I think must still rest with the Government; but the object of it is to guide the Government materially in the formation of its opinion as to disallowance; and as my hon. friend from Richmond said just now, if we had had this law in existence at the time of the recent controversies it would have very much tended, if not to prevent them altogether, at all events to mitigate their acerbity and to assist in their solution. In mentioning one amendment, I did not mean to say I had no more. What I meant was, that the amendment I referred to was a substantial amendment touching a clause of the Bill. But I have several verbal amendments to propose to the Bill, and one to propose to the 37th clause. The language here

is "important questions of law or fact touching the exercise of the power of disallowance of provincial legislation." That of course does not, as it stands, convey the idea that the Government will transfer to this court the decision of the question whether or not disallowance shall take place. It is merely the submission to this court of any doubtful question of law or fact bearing upon the exercise of the prerogative of disallowance. I intend to ask the House to alter that a little by phrasing it in this way: "Important questions of law or fact touching the meaning, effect or constitutionality, &c., &c." I think that is more expressive and broader than the language which is used here, and it explains more clearly I think that which we really wish. Now, in the case of the Jesuits' Estates Bill, for instance, if this law had been in existence the question whether or not that Act was constitutional, or was within the limits of the jurisdiction of the Province of Quebec, would probably have been submitted to this court. That was a matter which was in controversy, and excited a great deal of feeling and discussion. That is an instance of the way in which the law would work—there would have been an authoritative decision from the court as to its constitutionality. The same kind of question arises in almost every Bill the disallowance of which is suggested, and it is very important indeed that before the Government comes to a conclusion whether a Bill should be disallowed or not it should know in such a manner as to be conclusive—it should have something more than its own opinion as to the questions of law and fact which arise on the Bill. And it is in order to obtain that authoritative opinion, which would guide it in exercising the power of disallowance, that this Bill is brought before the House.

HON. MR. MILLER—You do not intend to give the Supreme Court of the Dominion the same power that the Supreme Court of the United States possesses?

HON. MR. ABBOTT—Oh, no.

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

## EXCHEQUER COURT ACT AMENDMENT BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (118) "An Act further to amend the Exchequer Court Act." He said: This Bill is intended to set right and solve several questions of procedure which have arisen, and also to make some provision as to alterations which have been made in the law with regard to patents, copyrights, trade marks, and the like—Bills which we passed this session. There is one difficulty which has hitherto arisen frequently as to the disposition of cases where the judge of the Exchequer Court is interested. The first clause that has any material bearing beyond definition provides a little more clearly how such cases can be disposed of. The next clause provides for the assumption by the Exchequer Court of the jurisdiction over copyrights, trade marks, patents, and the like, which we decided, by three small Bills that have already been passed this session, should in future be referred to the Exchequer Court, instead of being decided by the Minister. So also with regard to claims to public lands where there is a dispute among claimants where a deceased person had acquired a right to a lot without getting the patent. Very difficult points sometimes arise as to who should get the patent, what member of the family and in what proportions. This provides for a mode of disposing of such questions where the Crown is interested. The other clauses of the Bill, without exception, provide for similar matters. One settles the order of procedure in the court as to the province from which cases should be heard first, and there are other provisions which we can consider in Committee of the Whole.

HON. MR. KAULBACH—I have just received the Bill, and have glanced over it. I see that it extends the power of the Exchequer Court as regard patents and public lands. Is there an appeal on all those cases to the Supreme Court?

HON. MR. ABBOTT—Yes; there is a general provision in the law for that.

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



## FISHERIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (122) "An Act further to amend the Fisheries Act, Chap. 95 of the Revised Statutes."

IN THE COMMITTEE

On the 1st clause,—

HON. MR. POWER—The hon. leader stated that he had been informed that with respect to the trial of cases under this Bill when it becomes law there would be an appeal from the decision of the magistrate to the ordinary courts. Has the hon. gentleman ascertained where that appeal is given, because at first blush it would not seem that there was an appeal. The offence is created by the Act, and the Act itself describes the manner in which the offence is to be tried and the parties before whom it is to be tried, and unless there is some express provision in the law elsewhere the trial would take place only in the manner provided by the Act.

HON. MR. ABBOTT—I did not verify the Act, but I understood that there is a general provision in the Summary Convictions Act that an appeal shall lie to the county court in New Brunswick and Nova Scotia from a summary conviction by a magistrate. I was contented with citing three cases where such appeals had been taken.

HON. MR. POWER—I find that the decision was one way in New Brunswick and another way in Nova Scotia.

HON. MR. ABBOTT—Does my hon. friend mean as to the jurisdiction of the court?

HON. MR. POWER—That is what I was given to understand by a professional gentleman.

HON. MR. ABBOTT—In one case the appeal was to the Supreme Court and the other to the county court. The appeal is referred in both cases to the county court, and it may have been in connection with that or some other dispute about that change that the decision which my hon. friend has referred to was given. I have it from the Department of Justice that

there is no doubt about the right to appeal from a summary conviction to the County Court.

On the 2nd clause,—

HON. MR. POWER—I think if the committee consider the question carefully they may not be disposed to adopt the second clause. The clause is not necessary at all for the general purpose of the Bill, and in fact has no particular reference to the offence mentioned in the first clause.

HON. MR. ABBOTT—No; it applies to the whole Fisheries Act.

HON. MR. POWER—The objectionable feature in this second clause is that it provides that in future half of every pecuniary penalty levied by virtue of this Act shall belong to Her Majesty and the other moiety to the prosecutor. The existing Act provides that the moiety shall go to the prosecutor only in case he is not a fishery officer. I think it is better to adhere to the existing law. It has not been made public that any complaints have arisen under the existing law. It is the duty of the fisheries officer to enforce the law, and the principle of giving him half of the penalty is highly objectionable. We all know how much ill-feeling has been caused throughout the country by the present practice of giving half the penalty to the informer in cases arising under the Customs laws, where it is less objectionable and where there is more reason for it than in the present case. It is very undesirable to extend that principle of enabling officers who are paid for their services to make large sums in addition to their salaries by informing. It is calculated to lead to great injustice and to serious abuse. We know there are in the city of Ottawa Customs officers who are drawing larger pay than the Minister of Customs, just in virtue of a like provision in the Customs Act.

HON. MR. KAULBACH—We are not referring to the Customs Act now, but to the Fisheries Act, and therefore I do not see how the hon. gentleman's remark applies. From my knowledge of the river fisheries this clause is necessary, because, while it is the duty of the fisheries inspector to look after violations of the law no

one else will inform. It seems to be necessary that the fisheries officer should be the informer. The whole law is a dead letter if the fisheries inspector is not allowed that privilege, because other people will not put themselves in the unfortunate and invidious position of looking up transgressors and having them fined. If the fisheries inspector does not look after those who violate the law he is not attending to his duty; he should be dismissed, and in order to make the law what it should be it is necessary to give him this part of the fine.

HON. MR. MILLER—I am not prepared to say that there is not some force in the remarks of the hon. member from Halifax. It would be very desirable if the enforcement of the law could be obtained without the stimulus of a portion of the fine levied for breaches of the law. But experience has shown that it cannot be done. In enforcing the Customs laws it is found necessary to hold out large inducements to the officers of that branch of the public service in order to prevent smuggling. We all know that there is a very decided feeling in the country against what is called informing. The informer is looked upon as a very mean and obnoxious character, and very few care about incurring the odium attaching to that character whose duties do not necessitate their doing so. That being the case, the enforcement of the law, both in regard to smuggling and in regard to the Fisheries Act, is left with the officers of the department, and it has been found that unless you give them some additional incentive to spur them on to their duty they are not likely to be as vigilant and efficient in this respect as they ought to be. That is why it is found necessary to let them participate in penalties incurred by breaches of the law. Then, there is another reason: A fisheries officer who informs is not looked upon in the same odious light as an outside informer. It does not render him amenable to the same sort of odium that an outsider is liable to if he takes the regular steps to give information which leads to punishment for breaches of the law. The experience of the public service shows that some such incentive as is provided for in the Bill should be given to regular officers, and if it were not for that I do not think it would be justified. Strictly

speaking, I think the officer should do his duty without this incentive, but when we are likely to get a better enforcement of the law by offering the incentive I think it is better to give it. Under the circumstances, I am prepared to support the Bill as it stands.

HON. MR. ALMON—These fisheries officials are paid very low salaries. I think \$100 is considered by the Department a high sum to pay, and many of them do not get more than \$20 a year. If you suppose that a person who gets only \$20 a year is going to make enemies in his village by zealously enforcing the law you are asking too much. The duty is very arduous. The fisheries inspector at Halifax goes as far as Sackville River. His pay is higher than most of the others—perhaps \$60 a year. Unless you stimulate men who get such low salaries by offering them a portion of the fines levied you cannot expect them to incur the consequences of enforcing the law. The odium is very serious. I have known persons who enforced the fisheries law to have their houses burnt down and their goods destroyed. In view of the risk that a man runs, he should have some reward.

HON. MR. ABBOTT—My two hon. friends have most clearly stated the reasons which actuate the Government in desiring to make this alteration in the fisheries law. It is perfectly true, as the junior member from Halifax has just said, that the salaries of these inspectors are very small indeed. They are local people, who are not supposed to make their living out of the official salary, and my hon. friend is right in supposing that \$100 is considered a large salary for these officers. They have no incentive to diligence in discovering breaches of the law. I would point out that there is a great difference between this and Customs penalties. The Customs penalty, the division of which has produced a good deal of discussion from time to time in the country, is really a penalty which the Customs officers are accused of fostering and nursing for the purpose of making it large, and they have, in several instances, succeeded in obtaining large penalties in cases where it is supposed (I do not know that it is true) that the officials allowed illegal acts to accumulate until the amount made a good haul for them. That has

met with severe censure, and, if established, would undoubtedly lead to punishment, so far as the officers are concerned. But in the case of Customs officers making seizures at a moment's notice, like those employed to stop whiskey smuggling in the Gulf, no one would object to those who make such seizures getting a share of the proceeds of the seizure as a reward for their diligence. Here it is precisely the same sort of thing. One of these men could not nurse up offences and let them go on, as some Customs officers are accused of doing; they could not increase their gains in that way. The officer acts on the spur of the moment and gets his share of the fine only, which fine would not probably amount to a very great addition to his income, because these are not matters that will occur every day. The number of purse-seines is small, the punishment is severe, and the probability is that few cases will occur, because the punishment is so severe that few will risk incurring it. For all these reasons, I think the change which is to be made by this clause as to the division of the penalties under the Fisheries Act, not merely with regard to purse-seines but with regard to other offences, is one that is needed. The Government attach considerable importance to it.

HON. MR. MILLER—It is has got to be borne in mind also that in the case of the Customs the seizing officer gets half the confiscated goods; but here, if the vessel is confiscated, no share of that goes to the officer. It is merely a share of the fine, which may be anything from \$50 to \$500.

HON. MR. READ (Quinté)—I am quite prepared to say that in the inland waters this change is necessary. The fisheries officers are paid very little for their services, and generally this illegal fishing is done during the night. Unless the officer has some interest in the matter his zeal will not allow him to stay up at night in order to watch those engaged in illegal fishing. He may almost know what is going on, but he could not establish it unless he remained up at night, and that he will not do for the small salary paid. I know the officer where I come from has a district of forty miles. The waters are filled with nets, and it would seem impossible for fish to get up to spawn. All sorts

of nets are set to stop them in their passage. I think this change in the law is quite necessary.

HON. MR. POWER—I feel obliged to admit that my views are somewhat modified by the expressions of opinion which I have heard from other hon. gentlemen. At the same time, I am not yet convinced altogether, particularly with respect to the offence with which the first clause of this Bill deals. I think that getting half of the penalty of \$400, which is to be inflicted upon a man who has seine nets inside of the 3-mile limit, is rather calculated to encourage perjury on the part of informers and undesirable watchfulness for the offence. The hon. gentleman from Lunenburg appeared to labour under a misapprehension. He apparently was under the impression that there was something in what I proposed to prevent a fisheries officer from being an informer. The present law allows a fisheries officer to be the informer, but provides that if he does so the whole of the penalty shall belong to Her Majesty.

HON. MR. KAULBACH—I knew that, but I said unless an officer got something in addition to his salary he would not make an extra effort to prevent these infractions of the law.

HON. MR. O'DONOHUE, from the committee, reported the Bill without amendment.

The Senate adjourned at 5 p.m.

## THE SENATE.

*Ottawa, Tuesday, August 25th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## A QUESTION OF ORDER.

THE SPEAKER—Before the Orders of the Day were called yesterday, the hon. member from Richmond called attention to a notice of motion which was on the Paper, and which he claimed was out of order, and should be struck out. The notice to

which he referred was given by the Hon. Mr. McInnes, of British Columbia, and was as follows:—

That when the House is in Committee of the Whole on Bill (146) intituled: "An Act further to amend 'The Dominion Elections Act,'" he will move that the following clause be added to the said Bill:—

As a rule, I do not think that a motion can be made as an amendment to a Bill unless the Bill is before the House, and I think the same rule would apply to a notice of motion. I am clearly of opinion that this notice of motion is out of order and ought to be struck out.

FISHERIES ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of (Bill 122) "An Act further to amend 'The Fisheries Act,' cap. 95 of the Revised Statutes." He said: I gave notice that I would move an amendment to-day. The motion is the same as that which I moved in committee, and is as follows:—

"That the Bill be not now read the third time, but that it be amended by leaving out the words, 'together with the confiscation thereof' in the ninth line, and inserting the words 'for which there shall be a lien on.'"

It is to prevent, I think, unfairly and improperly levying large penalties which are imposed by the Bill upon an act which is not an offence at all now. If the amendment is carried it will leave the offender liable to a penalty of \$500, for which there shall be a lien on the vessel and her apparatus.

HON. MR. HOWLAN—I regret that my hon. friend has seen fit to move this amendment, because I think the Bill, as it stands, is a very proper one, and I can only say that that penalty of \$500 would not be a serious matter for a vessel to pay if she was able to throw her seine round four or five hundred barrels of mackerel—in fact, it would be no penalty at all. The fact is, stringent measures will have to be taken with this mackerel fishing, and I think the Bill is none too severe. I have in my hand a report of the Fisheries Bureau of Massachusetts, giving the exports and imports of mackerel and the catch, both American and Canadian, and a short glance at this report will show how necessary it is to put

an end to purse-seining, not for the preservation of mackerel for the benefit of our people alone, but also for the benefit of our neighbours. During the last few years attempts have been made to find other means to supply the dearth of fish in both Canadian and American waters. Vessels have been fitted out and sent to the coasts of Africa, Spain, Cuba and round Cape Horn, and more recently, within the last two or three years, to Ireland, from which last year some 9,000 barrels of mackerel were imported into the United States. This year, so far, there is scarcely enough on the Irish coast to supply the home markets with fresh fish, and therefore the fisheries of the United Kingdom will not be able to send any appreciable amount of mackerel to the American market. This report also gives a memorandum of the catch of fish for the years since purse-seining was first permitted, and it will be observed at once how at first the catch was increased very much, and how at last, through its great destruction of the fish, the catch has been decreased. For the benefit of the House, I will read the following figures from the report:—

1878.....	196,468
1879.....	220,599
1880.....	349,674
1881.....	291,657
1882.....	378,863
1883.....	226,686
1884.....	478,076
1885.....	329,943
1886.....	79,998
1887.....	88,382
1888.....	48,205
1889.....	5,634
1890.....	5,407

For the present year no returns have come in. It will be seen by these figures how fully justified the Government was in pursuing this course in regard to the catching of fish round our shores. Also, in connection with the same fact, the best informed minds of the United States, in the report of the special Fisheries Commission, have spoken out very distinctly indeed with regard to the destruction caused by those purse-seines, and our neighbours have been enforcing in their own waters very stringent rules with regard to them. I presume it was on an examination of these facts that the Government were led to pass a Bill of this kind. I think it will be necessary to have the penalties as high as those fixed here; and, as the Premier has

remarked, they will probably never be collected. When fish are bringing \$16, \$20, \$30 and \$35 a barrel, it is a great temptation to a man who has a seine capable of taking \$1,000 to \$1,500 worth of fish at a haul, a good vessel and 20 men working on shares, to catch mackerel when he can, and a penalty of \$500 would not deter him for a moment. Unless you adopt something as a deterrent that will put an end to purse-seining altogether I doubt if the object of this Bill will be attained. That is the reason why I think that the penalty should be so severe as to be beyond any question of doubt. This is a very important fishery—I say, without fear of successful contradiction, the most valuable and most important fishery we have, so far as providing a ready export, and especially in view of the fact that the time is rapidly approaching when fish will be sent to market fresh, in preference to salting them. Patents have recently been issued for a process by which artificial ice can be produced at a small cost. One of those ice machines is now in operation in the town of Gloucester, Mass., in connection with cold storage, by a firm largely engaged in the fisheries; and the United States being our largest market for mackerel it is important that those fisheries shall be protected. Men of large experience in fisheries, who have gone into the business as young men, and have risen from the position of common hand to that mate, and from mate to master—among such men there is a consensus of opinion that purse-seining should be put an end to. Surely it is not too much to say that we should make the law efficient to protect an interest of such magnitude—that such a penalty shall be provided in the Bill that will deter anyone from carrying on this destructive mode of fishing. It then will come to this, that men will take their seines on shore and will resort to the hook-and-line once more. Many of the old fishermen with whom I have conversed have expressed themselves as desiring to go back to the old mode of fishing.

HON. MR. ALLAN—The hon. gentleman said that \$500 fine will be no deterrent as compared with the value of a catch. Can he give us any idea of what is the value of an ordinary catch of fish by a purse-seine—what it would represent in dollars?

HON. MR. HOWLAN—If you have a purse-seine that will hold 1,000 barrels, and the fisherman gets it half full, I leave it to my hon. friend to figure out what the value of the catch would be.

HON. MR. McCLELAN—I quite agree with the remarks of the hon. gentleman from Alberton with regard to the importance of the fisheries, and the importance of this Bill as a protection to them; but it has occurred to me that inflicting a penalty of not exceeding \$500, and, in addition, confiscating the vessel, may lead to very improper transactions. As I understand it, it is not like other penalties for which there is an appeal beyond the Minister of the department. Where the catch is so large that a fine of \$500 would be, as the hon. gentleman states, a small consideration, the vessel engaged in that kind of fishing must be a large one, possibly worth \$6,000 to \$8,000. One can imagine that in detecting an infringement of the law, and imposing a penalty, and then confiscating the vessel and outfit, there might be cases in which such a penalty would be justifiable; but it occurs to my mind that there might also be cases where a very great hardship would be sustained were such power as that given by this Bill enforced. If the maximum amount of the penalty is not sufficient alone, would it not be better to increase it according to circumstances, and make it a lien on the property, and do away with the confiscation of the vessel. It occurs to me, in listening to the remarks of my hon. friend, and from my own knowledge and feeling on the matter, that the amendment proposed would be an improvement to the Bill.

HON. MR. KAULBACH—We must not forget that the consensus of opinion all along the shore fisheries is that purse-seining must be done away with altogether. The only persons that will violate the law will be owners of foreign vessels. If you make this penalty simply a lien on the vessel and outfit, what chance have we got of collecting it? The vessel moves off, and we have no security at all for the amount of the penalty or fine. Unless you can seize the vessel found violating the law you have no means of securing the penalty at all. The consensus of opinion is so largely in favour of this law that I am confident there will be no violation of it

by Canadian vessels. It is absolutely necessary that the law should be prompt to be effectual. The fine provided is from \$50 to \$500. I should be disposed to increase the fine, leaving it in the power of the Government to enforce it, according to the circumstances of the case. We generally find in such cases of violation of the law that the Government is disposed to lean to the side of mercy.

HON. MR. O'DONOHUE—In my opinion the forfeiture is too extreme—too large—and this, happily, is a question that the House can well consider without the usual stimulant of party motives. This is a question that comes home to the breast of every man. During the argument a purse-seining vessel was compared to a vessel laden with contraband goods coming into Canada. I do not see any analogy between the two cases. A vessel laden with contraband goods is a designed fraud from the beginning, and it is for the purpose of defrauding the revenues of this country. Now, a fishing vessel, up to the present time, lawfully, pursuing her vocation of fishing, may, at any time after the Royal Assent is given to this Bill, be seized and confiscated. Of the merits of the fisheries, of their value, I have not a word to say. Of purse-seining and the stringent measures against it, I have not a word to say; but I do say that when you pass a law to confiscate property, the owners of that property should have ample notice before so severe a measure is enforced. The fishing vessel is unlike the smuggler's ship, because the owner is pursuing his lawful calling to-day in this mode of fishing; and as I have heard from hon. gentlemen conversant with the subject, a man may feel that he is within his rights, and through a fog being suspended over him, or from other accidents of wind or weather, he may transgress the law by coming within the line, without intending any fraud or any infringement of the law, yet his vessel is liable to seizure and confiscation. It is said that a fishing vessel may be worth \$10,000, and, with her seines and equipment, is worth considerable more. Taking it altogether, property worth \$14,000 or perhaps \$15,000 may be seized and confiscated through a violation of the law committed without any intention of doing so. I think that this is too heavy a penalty. It is unreasonable; but even if it

were considered just, if it were considered as the only preventive of the practice of purse-seining, then I say there should be one or two years' notice given before the Act should take effect or be enforced. Fishermen could then protect themselves, and, by all means in their power, dispose of the property they have acquired before this law comes into force. It is a hard fate for a fisherman who has spent perhaps twenty years of his life accumulating sufficient means to purchase one of those vessels, and when he has rigged her out for the season, and comes into our waters, his vessel is seized and confiscated. I do not believe that any reasonable man can help thinking that it is outrageous. Confiscate his vessel if you like, but give him notice; let him have a season or two of notice before his vessel can be confiscated. There is no analogy between that man and his fishing vessel, and the vessel bringing in contraband goods. A vessel containing contraband goods is confiscated. Why? Because from the very beginning the contemplation was to defraud the Government; but the owner of a fishing vessel is in his rights up to this hour; he is pursuing a lawful calling now, but after this Bill passes his vessel may be seized and confiscated. I repeat, as to the details of the measure I have nothing to say. I know nothing about fishing or purse-seining, and it is not necessary to know anything about it to say that the forfeiture provided for in this Bill is too large. In the United States the law is more reasonable. There the seines are seized and held, and the amount of the fine imposed unless immediately paid, becomes a charge against the ship. That is more reasonable.

HON. MR. McCALLUM—That gives the lawyers a chance to collect it.

HON. MR. O'DONOHUE—The hon. gentleman has sometimes taken upon himself the duties of a lawyer, and I think he found it a very hard task. I am not speaking here as a lawyer or a fisherman. I am only speaking of the fishermen. We are not called upon to vote for the confiscation of the property of men who have acquired it honestly in the course of a lifetime, because they may happen to be found fishing with a purse-seine within the 3-mile limit. I shall therefore vote for the amendment myself, and I hope every hon.

gentleman in this House will feel it his duty to mitigate the severity of the penalty provided in this Bill.

HON. MR. DEVER—I think the hon. gentleman's remarks would be very well and would apply properly if this law was intended to prevent our own citizens from violating the regulations.

HON. MR. POWER—So it is.

HON. MR. DEVER—But when it is taken into account that these parties against whom the law is particularly directed are foreigners—

HON. MR. POWER—Not at all.

HON. MR. DEVER—Yes; foreigners and pirates. They have no right in our waters. When they come on our coasts they certainly come within the 3-mile limit, and there is no other mode that I can see, except imposing some very severe penalty, by which they can be kept away. They fit out their ships, in the first instance, with these purse-seines. They are very different from the purse-seines used by our own people. Our fishermen use very much lighter nets. It is well known that this Bill is directed against foreigners, who come here and destroy our fisheries, as they have destroyed their own. I have friends in the old country who write me showing how their fisheries have been almost exhausted, and begging of us to look after our fisheries carefully. Under the circumstances, and knowing that our Minister of Marine comes from the province most affected by this measure—knowing that he was brought up there, and understands what is needed by the fishing interest—knowing that he must have been very largely advised by those who are interested in preserving our fisheries in drafting this Bill—I think he is the proper man to provide legislation, and I feel satisfied to leave it in his hands. If there is anything wrong in this Bill we can amend it to meet the emergency. I think, therefore, we should pass this Bill, which comes from the Minister of Marine and Fisheries, and hold him, as the country will hold him, responsible for any deficiency in the measure.

HON. MR. FLINT—I am something of a fresh-water fisherman. I have been at it all my life, I may say. I think this Bill

is in the right direction, and I only wish it were stronger. I remember reading an account of a man who found a boy in his apple-tree. First, he threw tufts of grass at him. The boy did not come down. Then he threw some clay at him, but still the boy refused to come down. At last he threw some stones at the boy, and brought him down. How has it been with our fisheries ever since I have known anything about them? Our neighbours have been encroaching upon them. We have been throwing tufts of grass and clay long enough, and it is about time that we took harsher measures to oblige these people, who have been encroaching on our fisheries under the pretence that they were driven out of their course, to get out of our waters and to mind their own business. There is no doubt, in a short time, if those purse-seines are allowed to be used in our waters, we will have no fish on our Atlantic coast. As I do not keep lent myself, it does not affect me; still, I have an interest in my neighbours, and if they wish to eat fish on Friday I am willing that they shall have them. I think the principle of the Bill is a good one, and it is high time that we showed those gentlemen who are in the habit of encroaching on our fisheries that they must keep away. The hon. gentleman from Toronto thinks they ought to have two or three years' notice. That is all very fine. In the meantime they would destroy our fisheries, and then no notice would be required. It puts me in mind of the time when we introduced our national policy. I was going out to Prescott on the cars, and there was an American on board, who took me and the Government to task because we had sprung a mine on the Americans. He said we ought to have given them six months' notice, so that they could get in a lot of their goods before the duty went up. It is a good deal the same in this case; we should pass this Bill, and if any vessel should be found in our waters, and on examination it can be proved that she strayed out of her course unintentionally, there is no doubt that our Government will be perfectly willing to let them off. But it is necessary for the protection of our fisheries that something should be done at once. It seems the fish have become very scarce on the American shore and have come into our waters, and it is only proper that we should protect them, and therefore I shall vote for this Bill.

HON. MR. VIDAL—I am never an advocate for imposing severe penalties, or inflicting severe punishment when milder measures will answer. But I do not look on this in that light at all. It does not appear to me that providing for the confiscation of the vessel is intended to be so much a severe punishment to the offender as to carry out the principle of the Bill—and that is the prevention of the use of those purse-seines, which are universally conceded to be so destructive in their operation. The object is to prevent it altogether, and I think after hearing the remarks made by my hon. friend from Alberton, an irresistible argument has been made before us to show that the whole purport of the Bill would be counteracted and its efficiency entirely destroyed by making the amendment proposed by the hon. member from Halifax. I think, therefore, that it would be a very great pity that the Bill should suffer the change of having the confiscation clause taken out and the substitution of a lien instead of it. I think it would be entirely inoperative under the circumstances so plainly portrayed to us by the hon. member from Alberton.

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

CONTENTS :

Hon. Messrs.

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Grant,	Power,
McClelan,	Prowse,
McInnes (Victoria),	Scott,
O'Donohoe,	Stevens—10.

NON-CONTENTS :

Hon. Messrs.

Abbott,	McKay,
Allan,	McKindsey,
Almon,	McLaren,
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Bellerose,	Macdonald (Victoria),
Bolduc,	Macdonald (P. E. I.),
Botsford,	MacInnes (Burlington)
Boucherville, de,	Masson,
Carling,	Merner,
Casgrain,	Miller,
Clemow,	Montgomery,
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Flint,	Ogilvie,
Girard,	Perley,
Glazier,	Read (Quinté),
Gowan,	Ross,
Guévremont,	Smith,
Howlan,	Sullivan,
Kaulbach,	Sutherland,
McCallum,	Tasse,
McDonald (C. B.),	Vidal.—44.

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

MARKING OF DECK AND LOAD LINES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (106) "An Act to provide for the Marking of Deck and Load Lines." He said: This Bill deals with a matter of very great importance to our shipping, and I imagine it is a subject with which my hon. friends from the Maritime Provinces are more familiar than I am. However, a few words will explain the purpose of the Bill. There has been, as hon. gentlemen know, for a number of years past, a good deal of agitation in England about these load lines. It has been pretended that ships were sent to sea overloaded, and often with fraudulent designs on insurance companies, and with results disastrous to human life, and steps were taken ten or twelve years ago to pass a law in England to regulate the extent to which ships may be loaded. That law was found to be insufficient for the purpose, and recently the English Parliament has passed another law regulating deck and load lines, providing a special mode of calculating the quantity or the weight of cargo which a vessel may carry. These calculations are based upon figures which are in use in England, and are based largely on the measurements at Lloyds. Now, it appears from experience and from measurements that the particular mode of calculation, which is fixed by the English Act and will be adopted in England under it, does not apply to the class of vessels which we build in the maritime provinces: the ships are of a different shape. As I understand it, they are broader, and otherwise a different kind of ship, and the calculations upon which the load of a vessel built according to the English models would prove to be accurate would not answer for the kind of vessels which we have in our maritime provinces. This has been the subject of discussion for a considerable time past, and the matter was very fully discussed at a meeting, I understand a sort of convention of ship-owners from different countries, at Washington, the substance of which is embodied in the report of the Minister of Marine last year. That was the



unanimous conclusion of the gentlemen at this convention, who were experienced men, and knew whereof they were talking, namely, that the method of calculation which might be perfectly just and safe for vessels built on the English model—vessels of the character registered at Lloyds—would not be just or fair to vessels of a different shape, such wooden vessels as are built in our maritime provinces. This was represented to the British Government when the Bill was being passed through Parliament, and at the request of this country a clause was put in the English Bill which otherwise would apply to all British ships, whether in the colonies or elsewhere, by which it was provided that if any British possession has a law regulating the load lines based upon similar principles to those which guided the English Parliament in passing the Bill, but modified to suit the conditions of the ship-building interest in such British possession, that the English Act should not apply to the colony which so made legislation of its own. Now, this Bill is introduced for the purpose of providing a system of measuring deck and load lines which will be perfectly just and perfectly fair to our ships, being of a different shape from English ships, and at the same time it is based, as we contend, on the same principles as those upon which rests the Act passed by the English Parliament. There are two or three modifications in it which are of a minor character, but which I think are improvements. Our system being necessarily different, there are differences in our mode of arranging matters. For instance, in fixing the load line in England the owner had nothing to say. It was done on the certificate of Lloyds. In this country we have no such universal test to apply to our ships, and here we allow the owner to join with the inspector in fixing the load line. If they differ, the matter is regulated by the Department of Marine and Fisheries, as in England it would be regulated, if there were any dispute, by the Board of Trade, which corresponds in that respect with our own department. There are a number of minor provisions in the Bill for the purpose of giving it effect, but the object and principle of the measure is what I have stated.

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

## MILITIA GRANTS IN THE NORTH-WEST BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (159) "An Act respecting grants of Land to members of the Militia Force on active service in the North-West." He said: This is a little Bill to extend the time for granting scrip to persons engaged in the militia force in active service, who are entitled to it under the law as it now stands, but who have not actually recalled their scrip.

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

## PICTOU HARBOUR BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (150) "An Act to amend the Acts respecting the Harbour of Pictou, in Nova Scotia."

(In the Committee.)

HON. MR. ABBOTT moved that the second clause be struck out. He said: This clause is taken from the old Act. The provisions which are required for the purpose for which it was intended are contained in clause three. It is superfluous, therefore, and I ask that clause 2 be struck out.

The motion was agreed to.

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

The Bill was then read the third time, and passed.

### BILL INTRODUCED.

Bill (162) "An Act to correct a clerical error in the Act 53 Vict., Chap. 81, intitled: 'An Act respecting the Great North-West Central Railway Company.'" (Mr. Clemow.)

The Senate adjourned at 4.15 p.m.

## THE SENATE.

Ottawa, Wednesday, August 26th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

CARLETON BRANCH RAILROAD  
PURCHASE BILL.

## THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (158) "An Act to authorize the sale of the Carleton, City of St. John, Branch Railroad."

HON. MR. ABBOTT—This Bill is to authorize the sale by the Government of a small piece of road from Fairville, extending from the terminus of the Western Extension Railway, to the city of St. John, which had become practically useless by the construction of the bridge across the River St. John, as I understand. The value of this road is entirely destroyed by the railways which have been recently constructed, and the Government had been leasing it for a nominal rental, say \$1 a year, or something of that sort. The Government have found an opportunity of selling this road for \$40,000, which is a clear profit of the whole of that sum, and they ask this authority to sell it. My hon. friend from Fredericton knows a great deal more about it than I do, and I understand he proposes to speak on the subject. I have no doubt he can explain it a great deal better than I can.

HON. MR. WARK—The Premier tells us that the road is valueless, and I intend to ask him to modify the demand that he has made on the city of St. John. I think he asks too much. I find that in 1881 New Brunswick contained about  $\frac{1}{13}$  of the whole population of the Dominion, and contributed that proportion of the whole revenue. Although we have ceased to control the revenues raised in New Brunswick, we are willing that the Government shall spend them in the public interest. Sometimes expenditures are made in which we have no interest, but I am going to call the attention of the House to expenditures which are decidedly detrimental to us. I moved the other day, and received from

the Premier, the cost of the link of railway built in Nova Scotia which is just across the bay opposite St. John. The city of St. John has enjoyed the trade of that part of Nova Scotia since the earliest history of the country. It was very easy for those people to run across the bay to St. John—much easier than to go round to Halifax. The cost of the link was \$599,000. New Brunswick has contributed of that amount \$45,000, and all that contribution was made for the promotion of a work intended to injure instead of benefiting the city of St. John. That link composed a part of the railway intended to be built by the Western Counties Railway Company. They never built it. It stood there a gap between Digby and Annapolis for a long time. The Government at length, to encourage them to build it, offered them half a million dollars as a contribution, though it was only 20½ miles in length. That sum ought to have been sufficient to build the road. They entered into an agreement, a clause of which provided that the Government should build the road if the railway company did not. The people of Halifax waited till the time expired, and then passed strong resolutions, almost censuring the Government for not building it. The principal reason that the Chamber of Commerce gave for demanding the construction of the road was that they might get a trade which the city of St. John has so long enjoyed. So New Brunswick is actually contributing about \$45,000 to divert a trade which St. John has had since the earliest history of the country. But that is not all. The people of Halifax complain of want of accommodation. When the Intercolonial Railway was first finished the station was outside of the city. The road was subsequently carried to a deep-water terminus, and the Government erected wharves and an elevator, affording all the accommodation necessary for shipping goods there. They also carried the station from there into the city—built a new station. But now, with this increased trade that they expect they have not sufficient room there, and they are going to pay for additional grounds and furnish more accommodation. How were they met by the people of Halifax? There is an expensive piece of land with buildings on it to be purchased, and they have to pull down these buildings. Does the Government

pay for this? Certainly. There was a joint committee appointed by the city council and the board of trade to call upon the Government to pay, and that joint committee decided upon \$350,000. The committee of the board of trade reported this, and the board of trade say that the Government must pay \$450,000. There was a debate the other day in which the Minister of Railways said the Government were going to expend \$650,000 in the city of Halifax to provide increased accommodation. Of that sum, \$450,000 is to be paid for the privilege of extending the road, and here the Government turn round to New Brunswick and ask for a road, which the Premier admits to be valueless, no less than \$40,000. They pay \$450,000 to the city of Halifax for the right to increase the accommodation there, and they ask \$40,000 from New Brunswick for what? The Government cannot be said to have a toll bridge there, but they have a bridge at which tolls are collected and in which the Government have an interest of 80 per cent. It costs, I believe, \$5 to get a carload across that bridge. The Government have not a collector there, but the company collects \$5 from a merchant of St. John for taking a carload of flour over the bridge, and hands \$4 of it to the Government. This is the way they manage it, until they collect the amount of the interest on their loan, and then the company can have the rest. Now, is it reasonable to ask such a price for this bit of a railway? There is no other way to get to the deep-water terminus. The Government have provided all the necessary facilities for shipping freights at Halifax; they have provided none at St. John, although they have a terminus of the Intercolonial Railway at St. John as well as at Halifax. When a merchant in Montreal or Toronto wants to send a cargo to England the Government, if they had the facilities at St. John that they have at Halifax, could accommodate that merchant wherever he could find the cheapest shipping. Very often a vessel is lying there ready to take freight, and a shipper at any of the cities I have named could get the advantage of the best freights. If he could get better terms at St. John he would of course want the Intercolonial Railway to carry his goods there, but the Government say: "No; we cannot bring your goods there; we have no facilities there." I claim they ought to have facilities. They say:

"We have no facilities for shipping there, and if you engage a vessel lying at the port of St. John she must take ballast, if necessary, and go round the coast of Nova Scotia and take freight at Halifax." Is this dealing fairly between these two cities? The Short Line of railway is built, and it carries freight to the end of this bridge. It can get no further; it cannot get to deep water. The city of St. John asked the Government to sell this old bit of a road. The Government said: "Yes; we will let you have that, but you must pay us \$50,000." The city remonstrated a little, and the Government came down to \$40,000, and this Bill is intended to confirm the bargain. Now, I will not take up the time of the House unnecessarily. I have put the case as fairly as I could before the House, and I think that the Government ought to amend this Bill by striking out "forty" and inserting "one," because they are getting only \$1 a year for the road now. I am not going to move any amendment; I leave it to the generosity of the Premier to amend that Bill by striking out "forty" and inserting "one." I am not going to ask his reason why he should not do that, because I know there is no reason. I just leave it to himself to do what is obviously fair and just.

HON. MR. ABBOTT—I think my hon. friend omitted to mention one thing which I understand is the fact, that the Government paid the city of St. John \$40,000 for its stock in this very railway.

HON. MR. WARK—No; it was to a company.

HON. MR. ABBOTT—According to my instructions the city had \$40,000 stock in that railway, and the Government took that stock at par and paid the city \$40,000 for it. Subsequently, by the construction of the railway which my hon. friend has referred to, this little three miles branch which was very useful for certain purposes at that time became practically useless. The city is now anxious to get back this few miles of railway that would give the Canadian Pacific Railway a deep-water terminus, which is of great importance to the city. They propose to buy back the railway which the Government acquired some years ago, and pay back this \$40,000; and surely it is not unreasonable for the

Government to say if you want the railway give us back what we paid for it. In point of fact, it is the city which offers this sum of money. The Government did ask \$50,000 for it, for I understand they paid other people besides the city. The proportion they paid the city was \$40,000; but on the 27th October last Mr. Foster, the Finance Minister, received from the officials of that city an offer by telegram. The Finance Minister replied accepting the sum offered, and this Bill is to carry out the agreement between St. John and the Government by which the transfer can be made. I understand the appeal which my hon. friend puts in, and it is one that it is difficult to resist; but the argument on which he bases his appeal, the comparative treatment of other cities, in that I am unable to follow the hon. gentleman. I am afraid it would not do to take some cities I could name as a gauge for the amount of money we ought to spend in every other city in the Dominion; for by the time we should have carried that out we would have transferred to those cities the entire finances of the Dominion. The city desires to get back what it sold to the Government, and the Government desire to get back what they paid the city for it; and taking that view of it, I do not think it is unreasonable to do so.

HON. MR. WARK—At the time this road was built it was the only means of reaching the city of St. John by rail. The 440 miles of railway were on that side of the river, and all the intercourse with the United States passed over these roads, and this was the only point where they could reach deep water and cross with a ferry. The bridge was built, for which purpose the Government subsidized or loaned \$330,000, and when the trains of the Short Line reach the bridge they must either pay to cross that bridge or go down to the deep water at the side of the river. I hope the hon. gentleman will adopt the amendment that I have suggested and show some desire of meting out equal justice to these two cities.

HON. MR. MILLER—This is a money Bill? Can we amend it?

HON. MR. WARK—I will leave that to the lawyers to decide.

HON. MR. POWER—I think the Province of New Brunswick can congratulate

itself on having a faithful guardian of its interests in the person of the hon. gentleman from Fredericton. He always looks after the interest of his own province, as every member should do. I presume it is a member's first duty to look after the interests of his own province. With respect to the statement the hon. gentleman has made, there are certain other omissions besides that pointed out by the leader of the Government. The hon. gentleman omitted, I think, to state that the Dominion Government have within the last three or four years spent a quarter of a million dollars in securing the right sort of facilities, including a deep-water terminus for the Intercolonial Railway at St. John. The little road which is spoken of in this Bill is situated on the other side of the river, and is intended to be used by the Canadian Pacific Railway, and not by the Intercolonial Railway; and further, some years ago the Government built a branch on the eastern side of Halifax harbour, on the Dartmouth side, and the town of Dartmouth has been obliged to pay interest on the cost of the construction of that road at the rate of \$4,000 every year, so that there is not any difference in the treatment of the two harbours; they are treated in substantially the same way. Now the city of St. John has to refund the money which it got from the Government for its interest on the road on the west side of the harbour of St. John. Then, with respect to favouritism supposed to be shown to the city of Halifax, it is customary that lines of railroad when owned by companies furnish the necessary facilities at the termini, and the terminal facilities at Halifax have been deemed by business men, not only in Halifax but elsewhere, insufficient; and if the Intercolonial Railway were owned and operated by a company the facilities which exist or something like them would be there, and certain other facilities which do not exist would be furnished by the company if it were in a position to furnish them.

HON. MR. BOTSFORD—The hon. gentleman from Fredericton is quite right with respect to his comparison of the expenditure of public money in the city of Halifax and in the city of St. John. It just so happens that Nova Scotia, from her large representation in the Cabinet, was in

a position to obtain a larger expenditure, and consequently a larger amount of money has been expended in the city of Halifax, and the city of St. John has been left without similar appropriations. Of course, this being a money Bill it cannot be amended in this House, and we are further estopped, I think, from making any amendment, inasmuch as the city of St. John itself has agreed to this arrangement.

HON. MR. DEVER—I feel it my duty to thank the Government and the Premier especially for even this small favour of \$40,000 to the city of St. John. The people of St. John will look on it as a favour, but they cannot help thinking at the same time, that greater facilities might be given the city of St. John than they have at present for freight and other traffic at their city. We have always felt that the Province of Nova Scotia has had such representation in the Cabinet that that Province, and especially the city of Halifax, has always got what it wanted. Unfortunately, it was not so with us. Our representation was good; still, it had not that influence or power in the Cabinet to enable it to get the consideration from the Government that we feel Nova Scotia has got. I do hope that things will change now. We have a new Government, and I believe we are going to have a good Government. I believe we are going to have an honourable and faithful Premier, who will take into consideration himself all these public matters, and will not allow them to be neglected by minor members of the Cabinet. I believe that if the city of St. John could induce the Government to take into account the bridge that crosses the falls, that is only utilized by the Western Extension and Short Line, and make it a free bridge, the people would have no reason to complain. The gift that the Government are now about to give is one that was thought of as expedient some years ago, when there was no thought of building a bridge at the falls, and now that they have the bridge across the river and there is no impediment in the way to complete the connection with the city of St. John by the Intercolonial Railway and Short Line this intermediate piece of road owned by the Government should be placed at the disposal of the people of St. John, who would consider it a great boon. I hope, when the Premier makes us a visit, as I trust he will during the coming season, that he

will see the situation for himself, and that he will do something for St. John that we will feel lastingly grateful to him for. This bridge at St. John cost some \$400,000 or \$500,000. If we had it open to all the railroads coming into St. John it would be nothing more than St. John is entitled to, taking into consideration what has been done for other cities that are rivals of St. John.

HON. MR. McCLELAN—The hon. gentleman from Fredericton has made out a good case why the Government should, in dealing with St. John city in the matter of this railway, have given them much better terms. He has shown that the expenditure in Nova Scotia has the effect of diminishing the revenue and business at St. John, while the people in St. John and New Brunswick generally have had to contribute towards these large expenditures. It may be invidious to draw comparisons between the provinces by speaking relatively of the advantage which one province may have in the lavish distribution of public money; but there is one point they have not said anything about, on which the province from which I come has been a very great sufferer. I say, with reference to the Intercolonial Railway, and I say advisedly, that the Intercolonial Railway, under the management that has been accorded to it during the last few years, instead of being a boon to the southern portion of New Brunswick has been really a detriment. The special rates upon that road and the advantages which are given simply for the western provinces to carry their freight cheaply through New Brunswick by interfering with our natural and legitimate markets has been a very great injury to us. I am speaking of the old Intercolonial Railway proper, from Quebec to Moncton. Of course, the part now called the Intercolonial Railway, from St. John to Halifax, is an old and well-paying road—a profitable work to the Government, and so far as I know, is very well managed; but I know if we added together the deficiencies on the Government railways for the last few years it would aggregate several millions. That deficiency has to be paid by the people in New Brunswick. The deficiency is created to the advantage of other people, and in that way the railway is being managed very improperly and

very much to the injury of the province which I represent. With regard to that link which my hon. friend has mentioned, I believe, if the Government wanted to do anything which would really be to some extent a boon to New Brunswick, if it was impossible for them, in the exercise of their spirit of fair play and justice to donate this branch to the city of St. John, they could make provision to incorporate that bridge and link with the Intercolonial Railway, for we know that anything New Brunswick has to carry or send forward over these roads has now to settle with three lines of railway, adding materially to the cost of freight. I speak of this particularly in view of what we have been encouraged to believe is to take place in the month of October, that is to say, the securing of a reciprocity treaty of some kind or other, when New Brunswick may find it necessary to send her natural products to the United States. In that event, it would be a serious drawback to the province if that piece of railway should remain as it is, adding to the already high rates of three or four different railways.

HON. MR. DRUMMOND, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## PRINTING OF PARLIAMENT.

### FIFTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ (Quinté) moved the adoption of the Fifth Report of the Joint Committee of both House on the Printing of Parliament.

The motion was agreed to, and the report was adopted.

## LIVE STOCK SHIPPING BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (154) "An Act respecting the shipping of Live Stock."

(In the Committee.)

On the 3rd clause,—

HON. MR. READ (Quinté)—There is no subject that can engage the attention of

Parliament that is of greater importance to the country at the present time than that of shipping cattle to foreign markets and especially to Great Britain—when we consider that during the very short period that this trade has been in existence it has grown to its present proportions from a very small beginning indeed. I recollect when a friend of mine shipped to England the first forty-five head that were shipped a few years ago, and when we consider the leaps and bounds that this trade has taken since, we may well believe that anything that will further the interests of this industry is of very great importance to Canada. It may be as well to remind the House of the progress that has been made in this cattle-shipping trade. I will quote from the English returns. I find that in 1875 we shipped 12,012 head of cattle to England and in 1888 we shipped 61,105. I see that in two years since then there has been an unprecedented increase of 100 per cent. In 1888, we shipped 109,736 oxen and bulls and 10,859 cows, altogether over, 20,000 head of cattle to British and foreign markets. When we consider this marvellous increase we must believe that anything that will promote it is to the advantage of the Dominion. I have no doubt whatever that the arrangements the Government will make as regards inspection, etc., will have that end in view. It must be noticed that the great bulk of the agricultural exports of this country in the future must be the cow and her product—with the exception of the grain we will export from Manitoba and the North-West Territories. Let us look for a moment at what our exports were last year of the cow and her products. I find, according to the English returns, computing it in dollars and cents, that the value of the cheese shipped from Canada last year was \$9,571,160; oxen and bulls 109,736 in number, valued at \$8,698,590; cows numbering 10,859, at a value of \$760,900; sheep, \$418,280, or a total of \$19,450,930. Now, that is an export that will increase. It must necessarily increase; and while upon that subject it may perhaps be as well to quote the corresponding exports by our neighbours across the line, and see whether the United States is our natural market for these products. Our Reform friends are very much inclined to go to the United States for a market. If they should buy 1,000 head of our cattle they have 1,000 more of their own to sell. England is our

market for those products, and it must continue to be our market in the future. The United States shipped to England last year oxen and cows to the value of \$36,796,075. They shipped beef to the value of \$19,940,000—in all, of cattle and other products, \$56,736,075. I have taken this from the English returns. Where is our market in the United States? Our Reform friends say: "Give us reciprocity with the United States and we will have a market for our products." They say the United States will give us a good market for flour. I see that the Americans exported last year wheat and flour to the extent of \$66,506,000 to Great Britain alone. It does not appear to me that they want our flour. It is certain that they do not want our cattle. Then I see that the Americans shipped last year \$10,407,735 worth of cheese. It is evident they do not want our cheese. So that these articles, our shipments of which amount to \$20,000,000 a year, the Americans do not want, and their market is of no use to us in that respect. Now, as regards cows: we exported to England last year 10,859 head. We had them to spare, and were too glad to sell them. These were cows that were springers. If anything is done to cause alarm in England these cows would be scheduled, and I hope the Government will not grasp at the shadow and lose the substance. I hope they will not do anything by which our cattle may be scheduled in England, and this vast trade destroyed. These cows would not be required in England at all if they could not be used for domestic purposes. In evidence of that I may mention that while we shipped last year 10,859 cows the Americans only shipped 411. Why? Because the American cattle have to be slaughtered on arrival at a British port, while ours can be landed and used for domestic purposes. This Bill, no doubt, will have a good effect, but the Government must take every precaution to see that the cattle are carried safely. These ocean tramps do not carry them as safely as the regular traders. If a ship labours heavily the ocean tramp will not heave-to and give the cattle an opportunity to keep up. It is different with the regular liners. They take the best care they can of the cattle. I know that our shippers particularly are asking for this legislation, but the greater class is more interested—that is, the producers. If our cattle are scheduled

the shipper will pay a lower price in this country, and the loss will therefore fall on the farmer, and while his prospects are very good this year he has not been in the most flourishing condition for a few years past. I would again urge on the Government to do everything in their power to see that proper facilities are furnished for the shipment of cattle. It is only since the repeal of the Reciprocity Treaty that this enormous trade has sprung up. We did not export a pound of cheese or a head of cattle to England before that time. We sold our cows to the Americans and bought cheese from them. That trade has sprung up since then as if by magic, till it now reaches \$20,000,000 a year. We possess grasses of the finest quality, and we are in a position to make as good butter and cheese as can be produced. We have done a great deal in the cheese and in the cattle trade, but there is more to be done yet. The Government want to encourage the production of butter under a joint stock factory system. I am pleased to think that that matter is under their consideration. Our people possess the facilities for making butter of the finest quality, and only require to be educated up to it. While they are slow in some matters, I think, with a little instruction from experts, they will accomplish the object that the Government have in view, and in the very near future we will make butter for export, and build up a trade which will be as valuable as our trade in cheese. I hope that nothing will be done by the Government in any way without the consent of the Imperial authorities as to the slaughtering of American cattle in this country, because the English farmer will soon get frightened, and at the least appearance of disease amongst their herds they will appeal to their Minister of Agriculture, and our cattle will be placed in the schedule with American cattle. We have an advantage in the English market; we have none in the United States. How can we have a market there, when they are shipping cattle to England to the enormous extent I have mentioned? While it is pleasant to go across the line and sell what you have to spare, and while I am anxious to have reciprocal trade with the United States, I do not believe it would be so exceedingly profitable to the farmers of this country as some believe. Our neighbours produce the same articles that we

produce, and compete with us in the same markets; and it is only a question whether they shall act as middlemen for us or we shall sell direct.

HON. MR. BOULTON—In the North-West we take a great interest in, and attach a high value to, the cattle trade that has sprung up and is annually increasing (as has been shown by the hon. member from Quinté), and any Bill that comes before this House touching upon that trade requires the scrutiny and attention of hon. members. I think I may congratulate the Government upon bringing forward a Bill for the purpose of exercising a governmental supervision over the transporting of cattle from Canada to Great Britain, and also for the purpose of saving the lives of dumb animals so frequently jeopardized by the carelessness of shippers. In addition to the sacrifice of life, there is the financial loss to the country. The cattle unquestionably are insured, and there probably may not be a great financial loss to the shippers, except through the depreciation of the cattle, but the loss falls on the insurance companies; so that all around, I think the Government may be congratulated on taking this matter in hand and obtaining such power as is necessary to protect this valuable trade that we have developed. In 1873 it was not thought possible to ship a live animal from Canada to Great Britain. We shipped dead meat only. In 1874 we shipped 4,000 head of cattle, and last year we shipped upwards of 100,000 head. The United States are competitors with us, but we have an advantage over them in the cattle trade in consequence of the healthiness of our climate and the precautions we take to prevent disease. Not only can we ship our fat cattle to Great Britain, but we can ship our store cattle, and that is a trade in which the people of the North-West and Manitoba are very much interested. Fortunately, up there we have plenty of feed, and we can mature our animals very early, in consequence of the excellent feed and the wide range of pasture they get, and we are able to ship 2-year olds to England for store purposes which are valued very highly indeed, and find ready sale. The trade in store cattle can be increased very largely. Ireland shipped 600,000 store cattle to Great Britain last year, and the possibilities of increasing our

exports are very great indeed to such a large and valuable consuming market. Anything that is likely to interfere with such valuable trade should be watched and considered very carefully. The hon. Minister of Agriculture has very kindly informed me of the precautions that are being taken in connection with the concession now under consideration—that is, of slaughtering American cattle in this country and re-shipping the meat. The cattle are to be brought into the country in bond, carefully quarantined and slaughtered. They do not come into competition with our Canadian cattle any more than if they were slaughtered and converted into beef in the United States. That the concession will not be made without the cooperation of the Imperial Government, and its approval of the rules adopted to guard against infection, and I am informed by the hon. Minister of Agriculture that a clause is being put into the agreement which permits this concession, that the very moment the Imperial authorities feel that the cattle trade of Great Britain is jeopardized by this concession it is to be at once cancelled. I think, with these precautions, that no danger can arise to affect our cattle trade; and no danger can arise in Great Britain from having our cattle scheduled and forbidden to enter the country alive, because the agreement contains a clause which will enable the Government to at once cancel the charter under which they are working. The advantage of bringing trade through Canada should not be overlooked because increase in volume brings lower rates for our heavy produce. The carrying trade is valuable to the country, and anything that will tend to bring the trade of the north-western States through Canada deserves most careful consideration. A concession of this kind will tend to increase the carrying trade of the country. We have a great number of scrub cattle, it is said. I am sorry to hear that such is the case, but I suppose, as long as we make cheese and raise calves on whey, there will be scrub cattle. I think there is a great opening in the North-West to improve such stock for sale. In the eastern provinces we raise a number of 2-year olds in our barn yards, and in order to make them beef and saleable at all we have to keep them over until they are three or four years old. I believe if



the 2-year olds that are wintered in the straw yards of the eastern provinces were shipped to the North-West in the month of April, and pastured for the summer, they would pay the freight both ways—for taking them up to the North-West and bringing them back—and leave a fair margin to the farmers of the eastern provinces and relieve their home pastures from being overstocked. If that experiment were tried, I am satisfied it would be found very advantageous. Take, for instance, a county in Ontario where there is not enough pasture for all the animals that can be wintered with advantage. If the farmers would combine and send up, say four or five hundred cattle, under care of one or two men, and let them range on the prairie pastures, I believe that an arrangement could be made with the Canadian Pacific Railway Company by which the freight on those cattle could be paid both ways and leave a margin to sell them to the people of England as store cattle or to feed themselves. We have immense plains there, on which millions of buffalo have herded in the past; we have thousands of dollars worth of valuable feed going to waste there every year, and if it could be utilized in that way it would redound greatly to the benefit and advantage of the country. As the hon. member from Belleville has said, the English market is unquestionably far more valuable to us than the markets of the United States, and the trend of our cattle trade for the last twenty years proves it. Before we were able to ship cattle to Great Britain at all we used to send from 60,000 to 70,000 head of cattle to the United States every year. They realized on an average \$26 a head. As soon as the cattle trade with Great Britain commenced the price began to fall, because the people of Great Britain could afford to give us for our good animals a far higher price than our neighbours would pay. The price of animals shipped to the United States went down from \$26 a head until in the last year or two they have brought only \$10 or \$12 a head, while the cattle shipped to the British markets have increased in value from \$65 a head to \$80 or \$90 in Liverpool. It shows the value of cattle in the British market has been increasing, while it has been diminishing in the United States. Anything that will encourage the development of our trade with Great Britain in the products of the farm and

dairy should be done. I am pleased indeed to think that the hon. Minister of Agriculture and the Government have taken up this question of the shipping facilities required to develop and extend this already important trade.

HON. MR. REESOR—This is perhaps the most important question which has been brought before the Senate this session. It involves one of the greatest industries of the country. The annual exports of Canada embrace about forty-five millions of dollars of agricultural products, while the exports of manufactures amount to about five millions of dollars. This is, therefore, really a matter of vast importance, and it is high time that a measure should be passed—and this Bill in the main covers the ground—to provide better facilities for the shipment of live cattle across the Atlantic in order that the losses may not be so heavy. As was said by the hon. member from Belleville, these losses ultimately come back upon the producer and discourage the production of that kind of stock. But there is another point touched upon by my hon. friend from the North-West. He says that there is a great opening for the sale of store cattle in the English market. That is very true, but it would be far more profitable if we fed our cattle here, so that they would be beef before we shipped them—far more profitable to the people of the North-West, where the raw products can be produced more cheaply than here. They are farming, and they always have more or less inferior wheat, owing to early frosts; they produce flaxseed and other fattening feed, and in shipping an animal there is very little difference in the cost of transportation, whether it is fat or only a store animal. It can easily be seen how great would be the advantage, then, to ship an ox worth \$80 or \$90, rather than to ship him when he is worth only about \$30. The raw material that is produced so easily in the North-West ought to be used to encourage the trade in fat cattle rather than store cattle. It brings nearly double the return to the country. In Ontario we are placed at some disadvantage. Our American neighbours have cheap corn, which we are not allowed to use, owing to the duty upon it. The consequence is, we are of late years increasing the number

of store cattle that we are shipping to England, whereas the number should be decreased. None of our cattle should go away in the condition of store cattle. They should be made first-class beef, and they will bring us back nearly double the money. If anything should be done in the way of negotiating a reciprocity treaty with our neighbours I hope something will be done by which we can get cheaper corn without paying the duty on it. I know we are told that we have oats, pease, barley, and other coarse grain, but they cost more than corn; if we can sell a bushel of barley for 50 per cent. more than the cost of a bushel of corn, and if a bushel of corn will make almost 50 per cent. more beef than a bushel of barley, we should have the privilege of selling our barley in the best market and buying our corn at the lowest price. That is a national advantage, because it increases largely the value of our exports. I sincerely hope that all these points will be taken into consideration by our worthy Premier. The whole question is open, and I hope something will be done.

HON. MR. KAULBACH—My hon. friend apparently is under the impression that our best market is the United States, notwithstanding all the evidence that we have to the contrary. He would like to get cheap corn from the United States, but what would become of our coarse grains which the Americans exclude from their market? But the hon. gentleman is always harping on the advantage of the American market. This session he led the House to believe, in quoting from the Blue-book, that last year our exports of agricultural products to the United States were \$8,000,000 more than to Great Britain. He made that statement in order to show that we must look to the United States instead of to England for a market. I am sure he must be pleased to learn that his figures should be reversed, and that instead of the difference being as he stated, that we export \$8,000,000 more to Great Britain than to the United States.

HON. MR. REESOR—What I stated the other day I took from the official returns.

HON. MR. KAULBACH—My hon. friend struck the wrong page. He made the exports to Great Britain \$43,390,241 and to the United States \$52,291,973. My hon.

friend got on the wrong side of the account. We sent to Great Britain \$48,353,694 and to the United States \$40,522,810, leaving nearly \$8,000,000 in favour of the exports to Great Britain.

HON. MR. REESOR—If my hon. friend will allow me, I will correct him.

HON. MR. KAULBACH—My hon. friend cannot correct me. He made an absolute statement here that we exported more to the United States than to Great Britain during the year 1889-90. I took a note of his words and I was amazed at them. My hon. friend, probably not intentionally, made a mistake. Last year the value of our exports to Great Britain was eight millions of dollars more than to the United States, and this year we have increased that by 14 per cent. and have imported about 10 per cent. more. I will not go into the whole question, but I am glad to hear that whatever may be done in allowing cattle from the north-western states to pass through this country, the moment Great Britain feels that injury may be done through contagious diseases being brought into this country that trade must cease. If we can have those cattle brought in and slaughtered here, no doubt it will be a great thing for our railways; but I hope it will be so done that it will not imperil the important trade that we now have. It is a valuable industry, and too much cannot be said in favour of it. We know by a Bill introduced in the Imperial Parliament that they were going to exclude us from that trade, and it has only been by the greatest exertion on the part of our Ministers of Agriculture and Marine, and by producing exhaustive evidence satisfying them that it has not been our fault, that we succeeded in preventing the passage of that measure. We are taking every precaution, by the legislation before us now, to have those cattle sent safely and in good condition. I am sure that everyone who has anything to do with this valuable industry must feel that the Government have done everything possible to extend and perpetuate this trade with Great Britain. The Government cannot be too highly commended for the manner in which they are meeting the views of the country with regard to this industry.

HON. MR. REESOR—My hon. friend must certainly have misunderstood me.

I did not aim the other day at making any comparison between the exports to Great Britain and to the United States. What I aimed at explaining (and I think I did explain it so that most people could understand it) was that the amount of agricultural products shipped by both countries was very great, and that England is the great market for our cattle. There is no dispute about that. The Americans are sending more, and we are sending more every day, and that is acknowledged by my hon. friend the Premier, when he favours the passage of a Bill to allow American cattle to be brought in here to be slaughtered—not to make any difference between Canadian and American cattle, because if they do not come this way they will go some other way. That is my argument for free trade with the United States. They will not buy a dollar's worth of anything if they do not want it, and we will not sell it to them unless we can make something by the transaction.

HON. MR. KAULBACH—My hon. friend does not yet say that he did not make a mistake in the figures he quoted. He did say that the exports from Canada to the United States amounted to \$8,000,000 more than our exports to Great Britain.

HON. MR. RESSOR—I have no recollection of saying anything of that kind, and did not intend to.

HON. MR. ABBOTT—I am very glad indeed to find that my hon. friends who have spoken take an interest in this Bill and sympathize with its object. The remarks which some of them have made with reference to the shipment of cattle are very just. It would be a great deal better for this country if we shipped nothing but fat cattle. If we could do without shipping stockers it would be a good thing for us; and so with regard to these rules: there is a class of vessels which we know as tramps, and it is upon those tramps as a rule that the misfortunes have happened in crossing the Atlantic. It has not been on the regular liners, because the owners of those vessels, of their own accord, adopt rules for carrying cattle safely, and it is their interest to do so, because it increases the trade. On this and every other subject referred to I can assure my hon. friends that the greatest attention will be

paid, in framing the rules, to take precautions that will ensure, as far as practicable, the safe shipment of cattle across the Atlantic. The Government look upon this trade as one of the most promising which the Dominion possesses, and it will be their earnest desire to further it in every way that they possibly can. Some of the hon. gentlemen have spoken of the project of slaughtering cattle in this country, also with a great deal of justice as to its plan, and I hope that any fear that my hon. friend from Quinté may feel with regard to the danger which this traffic may cause to our cattle will be entirely unfounded. As I remarked a day or two ago on this subject, if the Government should permit the manufacture of meat products here from American cattle, the precautions which will be taken will be precisely those that we have found satisfactory and safe for the last ten or twelve years. No relaxation of those precautions will be permitted, and immediately upon its being apparent that any danger is threatened to our traffic in live cattle with England, and our privilege of landing those cattle alive in England, the Government will take care to cancel this concession altogether, if necessary for the protection of our own cattle trade.

HON. MR. BOULTON—I may say, with regard to a remark which has just been made by the honourable member for King's, that it is more desirable to ship fat cattle, that that might be true if we could feed them as cheaply as anybody else; but in the west we are raising 2-year old beasts, which are fetching from \$36 to \$40 on an average. Hundreds of beasts are being purchased and delivered at the railway stations now to come down here as store cattle, and we are realizing from \$36 to \$40 a head for 2-year old animals. That is as profitable a trade as it is possible for any country to promote, and the farmers of the Eastern Provinces can buy them to feed or they can be shipped and fed by Scotch farmers who are very glad to get them and give good prices, because the frame is there to put beef on to.

The clause was adopted.

On the 7th clause,—

HON. MR. VIDAL—Before this clause is passed I wish to call attention to it. It

appears to me that there is something wanting. I notice that the offences against the provisions of this section are to be a misdemeanour, but I do not see in the section any punishment for it. While section 8 in its sub-section 4 has ample provision for transgression against it, and section 9 is also furnished with the same provision, section 7 provides that a person transgressing shall be guilty of a misdemeanour, but no punishment attaches to it. Is it not necessary that some punishment be provided?

HON. MR. ABBOTT—I think I understand the reason why there is this distinction between the sections. Section 7 creates the offence against the persons who do wrong. Now, being guilty of a misdemeanour means something that is well understood in the general law, but in the other clause to which my friend has referred the penalties are against the ship, and the special remedies which are given are remedies against the ship; while the other misdemeanours are by the person, and are provided for already by law.

The clause was agreed to.

HON. MR. MURPHY, from the committee, reported the Bill without amendment.

### THIRD READING.

Bill (160) "An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in Quebec." (Mr. Abbott.)

### SECOND READING.

Bill (162) "An Act to correct a clerical error in the Act 53 Vic., Cap. 81, intituled: 'An Act respecting the Great North-West Central Railway Company.'" (Mr. Clew.)

### SUPPLY BILL.

#### FIRST AND SECOND READINGS.

Bill (167) "An Act granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial year ending 30th June, 1892, and for other purposes relating to the Public Service," was introduced and read the first time.

HON. MR. ABBOTT—This is another instalment of supply, and it is needed to keep the country going while Parliament is sitting. I desire to have it read the second time now; and I propose to ask the House to-morrow to give it the third reading, as His Excellency the Governor General will come down at 3:30 p.m. to sanction it; and it will require to be passed at once to carry on the public service. I therefore move that the Bill be now read the second time.

HON. MR. POWER—You had better move the suspension of the rule first.

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

### BILL INTRODUCED.

Bill (126) "An Act to amend the Act respecting the North-West Territories." (Mr. Abbott.)

The Senate adjourned at 4:50 p.m.

### THE SENATE.

Ottawa, Thursday, August 27th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### THIRD READING.

Bill (167) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending the 30th June, 1892, and for other purposes relating to the Public Service." (Mr. Abbott.)

### SUPREME AND EXCHEQUER COURTS BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (138) "An Act to amend Cap. 135 of the Revised Statutes, intituled: 'An Act respecting the Supreme and Exchequer Courts.'"

(In the Committee.)

On the 3rd clause,—

HON. MR. ABBOTT—I propose to amend this bill to give an appeal direct from the court of review in Lower Canada to the Supreme Court in cases where the court of review confirms the judgment of the court below. At present the law with regard to that class of judgments is that if the court of review confirms the judgment of the court below no appeal lies to our ordinary court of appeals: the appeal only lies to the Privy Council. That was a rule made before the Supreme Court was constituted, and there has always been that anomaly, that any other final judgment may be appealed to the court of appeals unless it be a final judgment of the court of review confirming the previous judgment. It would be logical enough if there were no appeal from such a judgment as that, but in reality there is an appeal from that to the Privy Council, and it seems to be illogical that this particular class of final judgments should be the only one which we cannot take to our own Supreme Court, where, in fact, we desire to direct our final appeals as much as possible. I think that the clause that I am now proposing will result in a change of the law, so that there will be the same appeal to our own court as there is from other judgments, and I propose to offer it with reference to a possibility of such a change as that. I move that the following be added to the clause :—

Provided that such appeal shall lie only from the Court of Queen's Bench or from the Superior Court in review in cases where and so long as no appeal lies from the judgment of that court when it confirms the judgment of the court appealed from."

We should make the alteration so that when the law of Lower Canada is so altered as to give a right to appeal from a judgment of the court of review, notwithstanding it confirms the previous judgment, then this will cease.

HON. MR. LACOSTE—Of course, this refers only to cases of over two thousand dollars?

HON. MR. ABBOTT—Yes.

The clause was adopted.

On the 5th clause,—

HON. MR. POWER—Would the hon. gentleman have any objection to telling the committee the reason for the change made by clause 5 in the mode of hearing the appeal?

HON. MR. ABBOTT—I could not tell my hon. friend exactly the reason, but it was found more convenient to do it, and the Minister consulted the leading members of the bar from the different provinces when they were here on the last occasion, and it was agreed amongst them that it would be the most convenient order of hearing the appeals in the interests of all the provinces.

HON. MR. ROSS, from the committee, reported the Bill as amended.

HON. MR. ABBOTT moved that the Bill be reprinted.

The motion was agreed to.

## EXCHEQUER COURT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (117) "An Act further to amend the Exchequer Court Act."

(In the Committee.)

On the 3rd clause,—

HON. MR. POWER—It is not quite clear from the 3rd clause whether the judge recommends the person, or whether he simply asks that a substitute be appointed, and the Governor in Council then appoints a substitute.

HON. MR. ABBOTT—It is not intended that the judge shall have anything to say in the appointment. This is merely giving the Governor in Council power to appoint some person other than the judge.

The clause was agreed to.

HON. MR. GRANT, from the committee, reported the Bill with certain amendments.

MARKING OF DECK AND LOAD LINES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (106) "An Act to provide for the marking of Deck and Load Lines."

(In the Committee.)

On clause 7, sub-section 6,—

HON. MR. DRUMMOND—I would suggest that logically sub-section 6 should be amended by stopping at the word "mark;" then it would be all right. Sub-section 7 requires that the vessels shall not go to sea with two load lines, but it says nothing about having one load line, and I would suggest that that should be amended to provide that she must have one load line. At present the wording is ambiguous, and I find that where shipowners or masters find the law ambiguous they generally take the wrong interpretation of it.

HON. MR. ABBOTT—I am afraid that my hon. friend's suggestion would make it still more ambiguous. The mark becomes defaced in course of time by use. It is impossible for a master or owner to keep the vessel marked forever, and the idea of the clause is that he must somehow keep her marked until she gets back to her next port; then the next clause provides how she shall be re-marked.

The clause was adopted.

HON. MR. POWER—This Bill is much more carefully drawn and is more considerate of the interests of vessel owners than the Bill with respect to purse-seines. There is no forfeiture of a ship here, and there is a proper tribunal provided for trying offences. I wish to call attention to clause 11. It seems to me that there ought to be some limitation to the amount which the owner of a ship should pay. The clause provides that the inspector "in addition thereto, shall receive any travelling expenses actually and necessarily paid by him under the provisions of this Act, and may withhold his decision until such fee and expenses have been paid." I do not object to the fee of \$4; that is a fixed sum, but we know how those travelling expenses mount

up under such circumstances. Provision should be made for a fixed sum or a method of ascertaining the travelling expenses. There does not seem to be anything in the Bill about that; it is left to the discretion of the inspector himself, and is susceptible of some abuse.

HON. MR. ABBOTT—I think my hon. friend will find it hard to adopt a better phrase than this: "Shall receive any travelling expenses actually and necessarily paid by him" for the purposes aforesaid. If we were to fix the sum, the probability is that it would be adopted and always charged; whereas, in ninety-nine cases out of a hundred there might be no travelling expenses whatever.

HON. MR. POWER—In dealing with travelling expenses of other officials it is generally provided that the rate shall not exceed 5 cents a mile, or some amount of that sort.

HON. MR. ABBOTT—I do not like to put in a figure of that sort, because it is plain the expenses might be more or less than 5 cents a mile. The railway rate would not exceed 3 cents, and 5 cents would be altogether too small if the inspector travelled by horse or cab. I do not think there is a possibility of any injustice being done.

HON. MR. POWER—There is a possibility, and one should contemplate the possibility of the worst being done.

HON. MR. ABBOTT—The people who are to do this duty are respectable men, well acquainted with the shipping trade. I really do not know how the phrase that is used could be improved on.

HON. MR. GOWAN—It could not possibly be clearer.

HON. MR. HOWLAN—I think that this clause was likely put in for this reason: the inspectors to be employed, both Lloyd's and Bureau Veritas, are allowed something like 25 cents a mile for inspecting a ship. I think this is to prevent such a charge.

HON. MR. POWER—If 25 cents a mile is charged, and the officer has to go to a considerable distance in order to do his work, it will be seen that the fee may be a serious one.

HON. MR. ABBOTT—Certainly ; that is the reason why we cannot fix the rate. Such a charge would not be necessarily paid; it would be an arbitrary amount which we do not authorize the inspector to take.

HON. MR. PELLETIER, from the committee, reported the Bill with an amendment, which was agreed to.

The Bill was then read the third time, and passed.

### MILITIA FORCE LAND GRANT BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (159) "An Act respecting grants of Land to members of the Militia Force on active service in the North-West."

(In the Committee.)

HON MR. POWER—Would the Premier explain the object of this Bill?

HON. MR. ABBOTT—It is simply to provide for the granting of titles in cases where the right of the party has been already settled under the law as it exists, but where the actual conveyance has not been made. It does not grant any new rights.

HON. MR. HOWLAN, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

### THE CENSUS.

#### ENQUIRY.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. WARK—I wish to enquire of the Government why the Census has not been laid before us, as promised to-day? I see that the *Citizen* got hold of it yesterday, and published extracts from it this morning.

HON. MR. ABBOTT—I understood that it was to be laid on the Table of the other

House, where it was asked for—at least, the particulars were to be given. The Census is not completed as to its details, but the particulars were to have been given in the other House to-day. Had I been asked for them here I should have submitted them to the Senate also.

The motion was agreed to.

The Senate adjourned at 4:15 p.m.

### THE SENATE.

Ottawa, Friday, August 28th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### SHIPPING OF LIVE STOCK BILL.

#### THIRD READING.

The Order of the Day being called,—  
"Third reading of Bill (154) 'An Act respecting the Shipping of Live Stock.'"

HON. MR. ABBOTT said: My hon. friend from Sarnia made a suggestion with reference to this Bill, which has attracted attention to something that I think is decidedly an improvement. The fact is, that as respects the penalty there is a distinction between the two classes of offence, if I may call them so, one of which is declared to be a misdemeanour, and the other gives the right of seizure and describes the mode of procedure. The one which is declared to be a misdemeanour is more in the nature of a penalty, the other more in the nature of a debt. Still, it is thought better to declare what the penalty should be for the misdemeanour, and I propose to add to subsection 2 of section 7, after the word "misdemeanour," the following:—

And the ship shall also be liable to a penalty of \$1,000, and will be seized and detained by any chief officer of the Customs whenever and wherever found in Canada, unless such penalty and the cost of seizure are paid.

The motion was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill.

Hon. Mr. READ (Quinté)—Before this Bill is read the third time, I wish to say a few words. There has been considerable discussion on this measure, and on the whole I think it is a Bill that is very desirable and in the best interests of producers of cattle in this country. It has my hearty approval, and, so far as I can understand, is approved of to a great extent by the people engaged in shipping cattle to Great Britain, which is our market now for a large quantity of our animal products. The returns show that in two years the trade has increased 100 per cent., and if it continues to increase in the same ratio it must ere long assume enormous proportions. I need only refer to some resolutions which were passed at the recent interstate convention of cattle men for 1890. The following are the resolutions:—

“Whereas the cattle shipped from Canadian ports are given the freedom of the British Empire immediately upon landing, whereby \$20 per head is realized for cattle of the same quality shipped from ports of the United States; and

“Whereas the cattle shipped from ports of the United States are slaughtered immediately upon landing in Great Britain, solely on the plea that contagious pleuro-pneumonia exists in our country; and

“Whereas this exceedingly abnormal condition of things is one of the greatest of the causes of depression in the cattle market; and

“Whereas, it appears by recent information received from the Department of Agriculture that contagious pleuro-pneumonia exists only in two counties of New York and one county of New Jersey, and nowhere else in the United States; therefore

“Be it resolved, That the Secretary of Agriculture be requested to instruct the Chief of the Bureau of Animal Industry to stamp out that disease in the said three counties by slaughtering all the diseased and exposed cattle within the next six months, thereby giving our Government grounds upon which to demand that foreign restrictions be removed.”

It has gone so far that the American Government have sent veterinary surgeons to inspect the cattle before they leave United States ports, and have also sent veterinaries to reside permanently at the place of debarkation, where the cattle are slaughtered, to see if disease is brought to that country. In many instances they have tagged the cattle, that is, marked them, so that they know where the cattle come from and are able to trace where the disease originates if pleuro-pneumonia happens to break out. According to the last census of this country we had 3,514,989 head of cattle, and we may naturally suppose that the number has reached five millions by this time. We do not know what cattle disease is in this country, and hence, as a gen-

eral thing, our people do not fear it. We have not been scorched as they have been in the United States, but let it get amongst us like any other plague and we will soon learn what it means. Not many years ago the rinderpest broke out in England. It first appeared among a shipload of 300 cattle brought from the Black Sea. From small beginnings it spread everywhere over the country. It is the same with every pest. Look at the way the potato bug, the midge, the weevil and other insect pests have spread from small beginnings. My idea is to prevent these things as far as possible. I will now read from the report of the commission appointed by the House of Lords to enquire into the origin of the rinderpest a brief statement of the spread of that disease:

“The disease which is the subject of this enquiry was first observed and recognized in Great Britain towards the close of the month of June. Two English cows had been purchased on the 19th June in the Metropolitan Cattle Market by a cow-keeper residing in Islington, in whose shed they were when the symptoms of disease attracted, on the 27th, the notice of the veterinary surgeon in charge. Similar symptoms were observed on the 28th by the same surgeon in a cow belonging to a dairyman in Hackney, which had been purchased in the same place and on the same day. Two Dutch cows in a Lambeth shed, likewise bought in the market on the 19th, were attacked on the 24th. The malady broke out immediately afterwards in many London dairies, and spread with extreme rapidity, destroying great numbers of animals. The Islington cow-keeper lost her whole herd of 93; she afterwards bought more and lost them also, making 106 or 107 in all. An inspector who had charge of a great part of the north and north-east of London states that in his own district more than four-fifths have either died or been slaughtered, and the general average within the precincts of the metropolis is probably at least as high. Very early in July it appeared in Norfolk; a little later in Suffolk and Shropshire; then in one county after another, and before the end of the month it had invaded Scotland. In all the earlier cases, at least, it seems to have been directly traceable to purchases made in the Metropolitan Market; but Norwich Hill and other country markets speedily became, in their respective districts, subordinate centres of infection. On the 14th October it had extended into 29 counties in England, 2 in Wales and 16 in Scotland, and was still advancing.”

## BILLS ASSENTED TO

The House adjourned during pleasure.

After some time the House was resumed.

The Honorable Samuel Henry Strong, one of the Puisiné Judges of the Supreme Court of Canada, Deputy Governor, 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 the Deputy Governor's desire that they attend him immediately in this House."

Who being come with their Speaker,

The Clerk of the Crowne in Chancery read the titles of the Bills to be passed severally as follows:—

An Act to amend the "Bills of Exchange Act," 1890.

An Act further to amend the Act respecting the London Life Insurance Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of Jay Spencer Corbin.

An Act to amend Chapter seventy-seven of the Revised Statutes, respecting the Safety of Ships.

An Act respecting the Intercolonial Railway.

An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the name thereof to "The Oshawa Railway Company."

An Act further to amend an Act to incorporate the Great Eastern Railway Company.

An Act respecting the Saskatchewan Railway and Mining Company.

An Act to amend an Act to incorporate the Montreal Bridge Company.

An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.

An Act further to amend Chapter one hundred and thirty-eight of the Revised Statutes, respecting the Judges of Provincial Courts.

An Act to amend the Copyright Act.

An Act to amend the Act respecting Government Harbours, Piers and Breakwater.

An Act further to amend "The Consolidated Revenue and Audit Act."

An Act to incorporate the Montreal and Atlantic Company, and for other purposes.

An Act to incorporate the Macleod Irrigation Company.

An Act to incorporate the Great West Life Assurance Company.

An Act to amend "The Patent Act."

An Act further to amend "The North-West Representation Act."

An Act further to amend "The Customs Act."

An Act to amend "The Petroleum Inspection Act."

An Act respecting the Salisbury and Harvey Railway Company.

An Act further to amend "The Steamboat Inspection Act."

An Act respecting the Winnipeg and Hudson's Bay Railway Company.

An Act in restraint of Fraudulent Marking.

An Act further to amend "The Fisheries Act," chapter ninety-five of the Revised Statutes.

An Act further to amend "The Indian Act."

An Act further to amend "The General Inspection Act."

An Act to amend Chapter ninety-six of the Revised Statutes, intituled: "An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels."

An Act to make further provision respecting Weighers of Grain.

An Act to authorize the sale of the Carleton, City of St. John, Branch Railroad.

An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec.

An Act respecting grants of Land to members of the Militia Force on active service in the North-West.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:—

"In Her Majesty's name, His Honour the Deputy of His Excellency the Governor General doth assent to these Bills."

Then the Speaker of the House of Commons addressed His Honour the Deputy Governor as follows:—

"MAY IT PLEASE YOUR HONOUR:—

"The Commons of Canada have voted the Supplies required to enable the Government to defray the expenses of the Public Services.

"In the name of the Commons, I present to Your Honour the following Bill:—

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending the 30th June, 1892, and for other purposes relating to the Public Service.

To this Bill the Clerk of this House, by His Honour's command, did thereupon say:—

"In Her Majesty's name, His Honour, the Deputy of His Excellency the Governor General thanks Her Loyal Subjects, accepts their benevolence, and assents to this Bill."

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

HON. MR. READ (continuing his remarks): It would seem that there is some mistake in the Orders of the Day. The Bill that I intended to speak upon is not the Bill that is now before the House. I took the Orders of the Day as my guide, and if it is the desire of the House that the Bill that was commenced should receive its final stage at once I will take my seat until such time as another opportunity is afforded.

HON. MR. ABBOTT—I understand that my hon. friend is making some remarks which would not be directly relevant in any degree to any Bill before the House that I know of, but as they are upon a subject of very great interest to everybody, and as I presume he proposes to finish his remarks with a question, for my

part I have no objection to his going on, and will endeavour to answer any question he may put to me.

HON. MR. READ (Quinté)—When I was interrupted in my speech by the adjournment of the House I was showing that from the introduction of one cargo of cattle into England the most disastrous results had ensued, and I had shown that disease spread very rapidly, and for the information of the House I may be permitted to give the figures to show what progress it made. I quote from the report of the committee appointed to enquire into the matter. For the first three months the number attacked was 6,310; killed, 2,261; died, 3,155; recovered, 254. That is an alarming statement; but let us look at the next three months' return, and this was in England alone. Attacked, 27,379; killed, 6,176; died, 21,877; recovered, 2,240. The figures for the next three months are still more alarming—attacked, 43,439; killed, 8,337; died, 25,000; recovered, 6,500. Now, if these figures are not alarming I have not got them to give. This is only one of the diseases they have in England. They have others that we know but little about, and we do not want to know anything about them in this country practically. My idea is that we should run no risk by which disease can be brought into the country. If we are now running any risk we should stop it. British agriculturists are desirous of preventing our cattle from coming into England, and on the first alarm they would demand of Mr. Chamberlain that our cattle be put on the same footing as those of the United States. They do not want them coming into competition with their own cattle. When I tell you that 240 cases of pleuro-pneumonia have broken out in England since the 1st of January, and when I tell you that last year a meeting of the agriculturists of England was held, and a deputation waited on Mr. Chamberlain, asking him to make provision that the Empire bear the cost of stamping out this disease instead of the counties doing it, as was the case before, you will understand the importance of the question. The expense of combatting this disease is now borne by the Empire, and very large amounts have been expended in trying to stamp out pleuro-pneumonia from the herds of England. When I tell you

that there are certain countries that are not allowed to send cattle into England at all, not because they have so much disease amongst their own herds, but that they are contiguous to the countries that have diseased cattle, you will understand the importance of the question in England. Cattle are not allowed to be brought in from France, Germany, or Belgium, and why? Because they are contiguous to countries where cattle disease prevails, and I will show, before I sit down, that it prevails to-day, and that the authorities are trying to eradicate it, but it is very hard when it once gets into a country to get rid of it. As prevention is better than cure, I would enjoin upon the Government to be very careful in exercising their judgment of running a risk of allowing disease to be brought amongst our herds, from which we are free at the present time. We have only to take the reports on this question of the Bureau of Animal Industry of the United States to see what they are doing there. The last report we have on the subject is the report of the Commissioner of Agriculture for 1888. It has the following remarks on the work of stamping out pleuro-pneumonia in the State of New York during that year

"In the city and county of New York the progress has also been very satisfactory. There are here but a very few herds in which the disease is known to exist, and these are being rapidly disposed of. By far the heaviest work in this county has been done, although it will be necessary, on account of the proportions of the trade and of its being a central market, to keep up a supervision until all parts of the State are free from contagion.

"The disease was found much more prevalent and more generally distributed in King's and Queen's counties, Long Island, and elsewhere. Here there has been a continual struggle during the whole year to hold it under control. Much progress has been made and the number of infected herds greatly reduced, but there is still a large amount of work before us.

"There has been more disease found during the year than was anticipated at the time the preceding report was written. Partly for this reason, and partly on account of exhaustion of the appropriation for the year ending 30th June, 1888, about six weeks before the end of the year, the results of the year's work have not quite reached our expectations. For nearly two months all active work ceased, and the force was reduced to such an extent that only a mere supervision of the movement of cattle could be maintained.

"From January 1 to November 30, 1888, there were inspected in New York 12,333 herds, containing 99,726 head of cattle. Of this number 62,184 were re-examined by deputies in addition to the professional inspections, and 100,370 were tagged with numbers and registered upon the books at the Bureau.

"There were were 323 new herds found affected with pleuro-pneumonia during the year, and these herds contained 4,647 animals, 691 of which were pronounced diseased when the inspection was made. There were

purchased for slaughter during the same time 1,576 affected cattle, at a cost of \$40,976.53 an average of \$26 per head; also 3,196 exposed cattle, at a cost of \$72,410.50, an average of \$22.65 per head. The smaller cost of the exposed cattle, as compared with the affected ones, is due to the fact that the amount which the owner realized for the carcasses was deducted from the appraised value, the department paying the balance.

"It has been found necessary to disinfect 1,339 stables, stock-yards and other premises during the year, and also to make *post mortem* examinations upon the carcasses of 15,538 bovine animals, of which 2,287 were found diseased with pleuro-pneumonia.

"The total expenses in New York from January 1 to November 30, 1888, have been \$250,779.47, of which \$113,387.03 was paid for cattle purchased for slaughter as either diseased or exposed. The remainder constitutes the expense for disinfection, inspection, tagging, registering, supervising the movement of cattle, *post mortem* examinations, and all the various expenses incident to a work of this character."

There are reports also from Pennsylvania, Maryland and Virginia. They have some little disease in Illinois but not much—only in one county. The point is, that there is an impression abroad that the Government are considering the matter whether American cattle should be brought into this country to be slaughtered for export. If American cattle are to be slaughtered here I suppose they will be exported as carcasses or manufactured into canned meats. This scheme looks very well on the face of it. I am one of those who like to see established in the country every industry that can be carried on profitably and without danger. But when we consider the danger that exists, when I have shown conclusively that this disease spreads very rapidly, and that when it once gets into a country it is so hard to get rid of it, I think that prevention is better than cure. We are told that our railways will profit by the carrying of these products. If ours is the best route to Europe for the cattle trade it will come this way; but I think there must be something behind all this. Nobody who is engaged in the trade will tell you that it can be made a commercial success—and why? Because the transportation of live stock to Three Rivers or to any other part of the River St. Lawrence costs more than the transportation of the manufactured article. It has all got to go to Europe. England is the great market for this product, and my contention, and the contention of those who have studied the matter is, that the transportation of live stock to the point where it will be slaughtered will cost so much money that this industry cannot be made a commercial success. That, of course,

those engaged in it would have to consider. The idea is, that there is something else behind it. Now, if it is only for the encouragement of the transportation I do not think there is anything in it. If it is to give employment to a few people there is not much in that. It should not be at the hazard of the great agricultural interest of this country, an interest that, I am ashamed to say, is not fairly represented in Parliament; the farmers neglect to send men to Parliament to advocate their cause as it should be advocated; they are carried away with young lawyers and doctors, and are jealous of one another, and hence they have few to speak for them and cannot make their voices heard. This danger is arising now and they are almost helpless; they are busy at their harvest. They work sixteen and sometimes eighteen hours a day at this time of the year, and have no time to look after their interest. Now, this matter will affect the man who produces the article and not the trader. If our cattle are scheduled the trader who pay for cattle the schedule prices. We have an absence of cattle diseases in this country, and do not know what a contagious disease means. I might show the immense sums of money and the energy displayed in the United States in trying to stamp out disease there, and they have not succeeded. I do not know whether a Bill is to be introduced giving the Government authority to allow the importation of cattle. I do not think it is. All I can say is, if such a Bill is introduced it will be carried by the opponents of the Government and not by their supporters in the House of Commons. I speak strongly on this subject, because it is one that requires to be spoken of in that way. If such a Bill were introduced I do not think there is a county council in Ontario that would not pass resolutions against it. Any little advantage that might be obtained from the establishment of such an industry would be far more than counterbalanced by the risk incurred. I have studied this question carefully for years. I took it up when Mr. McGee was Minister of Agriculture. The Government of which he was a member passed an Order in Council admitting sheep into this country. I showed conclusively that they could convey rinderpest, and the Order in Council was rescinded or amended. The sheep were to be shorn and quarantined at Grosse Ile. I

had seen a report that the Prince of Wales had a number of cattle attacked with the disease, and it was shown that they had not been in contact with other cattle for months. There was a wire fence between the field where they were kept and an adjoining field where some sheep from London were kept, and it was proved that the sheep conveyed the rinderpest in their wool, though they were not attacked with the disease themselves. I hope the Government will consider well before admitting American cattle to be slaughtered in this country for export.

HON. MR. REESOR—Agricultural products, as I stated on a former occasion, are now about half the exports of this country, and they are every year increasing. We have the land and the means, but unfortunately there are certain features in the policy of the Government that discourage this trade which my hon. friend refers to; otherwise, it would have been 50 per cent. more to-day than it is.

HON. MR. KAULBACH—What policy?

HON. MR. REESOR—Even in the Province of New Brunswick a respectable firm that, a few years ago, fed 400 or 500 head of beef annually, found, when the duty was put on corn, that they could not continue the business at a profit. They gave up the business, and one of the firm is at present in the United States following that same occupation. The Premier has referred to a company undertaking to slaughter American cattle in this country. To that there can be no objection, except the danger of the introduction of disease. There is a good deal of danger in that. It is a very serious matter, and I do not think my hon. friend from Belleville has spoken too strongly upon the subject; but I will tell the Premier how he can get over the difficulty and have cattle slaughtered in this country without introducing American stock. Let him admit American corn free of duty, and then we can feed cattle here as well as anywhere. Importers of stock from England complain strongly that they can buy corn in Liverpool cheaper than in Toronto. That would not be the case if there was not a duty on corn. The Government derive very little revenue from it, because the amount imported since the duty was imposed is very small. If the duty were

taken off, the tax-payers and consumers of the country would be increased to such an extent that they would use other dutiable goods from which the Government would derive more revenue than the tax on corn, and the corn fed to the swine and cattle of this country would bring in 1,000 per cent. more to the wealth of the country than the revenue derived from the duty. In that way, if the matter were left open, now that people have acquired sufficient wealth and means to purchase and raise cattle and feed them, and if we had the same conditions that exist in the United States, in three or four years we might have a sufficient supply of cattle in our own country for manufacturing purposes. That is the way to build up a substantial trade that would last for a long time. When we consider the pains taken to encourage other industries, the high duties placed upon anything that can be manufactured here, although the export of manufactures does not amount to a million dollars more to-day than it was twenty years ago—the whole of the exports, taking out such articles as cotton waste—

HON. MR. ABBOTT—I know my hon. friend rarely addresses the House, and I do not like to interrupt him; but does he think it quite fair to try to draw this House into a debate on so broad a question as my hon. friend has stated in speaking to the remarks of the hon. gentleman from Quinté, whose remarks themselves are irrelevant to the question before the House? The result of this debate is, so far, that I am engaged in a debate with my hon. friend from Quinté on the subject of the importation of American cattle for manufacture in this country, on a Bill which has nothing to do with that. My hon. friend now is drawing us into a debate on the whole trade policy of this country. Entirely independent of this, I am not prepared for such a debate. Hon. gentlemen who would like to discuss that question may not be prepared. The duty on corn interests our friends in the west in one direction and our friends in the east in another direction. No one had any intimation that my hon. friend proposed to provoke a debate on the question of the corn duty. I consented to my hon. friend from Quinté putting his question, because I knew there was a feeling of uneasiness, which is quite unfounded, about this per-

mission to introduce American cattle, and I wish to have an opportunity of making a statement that I thought would entirely allay that uneasiness; but I am not prepared to go into a debate on the trade policy of the country.

HON. MR. REESOR—I have no wish to extend the debate at all. I only wish to say a few words, inasmuch as the hon. Premier allowed my friend from Belleville to discuss this question.

HON. MR. ABBOTT—Not that question.

HON. MR. REESOR—The same question.

HON. MR. ABBOTT—The question that my hon. friend from Belleville was discussing was the propriety of allowing American cattle to be brought into this country to be slaughtered and the danger of infection. My hon. friend is now debating the question whether or no there ought to be a duty on corn, and whether or no our trade policy with respect to other articles is incorrect.

HON. MR. REESOR—It is entirely impossible to discuss any question if we are to be restricted. What I have to say has some application to the question whether it is necessary to run the risk of slaughtering American cattle when we might produce cattle ourselves, and I suggested a way in which we could produce them, and in which it would be to the interest of the country to produce them in Canada. I think that is quite applicable to the question. Of course, if the House do not want to hear more with regard to it, I am quite willing to drop the question, because I am in a very small minority here.

HON. MR. ABBOTT—My hon. friend knows that if he were alone in his opinions the House is always ready to hear him, but there is a certain regularity about our proceedings which should be maintained if possible, and if such large questions as my hon. friend is now raising are brought up, the House should have some notice of it, so that all the members who desire to be heard may be ready to express their opinions.

HON. MR. REESOR—If my hon. friend from Quinté had not been allowed to make

his speech I should not have said anything. I quite agree with my hon. friend as to the propriety of having the matter brought up in such a way that all parties may be prepared to take part in the debate.

HON. MR. ABBOTT—The object I had in consenting at once to the remarks of my hon. friend from Quinté, though not appropriate to this Bill, was, as I have just said, in order that I might answer them. I do not propose to make any speech on the subject, but simply to answer what I might construe as questions on the subject of this cattle business. The House, and my hon. friend in particular, of course know that the Government are perfectly familiar with every detail of this cattle question. The Government have studied it; it has been through their exertions, and through their precautions, in many respects, that the trade has been brought to its present stage, and protected through many dangers. I think the House and the country may be very well satisfied that the Government are not going to do, on any temptation, anything that would imperil that trade. I may state it at once as a proposition about which there is no possibility of modification or abatement, that the Government have always been and are now determined to protect our cattle trade in every possible way, and that they are determined not to do anything that could in any way imperil it, or that would tend to introduce contagious disease into this country, so as to deprive us of the very valuable privilege that we enjoy of landing our cattle alive in England. This affair, which has created some excitement, I think needlessly, amounts to nothing more or less than this: A number of gentlemen proposed to put a capital of half a million to a million dollars into an establishment for the manufacture of the various articles that are produced from cattle. They are very numerous, much more numerous perhaps than hon. gentlemen know. In the butchering of cattle in the ordinary way, there is enormous waste; in the manufacture of meat products, as they are manufactured in Chicago and the great centres of the United States, there is no waste at all. Everything that the carcass of the animal produces is turned to good account, and if the meat be sold at cost, or below it, there is profit enough made from the hoofs, hide, blood, offal and various portions

of the animal to pay, and pay liberally, for its manufacture. I am told that the produce of an animal thus manufactured is more than double the cost of the animal itself to the manufacturer. I do not know how much more, but considerably more than double the cost. Now, it was proposed to the Government that an establishment of that kind should be set on foot in this country; that this large amount of capital should be brought in; that four or five hundred people would be employed in the manufacture; that the parties could not depend upon obtaining all the cattle constantly through the year that they might require for this manufacture in Canada; and, therefore, they desired, before placing their money in such an establishment, to secure themselves against the possibility of being stopped in their work by having the privilege of bringing in American cattle, in such a case as that, to the point of manufacture. At present American cattle pass through the country every day by thousands. They are carried under careful precautions, which have been devised by the Government and approved by the Imperial authorities, and that trade has been going on for ten or twelve years. There has been no infection occurring through it, and the Government firmly believe that there is not the most remote danger incurred in consequence of that traffic. In the course of that trade the cattle are allowed to be landed and to stay over for twenty-four hours, I think, while they are fed, rested and watered; and they are replaced in the cars and sent to their destination, which is beyond the boundary of our country, at the other end. It was urged on behalf of this company that if the cattle, instead of being replaced in the cars where they stopped, were slaughtered there under quarantine, duly protected, it might be done with as much safety as replacing them in the cars and sending them out of the country. That seemed a reasonable proposition. What the Government did was to apply to the Imperial Privy Council to know what they thought of it—whether they considered that such a business could be allowed without incurring any danger of the cattle being scheduled. That is what they have done. In the meantime, they are endeavouring to get such information as they can procure, and are considering the precautions that would need to be taken in order to do this

business. Those precautions are most elaborate. I do not know that there is any necessity for my mentioning them here, but they would have been most elaborate—they would involve the entire isolation of the animals, not only those bought in this country, but those which came over the line, in a quarantine station protected by a double series of fences, in the centre of a town where no other animal could by any possibility even approach the fence which enclosed the quarantine that those animals were to be kept in. None of the product of the slaughtered animals would be allowed to go outside of the inner fence, except in a manufactured state, entirely free from any possibility of conveying contagion. And there were many other precautions which I need not detail now, which were to be enforced by officers of the Customs Department and officers of the Department of Agriculture, who were to be on the spot, and whose sole duty it would be to see that those precautions were taken. The matter has gone no further than this: The Government have been considering what precautions they could take, and how far those precautions would probably be successful. They have consulted the Imperial Government as to what they think of it, and have received the reply from the Imperial Government that they consider there would be no danger. They have been lately, and are now engaged in endeavouring to get the opinion of our own people—not only of the cattle-breeders and shippers, but others, as to the chances of contagion. They are getting the opinions of those experienced in butchering and handling cattle as to the chances of contagion, and also as to the effect on the production of cattle in our own country—how far the company would be competitors with our own people in the purchase of cattle. All that the Government have been considering. We are not in a hurry; we are not going to bring in a Bill about it; we are simply considering the matter. We have had lately some very important information from cattle-breeders and shippers, and the tendency of the information we are getting is rather against permitting this industry to be carried on in the country. If it could have been done with perfect safety, without a shadow of danger to our cattle trade, we should gladly have allowed an industry of such import-

ance and magnitude to be established in the eastern part of our country, where labour is plenty, where our labourers are going over the line to seek subsistence, and where we would gladly provide labour for them, to retain them in Canada and improve their physical and financial condition. But no inducement of that description—and it is a strong one to this Government, because it is our business to encourage the industries of our country, as well manufacturing as agricultural—though that is a strong inducement to us it would not weigh a feather's weight in the question whether we would run any risk of impairing the advantages which we derive from our cattle trade with England.

HON. MR. READ (Quinté)—If the House will permit me a moment, I would like to read the following sentences from the "Report of the Secretary of Agriculture, Bureau of Animal Industry." Speaking of the work done in the State of New York towards stamping out pleuro-pneumonia, he says :

"From 1st July, 1889, to 30th June, 1890, there were inspected in New York 17,767 herds, containing 147,988 head of cattle. There were 151,284 animals re-examined, and 34,905 were tagged with numbers and registered upon the books of the Bureau.

"There were 128 herds affected with pleuro-pneumonia during the year, and these herds contained 2,879 animals, 182 of which were pronounced diseased when the inspections were made. \* \* \* It has been found necessary to disinfect 416 stables, stock-yards or other premises during the year, and also to make *post mortem* examinations upon 17,109 carcasses of bovine animals, of which 631 were found diseased with pleuro-pneumonia."

This is in New York State alone.

HON. MR. ABBOTT—We are perfectly aware of these facts.

HON. MR. READ (Quinté)—No doubt; but I want the country to be aware of them also.

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

The Senate adjourned at 4:35 p.m.

## THE SENATE.

Ottawa, Monday August 31st, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### GREAT NORTH-WEST CENTRAL RAILWAY CO.'S BILL.

#### THIRD READING.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (162) "An Act to correct a clerical error in the Act 53 Vic., Cap. 81, intituled: 'An Act respecting the Great North-West Central Railway Company,'" without amendment.

HON. MR. CLEMOV moved the third reading of the Bill.

HON. MR. ABBOTT—I should like to ask my hon. friend about the runniing of this road. I understand there are about 100 miles of it finished?

HON. MR. CLEMOV—Oh, yes; a great deal more than that.

HON. MR. ABBOTT—I understand that the road is not running. A great many complaints are coming in that the road is not running, and that the harvest is now very nearly ready. I should like to ask my hon. friend if it is likely to be running soon?

HON. MR. CLEMOV—The road, I believe, will run within ten days.

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

#### BILLS INTRODUCED.

Bill (149) "An Act respecting the Inspection of Ships." (Mr. Abbott.)

Bill (168) "An Act to encourage the production of Beet-root Sugar." (Mr. Abbott.)

Bill (116) "An Act further to amend the Inland Revenue Act." (Mr. Abbott.)

SUPREME AND EXCHEQUER  
COURTS BILL.

THIRD READING.

HON. MR. ABBOTT moved concurrence in the amendments made in Committee of the Whole House on Bill (138) "An Act to amend Cap. 135 of the Revised Statutes, intituled: 'An Act respecting the Supreme and Exchequer Courts.'"

The motion was agreed to.

HON. MR. ABBOTT—I desire now to move a short amendment to the Bill respecting appeals from Lower Canada. When the right to appeal depends on the amount in dispute that amount is taken to be the amount demanded, and not the amount for which the judgment may be rendered; but the Supreme Court has lately adopted a different rule, and makes the right of appeal depend on the amount awarded, and not the amount demanded which very often operates an inequality and injustice. I propose to move that the Bill be not now read the third time, but that it be amended by adding a 4th subsection to section 3, as follows:—

Whenever the right to appeal is dependent upon the amount in dispute, such amount shall be understood to be that demanded, and not that recovered, if they are different.

This is copied *verbatim* from the Lower Canada code, and as it applies only to appeals from Lower Canada, I think it is but right to add it here.

The motion was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill.

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

EXCHEQUER COURT ACT AMEND-  
MENT BILL.

THIRD READING.

HON. MR. ABBOTT moved that the amendments made in Committee of the Whole to Bill (117) "An Act further to amend the Exchequer Court Act," be concurred in.

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

SECOND READING.

Bill (151) "An Act respecting the Ontario Express and Transportation Company." (Mr. McMillan.)

THE EXPORTS OF AGRICULTURAL  
PRODUCTS.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. KAULBACH—Before the House adjourns, I should like to have a correction made by my hon. friend from Yorkville. I would have done so before the Orders of the Day were called had he been in his place. Last Wednesday, I remarked that my hon. friend's figures were not always correct, that he had stated on a former occasion that the exports to the United States in 1889-90 were in excess of those to Great Britain. I stated further that he had stated the exports to Great Britain to be \$43,390,241, and to the United States \$52,291,973, when he should have said that the exports to Great Britain were \$48,353,694 and to the United States \$40,522,810. My hon. friend corrected me and said I was mistaken. I then remarked that he had made the absolute statement that the exports from Canada to the United States were \$8,000,000 more than to Great Britain. My hon. friend rather joined issue with me, and said he had no recollection of having stated anything of the kind and had not intended to do so. I had not the official report before me at the time, but I was quite satisfied that my figures were correct and that I had taken them down accurately. I find, on reference to the *Debates*, No. 14, page 3, that the hon. gentleman's error was even greater than I had supposed. He said:

"My enquiry relates to a matter of very considerable importance to Canada. In looking over the Trade Returns I find that our total exports amount to \$96,749,140. Out of that total export no less than \$53,000,000 go to the United States, so that any interference with the trade with that country would injure our commerce, and especially the trade in agricultural products."

I will hand the Trade Returns for 1889-90 to my hon. friend, and he will find that of our total exports last year of \$96,749,149, only \$40,522,810 went to the United States, leaving the balance to other countries \$56,226,339. My hon. friend made an



error of nearly \$16,000,000, and I am sure that he would like to correct the mistake he has made, in justice to himself and to the House.

HON. MR. REESOR—I do not know that there is any correction required without looking up the speech that I made on that occasion, but I will compare the figures and see if I am correct, and if I am not, I promise to make an explanation to-morrow.

The Senate adjourned at 3:40 p.m.

### THE SENATE.

*Ottawa, Tuesday, September 1st, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### NORTH-WEST TERRITORIES BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (126) "An Act to amend the Act respecting the North-West Territories." He said: This measure is one by which it is proposed to give extended powers to the Legislature of the North-West Territories on a large variety of subjects. The principal changes are contained in the amendment to section 13: that is to say, section 13 of the Act is repealed and a new section is to be enacted. I think I might say in a general way that the powers which are thus given to the Legislature of the Territories are similar to those possessed by the Provincial Legislatures now. There may be exceptions, but I do not think they are important. A variety of the clauses are merely slight alterations in procedure with reference to the jurisdiction of the judges, the mode of action of the sheriffs, clerks, and so on. The advisory board is got rid of, and the representation will be increased a little. The power to repeal the prohibitory clauses of the existing Act is granted, so that the first Legislature which is elected under this measure will have the power to determine its own pol-

icy with reference to alcoholic liquors. An important clause is that which makes some alteration with regard to the language to be used in the territories. Section 110 of the existing Act contains the provision on that subject, and it is adopted here, subject, however, to the proviso that the Legislative Assembly may, after the next general election, by ordinance or otherwise, regulate its proceedings and the manner of recording the same. The provision of the Act as it stands is that either the English or the French language may be used in the debates of the Assembly, in the proceedings before the courts, in public records, etc. The alteration which is made is that the Assembly may regulate its proceedings and the manner of recording and publishing the same: that is the entire change. The constitution as it stands is before us in the Revised Statutes. This Bill is merely a change in several respects, of more or less importance, in that statute, and I think the discussion of these changes can be best had when we come before the Committee of the Whole House, when every clause can be taken by itself and fully discussed. I therefore, without further preamble, move the second reading of the Bill.

HON. MR. SCOTT—This Bill gives, no doubt, very much increased powers to the Legislature of the North-West Territories—and I think very properly, and it is a good deal more sweeping in many of its features than probably one would at first anticipate. From the hasty examination I have given it, there are some points that strike me at the moment as being somewhat contradictory. First, as to the right of the territories to issue licenses for the sale of intoxicants. It is very well known that the Government of Mr. Mackenzie decided that the question of prohibition practically should be tried in the North-West. It was a new field, and society felt that liquors had been very properly excluded from that territory before we took possession of it. We know that the policy of the Hudson Bay Company was to keep liquors out of that country as being fatal to the aborigines, and to those then living in that country. That policy was continued by the Government in 1878, and when they revised the North-West Act in 1880 they continued and kept in force those prohibitory clauses. I

regret to say, however, that in carrying out the regulations relating more particularly to the permits that were issued, a very lax system grew up, and the prohibitory law in the North-West became a farce, and it is so to-day. Permits were issued and liquors of all degrees of strength were allowed to be distributed over the country. The Act of 1880, and I think the earlier one, required—showing the spirit with which Parliament intended that that country should be placed under a prohibitory system—that an annual return should be made to the Minister of the number of permits issued and the quantity of liquor authorized to be sold, showing that the desire was to restrict it as largely as possible, and that return was required to be laid before Parliament. I have no recollection that within the last fifteen years we have had that return before us. I have looked over one report of the Department of the Interior, and I do not find that it is there, although it is compulsory that Parliament should be advised of the number of permits issued and the quantity of liquor allowed. It was intended that the wisdom of passing a prohibitory law should be tested there practically. The hon. Premier has stated that this Act gives generally to the North-West Territories the powers of self-government over those classes of subjects that are usually conceded to the provinces. I am glad to see that it is not quite so sweeping as that in one or two particulars—that is, with reference to the schools. As I read the Act, the school system is not under the control of the North-West Territories Act.

HON. MR. ABBOTT—My hon. friend is quite right.

HON. MR. SCOTT—I am very glad to be so advised. In reading it over, not analytically with the original Act, I came to that conclusion, that the Legislature has no control over the schools, though it has over the language. The one I regard as a material question; the other is more one of sentiment; and while I would be prepared to concede to the North-West delegates the right to control their own language, I should exceedingly regret that any innovation should be made with reference to the school system that was inaugurated at the very inception of granting powers to the terri-

tories. I notice that the principal officials are still to be appointed from Ottawa. The sheriffs are to be appointed from Ottawa, and of course the judges are, as at present. As it has been observed by the leader of the Government, there are a good many important questions that can be more properly discussed when the Bill comes before the committee, and I will reserve for that occasion some comments on the proposed changes.

HON. M. ARMAND.—Honorables messieurs,

A l'occasion du présent bill, je dirai au ministre de l'Intérieur que son intelligent et laborieux prédécesseur disait dans son journal *la Gazette*, de Montréal: "Lors même que la population anglaise de la cité de Montréal serait en majorité, cette majorité anglaise devrait apprendre le français."

Durant la dernière session, j'ai été heureux d'entendre l'honorable sénateur pour la division d'Inkerman, alors ministre sans portefeuille, faire retentir dans cette honorable chambre, toute sa sympathie, toute son admiration pour nos lois françaises.

Aujourd'hui, que des circonstances impérieuses l'ont placé à la tête du gouvernement de la Puissance, ayons l'espérance qu'il en fera autant si nos institutions, notre langue et nos lois étaient menacées.

Car non, bien certainement non, nous ne nous soumettrions pas à un acte aussi inique; bien certainement non, nous ne cesserions un seul instant de faire usage de l'un des plus beaux privilèges que la constitution britannique nous accorde: celui de pétitionner. Je suis persuadé que dans le parlement impérial, plus d'une voix se fera entendre comme autrefois, lors de la guerre d'indépendance des Etats-Unis, un membre se levait du sein du parlement anglais et disait à ses collègues: Messieurs, si j'étais américain comme je suis anglais, non, jamais je ne me soumettrais aux griefs que vous voulez leur imposer. Je suis persuadé que les nobles Anglais, les braves Ecossais, les enfants de la belle et verte Erin, s'uniraient à nous pour prier notre auguste, notre gracieuse et bien-aimée Souveraine l'Impératrice des Indes, celle qui préside si dignement aux destinées de l'Albion, aux destinées de ce puissant et brillant empire, qui toutes les fois qu'il a voulu marcher avec son allié naturel, la France, ils ont émerveillé le monde de leurs

victoires, et ont fait trembler les souverains et les gouvernements sur le sort qu'ils pouvaient leur faire, tel on vit dans la guerre de la Crimée, après les batailles de Balaclava, d'Inkerman, d'Alma, et de Sébastopol, les Russes fuir devant leur armée comme autrefois les Scythes devant Alexandre, comme autrefois devant Napoléon Ier, à son entrée dans Moscou, à l'heure de l'incendie.

Je termine, honorables messieurs, en déclarant que moi pour un parmi mes coreligionnaires qui ont la conscience de leurs devoirs, parmi mes co-nationaux qui ont la conscience de leur position, je ne supporterais aucun gouvernement qui ne voudrait pas faire usage des droits constitutionnels qui seraient en son pouvoir pour que mes coreligionnaires et mes nationaux jouissent dans la Puissance des mêmes droits, des mêmes privilèges que jouissent dans ma province de Québec mes concitoyens protestants et d'origine étrangère. Je ne demande rien de plus, comme aussi je ne demande rien de moins. Je suis persuadé que si cela se faisait tout irait bien, tous seraient heureux, et je puis assurer la mère-patrie qu'aussi longtemps qu'elle sera fidèle à la foi jurée, qu'elle sera fidèle à nous conserver ce qui nous a été garanti par la foi des traités, nous et nos successeurs répétons et répéterons à l'envie ces paroles si loyales, si sincères de nos devanciers : que le dernier coup de canon qui sera tiré en Amérique pour les intérêts britanniques le sera par un Canadien-français.

Oui, honorables messieurs, soyez certains, persuadés et convaincus que le mur le plus solide, le talisman puissant, que l'on puisse mettre entre les frontières de la Puissance du Canada et le colosse américain qui semble croître et grandir en traversant les âges et en s'avancant dans la postérité, est incontestablement la conservation de nos institutions, de notre langue et de nos lois.

Et s'il m'était donné de dire à nos intelligents et industrieux voisins que s'ils avaient la conscience de leurs intérêts, ils donneraient au million de mes compatriotes qui sont passés sur leur territoire pour y vivre et y mourir avec eux, la liberté de leurs institutions, de leur langue et de leurs lois.

Je termine en déclarant que je suis convaincu que si jamais dans la Puissance du Canada des hommes intolérants voulaient nous trapper dans nos affections les plus

sacrées ils recevraient de l'Empire un ultimatum analogue à celui que viennent de recevoir les habitants de l'île de Terre-Neuve qui voulaient violer le traité des pêcheries existant avec la France.

HON. MR. BELLEROSE—I may say that it is my intention to move the amendment, of which I have given notice, to one of the clauses of this Bill; but, according to the ordinary rules of Parliament, the details of a Bill cannot be discussed, except in a general way, at the second reading, and as I would have to confine myself to the rules or render myself liable to be called to order, I will wait until a proper time comes, and then I shall move my amendment and say a few words in support of it. I shall dwell briefly on the subject, because I spoke at length upon it last session, and I do not wish to weary the House, much as I am disposed to debate it fully. I wish to make one remark in answer to something which fell from the hon. gentleman from Ottawa, and which I heard with much regret. He said that the eighteenth clause was only a question of sentiment. That remark brought to my mind the events of ninety years ago, when poor Ireland was deprived of her autonomy. It was because the people of Ireland were governed more by sentiment than by patriotism that their representatives sold the independence of their country and brought them under the rule of England. It was because they were more influenced by sentiment than by patriotism that they have suffered in the way that history records. I have to tell him that if Irishmen do not desire the French Canadians to become the slaves of England in America, as Irishmen have been for nearly a century the slaves of England in their own country, they will have to be influenced by patriotism, and profit by the experience of the past to preserve our liberties for their own benefit as well as for ours.

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

The Senate adjourned at 3:40 p.m.

## THE SENATE.

Ottawa, Wednesday, Sept. 2nd, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

SIR HECTOR LANGEVIN.

## QUESTION.

HON. MR. O'DONOHUE—Before the Orders of the Day are called, I desire to ask the hon. Premier whether the resignation of Sir Hector Langevin has been accepted by the Government, and whether he still continues to act as a member of the Government?

HON. MR. ABBOTT—Not yet. He does not continue to act as a member of the Government.

## INSPECTION OF SHIPS BILL.

## SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (149) "An Act respecting the Inspection of Ships." He said: Hon. gentlemen are aware that there has been, during the last two years considerable discussion and some excitement about the statements made that ships were sent to sea in an improper and unsafe condition, and legislation has been passed by the Imperial Parliament on that subject. The Bill which is before the House is for purposes analagous to those of a Bill which has been made law in England. This is really a Bill which, if passed, will provide for a systematic inspection of ships before they can go to sea, in order that it may be ascertained with as much certainty as possible, before they actually enter upon their voyage, whether it is safe for life and property to be intrusted to them; and unless certificates are obtained from a proper officer appointed for that purpose, that they are fit for the voyage proposed to be taken, that they shall not be permitted to proceed upon it. That is the substance of the Bill, the details of which hon. gentlemen will see when we get into committee, and they will be able to discuss them there. This is

precisely the purpose of the Bill and the purposes for which it is introduced, and I ask the House to read it the second time.

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

## BEET-ROOT SUGAR BILL.

## SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (168) "An Act to encourage the production of Beet-Root Sugar." He said: I presume there is not much necessity of my saying much on the subject of this Bill. The purpose of it is described in its title.

Hon. gentlemen will remember that up to a late period of this session we had a duty on the importation of sugar. That duty has served as a protection to the production of beet-root sugar to the extent to which it goes, and it was represented to the Government, on the introduction of the measure which dispensed altogether with the duty on raw sugar, that those people who had been preparing for the manufacture of beet-root sugar in two or three places in Lower Canada, and in one place I think in Upper Canada, would be taken by surprise; that they had made contracts for the delivery of beets and had made preparations for the manufacture of beet-root sugar during the present year, in reasonable anticipation that they would have the same protection for their beet-root sugar that was afforded by the duty on the ordinary importation of raw sugar, that is to say, about 2 cents per pound. On this representation, and with a desire to see the experiment fairly tried, whether in reality we can produce beet-root sugar in this country, the Government were disposed, in a moderate degree, to assist this experiment, by leaving to the proposed manufacturers of beet-root sugar the same protection which they would have enjoyed had the duty on sugar not been repealed. And this Bill is for the purpose, precisely, of granting to those persons who are making the experiment, making beet-root sugar, for two years, the same protection which they would have enjoyed if the sugar duties had remained. There is no pledge or promise that the duty should be continued. The claim on which this is granted is of a mixed character:

It is, in the first place, that people have *bonâ fide* expended large sums of money in preparing for this manufacture, with a reasonable anticipation that they would have this measure of protection. Another reason is, that in reality the Government would be pleased to see the experiment fairly tried, whether we can profitably produce beet-root sugar in this country or not. For these two reasons they have consented to lay before the House this Bill. This industry, if it should be established in the country, would be of enormous benefit to agriculture and also to the industry of cattle-feeding, of which we are proud, and which we desire to see fostered in every possible way.

The manufacture of beet-root sugar has reached enormous proportions in France and Germany, where it was commenced under a high protective duty—much higher than we are granting. I hope the House will be satisfied that the Government are acting prudently in allotting this short measure of protection for this experiment, and that they will allow the Bill now to be read the second time.

HON. MR. SCOTT—The proposition is not a very grave or important one, because I see it practically only affords protection for one year.

HON. MR. ABBOTT—For two years—1891 and 1892.

HON. MR. SCOTT—It ends on the 1st July, 1893. I presume the beets grown in 1893 will not come under the provisions of this legislation?

HON. MR. ABBOTT—But the beets grown in 1891 and 1892 will be.

HON. MR. SCOTT—I have not much faith in the prudence of such legislation. There are very many other ways in which we can stimulate and favour industries that are more valuable to this country. If beet-root sugar had been regarded as a profitable industry, I think the enterprise of our people would have tested the matter to a very much greater degree than has been the case hitherto. This legislation is, of course, with a view of helping the farmer. From my standpoint, the farmer, who is the large producer of wealth in this country, could be much more benefited by the

Government taking the duty off twine. It would be a much more reasonable proposition to give him his twine free: that would be an assistance which would not disturb other industries, and would not create an artificial condition of things, as you propose to do by this legislation. There are many industries in this country that would create great wealth if the high tariff were removed, and in that way we could help them very materially. For instance, we could take the duty of all mining machinery, and in that way stimulate the production of wealth to a far greater degree than we can by this offer of a bounty to the beet-root sugar industry, which is entirely experimental. I feel that it is not a sort of legislation that is practically beneficial. It is stimulating the industry for a time that is too short even to test the question. You cannot test a great question of that kind in one or two years. The crops this year and next year may be failures. I am glad to hear that the Government do not feel themselves bound to continue this legislation, and I hope that they will remain of that opinion.

HON. MR. ABBOTT—I am not at all surprised at my hon. friend's position. It is precisely in harmony with his views on the trade question. He desires to admit the products and manufactures of other countries free, to the disadvantage of our own, and he does not desire to encourage home industries, such as beet-root sugar would be, by giving them a little protection. So my hon. friend is entirely consistent in his stand; I hope I am equally so in mine, and I think I have the country behind me.

HON. MR. REESOR—The whole system of giving bounties for the production of beet-root sugar, or to the fisheries, or for the production of iron and steel, involves an unsound principle. You might as well offer bounties, and with more justice, sometimes, to the Manitoba farmers, who have to contend against frosts some years, and say: "Go on cultivating wheat, and if you have a failure we will give you a bounty on what you do raise." Then it might be said that the parties who need it are getting it; but it is better, on the whole, to leave all those things to take their course. Let every man be placed upon the same footing. Let all have an even race, and they

will find out what is most profitable and what does not promise to be profitable. Now, this question of producing beet-root sugar in this country has been discussed for thirty years in Ontario, and I believe for a number of years in Quebec, and they have even gone to a good deal of expense getting out machinery to establish a beet-root manufactory. They have lost a good deal of money by it and have not succeeded. Similar attempts have been made in the United States, in Illinois, and in some of the other States, but all have failed. Probably there is no country in Canada where the people are more intelligent than in Wellington. They are German, Scotch and English farmers, many of them highly educated men, and they are very successful—as successful as any men can be in cultivating the soil in this country, with low prices for their produce and having to compete with the world. They have had this question of cultivating the sugar beet discussed amongst them. Parties have gone there for the purpose of establishing a business in that direction, because they knew the people there had a large amount of intelligence and experience in the cultivation of root crops. They had been cultivating roots for feeding cattle—beets, turnips, carrots and other roots. The farmers came to the conclusion that inasmuch as those who wished to organize the manufactory could only hold out encouragement that they would be able to pay \$4.50 per ton for the beets delivered at their factory, they would not undertake to cultivate them. They thought that \$4.50 was not sufficient to pay for the production of the beets and the use of the land. They are considered to be worth \$6 to \$7 per ton for feeding stock. I know it will be said that when you manufacture sugar you still have a great deal of feed that will do for stock, which may be used in fattening cattle, but you do not get the same quantity that you do from the whole beet. When the sugar is extracted you get what remains of the beet, and it is nothing like as valuable as the whole root. After many efforts to establish the beet-root industry in this country, and after all have resulted in failure, I think it a pity that a small bounty should be offered now for one or two years, because it will simply tend to lead people into the investment of large sums of money in an industry which is not likely to succeed. But we are told that

the beet-root sugar industry has been made profitable in France and Germany. Look at the different circumstances. In Germany the lands are mostly held by pretty large proprietors, and the mass of the people have to work exceedingly hard and get very little pay. They live with a degree of economy that the people would not put up with in this country or in the United States, where they have been in the habit of living with considerable comfort and working moderately. You cannot expect our people to put up with fewer comforts, and work still harder than they do now, in order that they may produce beet-root sugar that can be sold for 3c. a pound or even 4c. a pound. They certainly could not produce the article at the low price that they do in Europe, unless they worked in the same way. It has been noted by people who have visited Germany and taken some pains to look into the matter that the German families go out at four o'clock in the morning, and sometimes earlier, and work in the beet fields—the men, women and children—and remain there nearly the whole day until sundown. The work is something excessive and something beyond what our people can be expected to undertake. I am very sure that the industry would not be successful, and would not be continued here for any length of time. It would result in disappointment to the people who put capital into it, and there would be a reaction which would operate unfavourably upon other industries. It would be better to leave the industry to take its chances. Those who are engaged in it have studied the question thoroughly; they know what wages the people expect in this country and the value of beets for feeding purposes. All intelligent men, who are practical men, know that beets are worth more for feeding purposes than \$4.50 or \$5 a ton, and to expect people to produce beets for a less price than they are worth is unreasonable. They would only cultivate the beet so long as the bounty was paid, and would afterwards give it up, and the result would be loss of the capital invested in the industry.

HON. MR. KAULBACH—One would suppose, to hear the hon. gentleman's remarks, that those who are engaged in the beet-root industry, and who have invested their capital in it, are fools, and that it is our

duty to stop the enterprise that they are attempting to establish in this country. No doubt, these people know what they are about, and they are the best judges as to whether this business can be made profitable. If their enterprise results in failure they will have no one to blame but themselves. My hon. friend's policy is the fly-on-the-wheel policy; they do not wish to do anything to encourage home industries. One remark that the hon. gentleman made I approve of. He said that the industrious classes of this country have more of the comforts and luxuries of life and have less occasion to work excessively than the inhabitants of European countries. I should like that statement to go abroad among the people of Europe, so that they may know that they can improve their condition in life by settling in Canada.

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

#### INLAND REVENUE ACT AMENDMENT BILL.

##### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (116) "An Act further to amend the Inland Revenue Act." He said: The important portion of this Bill is that which is framed for the purpose of supplementing our revenue in consequence of the loss resulting from the reduction of the duty on sugar. There is an additional duty imposed upon malt and on whiskey, and on tobacco, and an import duty on imported beers, proportionate to the excise duty on malt. The last four or five clauses of the Bill are devoted to the re-arrangement of the tariff in respect of these particular articles. It is to the additional revenue which we hope to derive from malt, whiskey and tobacco that we look for recouping a portion of the revenue which we lose by the reduced duty on sugar. That is to say, we are supposed to lose about three millions of dollars by the abolition of the sugar duty, and we calculate on recouping ourselves to the extent of \$1,500,000 by the duties on these three articles; and we hope, by economy in ordinary expenditure, and by the reduction of expenditure on a large scale in other ways, to save ourselves the other \$1,500,000, without imposing that burden on the people. By these measures we

trust that we shall reduce the annual burden by the sum referred to. The remainder of the Bill is devoted to details, to formal changes in the Inland Revenue Act, mainly as to licenses and procedure. There is no other change in the Act which is at all dependent on any principle, but simply the machinery of the Act is being improved by the remaining clauses of this Bill, so that it will move a little smoother. The main object of the Bill, as I have stated, is to enact provisions for the additional duties we are imposing on these three classes of articles.

The Bill was read the second time.

The Senate adjourned at 3:50 p.m.

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#### THE SENATE.

*Ottawa, Thursday, Sept. 3rd, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### BILL INTRODUCED.

Bill (U) "An Act respecting frauds upon the Government." (Mr. Abbott.)

#### A CORRECTION.

HON. MR. KAULBACH—Before proceeding with the Orders of the Day, I think my hon. friend from Yorkville wishes to make some explanation with regard to an error in one of his speeches.

HON. MR. REESOR—The question that came up that exercised my hon. friend from Lunenburg a little was simply when I put the question to the Minister whether any steps had been taken to get removed the embargo that was placed on the importation of stock from the United States; I mentioned the very large amount of trade that we had with the United States, and how important it was that this trade should continue. I also spoke, as appears by the report, of the amount of imports from the United States; as I was reported, and probably as I expressed it

though I did not intend to express it that way, I said the exports of this country to the United States. That is the correction that I have to make. On looking at the figures, I have to admit—and I never intended to express it otherwise—that our imports from the United States last year were about eleven millions of dollars more than our exports to that country. Of course, when we buy more goods from any country than we sell to them we must pay the difference in cash, and I regret that it should have been so last year, but it arose mainly from the McKinley Bill, as everyone knows. Taking the last three years, our exports to the United States were larger than our exports to England, but the McKinley Bill cut off those exports, and left our imports from the United States something over eleven millions of dollars more than our exports to that country. That covers all the ground.

HON. MR. KAULBACH—My hon. friend, I suppose, will have the correction made in the *Debates*?

HON. MR. REESOR—Yes.

#### NORTH-WEST TERRITORIES BILL.

##### IN COMMITTEE.

The Order of the Day being called—  
“Committee of the Whole on Bill (126),  
An Act to amend the Act respecting the  
North-West Territories.”

HON. MR. BELDEROSE said: As it happens occasionally that exceptions are taken to the motions I have the honour to place before the House, I will ask permission to move the amendment of which I have given notice before making my remarks, and if there is no objection I will then speak to it. I, therefore, move, in amendment to the motion that the House go into Committee of the Whole, that the following words be added to the said motion:—

And that it be an instruction to the said committee to amend the said Bill by adding to clause 18, at line 33, after the words “publishing the same,” the words “except in so far as regards the use of the French and English languages, both of which shall continue, as heretofore and at present, in use, as mentioned at the beginning of this section.”

As I said on a previous occasion, when this Bill was before the House for its second

reading, it is not my intention to enter largely into a discussion of this question. I do not intend to oppose the Bill. The evidence of that is, that the Bill passed its second reading without opposition. I then stated, however, that I would move an amendment to it before going into committee. In moving this amendment, I feel that I am bound to refer to this proposal of last year. Hon. gentlemen will remember, if the Government had wished last year to pass this Bill through both Houses, it would now be the law of the land. They had a majority in this House of 39, and in the House of Commons I suppose the majority was 100. How was it, then, that this Bill, which could have been carried in both Houses—in this House by almost a unanimous vote, and in the other House by a majority of three to one,—that it was killed by its promoter in the committee? It was because this Bill would have worked mischief in the elections. It was because the French Canadians who voted for it would have to be responsible to their constituents, and because those who speak English and represent counties where British fair-play is known to prevail would have the balance changed against them. That was the reason. The late Premier, who knew very well how to work up public feeling, thought it was advisable, after he had compromised every man in both Houses, to let it drop for a time, and on another occasion have the Bill passed, without taking the risk of a defeat at the polls. This very fact shows that he then thought of having a general election. It may be replied that it would not have changed public sentiment in this respect. There is not a gentleman in this Parliament, or in this Dominion, who ignores the fact that there was not a single word spoken on that question during the campaign. The electors knew nothing about it. They voted on other issues, but not on that; so that it cannot be said now that the elections have shown that the people are willing to accept the situation. I have more confidence in the electorate. I am old enough to remember the feeling that men who speak the English language and others speaking the French language had in times past. I remember, when in the Legislative Assembly of Canada, French having been abolished after '37, when the Legislative Assembly of United Canada gave a unanimous vote on an Address



asking Her Majesty the Queen to give to the minority the right to speak their own language. At the time there was a majority of the English-speaking people. The French in United Canada were in a minority of 1 to 3, but even then the unanimous vote gave them what they had fought for years before, but which had been refused to them; and to what was that refusal due? It was due to the fact that the oligarchy thought at the time that they could crush the race that had colonized the country. I will not go over the whole ground. My remarks of last year have been printed. They appear in the *Senate Debates*, so that it is useless for me to occupy the time of hon. gentlemen in repeating them; but I have other arguments which last year want of time forced me to overlook, and which I now propose to lay before the House. Let me refer to the treaty between France and England in 1763. What does that treaty say? Not only the treaty, but the agreement between the generals commanding both armies? And what did England say to her general commanding at that time? That the nationality, language, religion, customs, laws and property of the French would be protected by the British Government. This has been done; for, as I said a minute ago, although there was a short time during which it was refused, it was only at a time when England was deceived—when England had received reports which led her to believe that there was something wrong with the French minority in Canada; but later on, when their eyes were opened, these wrongs were remedied. For many years past efforts have been made to abolish the French language; but as England had reserved to herself the right to deal with that question these efforts were abortive. If these rights were guaranteed under treaty I would ask hon. gentlemen whether it is proper for the Government of Canada to now ask that section 18 of this Bill be carried by the House and by this Parliament? It is against justice; it is against a compact solemnly signed by both parties. It is a compact the more solemn because it was made on the battleground, and more solemn still because it was the only compact which induced the French general to surrender, because if those rights had been refused no doubt the French general would have done as French generals had done under other circum-

stances, rather than lose his honour he would have fought to the last, in the hope that France would send assistance; and who can say if the fortune of war would not have changed? But no; the general commanding the English army could not refuse such a proposition, and he accepted the terms, and they were ratified by England, and now they are the law of the land. We French people have carried out our part of the agreement. We have fought for England, and had it not been for the French people of this country Canada would have been years ago a part of the American Republic. I have read enough of history to say that. But it is not only by the Treaty of 1763 this right is ours; it is not only on the battle-field that we gained that right, but we have a confirmation of it in the Confederation Act. I forgot to say that at the time of the treaty it was not only Lower Canada which belonged to the French, but the greater part of North America which was ceded to England, so that it is no argument to say: "You in Lower Canada have your rights; let us manage the North-West as we desire." That is no argument, because the reservations made in the treaty are for the whole territory which the French then possessed, and even the North-West now, as well as Lower Canada, has a right to use the French language. I do not know whether the word "boodle" could be used here—at all events, until it is stolen from them. Hon. gentlemen may laugh. I do not care for the laugh, even though I may be thought ridiculous on account of my speaking bad English; but I do care for arguments that will prove that I am wrong. Those are the arguments I want. If the stand I take is wrong, then I am bound in honour to drop my amendment and vote for the Bill as it is before the House; but before this is done I feel I have a duty to perform and arguments to advance, and if these arguments are not answered justly it is because—I will not use the word brutal, for it might be taken exception to—but I will say it is because there is a majority here that will crush it down. Arguments I will receive with pleasure, ready as I am to do what is right. Now, this is not the only ground where I find we have a right to the proposition I now make. You hon. gentlemen are bound by the Act of Confederation, so that hon. gentlemen must change their opinions to-day in order to vote the Bill before the-

House. The Parliament of Canada brought about Confederation, and what was promised at the time of the Union? In the Quebec Assembly, in 1865, some of our French people in the House thought that the use of our language was menaced, so they asked the Government what its status would be. Mr. Dorion was one of them, and he said: "Now I do not find that the resolution as it stands is very fair for us Canadians. This country of ours is ruled, as in England and wherever responsible government exists, by the majority. We of French origin have not a majority, so the interpretation of the resolution that we are asked to vote with regard to French is not satisfactory to the minority." What did the Hon. John A. Macdonald, later Sir John Macdonald, say? Here are his words in the official report:

"This was proposed by the Canadian Government, for fear an accident might arise subsequently, and it was assented to by the deputation from each of the provinces that the use of the French language should form one of the principles upon which Confederation should be established."

Now, that is your word, that is your promise, that is your engagement upon your honor; and to-day will you do what was done by the same Government a few years ago? You remember when I asked the leader of the House on the subject of marriage: "Did you not promise at Quebec that the question of marriage should be reserved wholly and exclusively to the Local Legislatures?" He replied, and I can show it here in the official report: "Yes; but we did not do so, and we have to submit to the law." That was an atrocity and an insult to the whole population. It was an admission that the promise was made, but that they had done the reverse—that when we had confided in them they had wronged us. Is Parliament ready to say that the spirit of the Confederation Act is not that the French language will be one of the principles on which the Union is based? If it is, vote for the Bill as it stands; if it is not, I say that Parliament cannot in honour support it. It is betraying, more than betraying, the minority. Do you think that, as a supporter of Sir John Macdonald at the time of the Union, I should have voted for Confederation if we had not been assured that we would be protected in the enjoyment of our rights? Protection was given, not only to the French, but to the English minorities.

Ask the representatives of the English minority in the Province of Quebec whether the majority in the province have ever refused to do them justice. Has not the Local Legislature done even more than it promised to do? For eighteen years we have had a law on the Statute-book of our province providing for the appointment of a Protestant superintendent of public schools. But the Protestants say that there is no need of one, that the Catholic inspector is honest and deals fairly by the minority, and that it is needless to go to the expense of appointing a Protestant inspector. Let the Parliament of Canada show as much liberality as that, and you will never hear the French minority in this House complaining of any infringement on their rights and privileges. We do not ask the majority to do more than they have promised to do: we merely ask them to keep their promises. At the time of the Union Sir George Cartier said:

"I will add to what has been stated by the Attorney General for Upper Canada, in reply to the hon. member from the County of Quebec and the hon. member for Hochelaga, that it was also necessary to protect the English minorities in Lower Canada with respect to the use of their language, because in the Local Parliament of Lower Canada the majority will be composed of French Canadians. The members of the conference were desirous that it should not be in the power of that majority to decree the abolition of the English language in the Local Legislature, etc."

Here is the chief of the majority in Lower Canada offering the English minority that protection which the constitution affords, not leaving them dependent upon anybody's promise. But these are not the only undertakings of the majority in this country. Eighteen years ago there was a rising in the North-West, and a provisional government was formed. The Government at Ottawa asked the provisional government to send delegates to Ottawa. The delegates came here accordingly and presented a Bill of Rights. One article in that Bill of Rights was that their respective populations should be accorded the use of both the English and the French languages. That was accepted by the Government, and was enacted as part of the law relating to the North-West. When the outbreak occurred eighteen years ago, His Grace, Archbishop Taché, was then in Rome. Sir John Macdonald telegraphed him to come home immediately. He left his important duties at Rome and came to Ottawa. He was asked by the Canadian Government to go to the North-West,

where he had so much influence, and he was given extensive powers, even including the power to grant an amnesty. His Grace made a report of what took place, and he states that the Government accepted the Bill of Rights and willingly conceded the demand that both English and French should be used as official languages in the North-West. Now, that is your own work. The majority of those who hear me to-day were then in this House. Half of the present members of the House of Commons were also members then; and apart from all that, we, as a Parliament, are responsible for the engagements entered into by the Government of that day and for the legislation of this Parliament. Are you ready to repudiate those engagements and violate those promises? For my part, I hold that you are bound by those engagements to support my amendment, or any other amendment which will preserve to the minority of the North-West the privileges that they now enjoy. I appeal particularly to those of my own nationality not to desert the cause of the North-West. If they do, they desert the cause of their own nationality. If they accept this Bill to-day they vote against the use of French anywhere in Canada. If they support this Bill to-day, how can they condemn the Government for refusing to veto the unconstitutional legislation of Manitoba? They will have to admit that Sir John Macdonald did right in refusing to veto the Manitoba legislation. And what will be the consequences if you allow Manitoba to lose that right? What argument can you advance if, at some future time, an Address should be presented in this Parliament praying the Imperial Parliament to pass an Act to deprive the French Canadian population of this Dominion of the right to use their own language officially? You can have none; you will have to submit, and you will be obliged to admit that such legislation is but the consequence of what you are now doing. But I would also remind the House that an Address was voted by Parliament some years ago for the purpose of acquiring the North-West Territories, and that Address contained a promise that Parliament would be ready to do justice to the North-West. Is this Bill in keeping with that promise? I should say not. An objection was made last year in this House, which, I suppose, will be renewed here to-day. It may be stated

that in Lower Canada our provincial law allows municipalities to have only one official language. A municipal council can pass a by-law providing that only English or French shall be the official language, according to the population. I cannot suppose that any candid, educated man can advance such an argument. A comparison, to be of any value, should have some analogy, but there can be no evil consequences resulting from the passing of such a by-law. The Legislature of Quebec can only deal with the matter when it is appealed to by a majority in the municipality. It is well known that in our province there are not many sections where English is the language of the majority; in the greater part of the province the great majority are French Canadians, so no difficulty can arise under the law that I have referred to. It conflicts with no rights, it violates no promises, it interferes with no privileges. But that is not so in this case. I have shown that even if there was only one French Canadian in the North-West, he has a right to claim the use of his language under the solemn engagements entered into 130 years ago. It may be claimed also that the object of this Bill is to preserve peace; but that is not the case, because it is a violation of an agreement which was entered into at the time of Confederation. Anyone who wishes to preserve peace in this country will vote against this clause of the Bill. Look where we are drifting! We have McCarthys, O'Briens and others in the House of Commons who are desirous of infringing upon our rights and liberties, and others, who would not go so far, sympathize with them. If you give away the rights that the French Canadians in the North-West possess, are you sure that you could resist the demands of those who are encroaching upon the rights of the French Canadians throughout Canada? Are you sure that you will not place in their hands a weapon that may destroy all that you cherish? Anyone who is familiar with history knows that a majority never begins by asking much, but advances slowly, step by step. Do you think that Ireland was bought by England in one day? Not at all. Long before 1800 they had begun their work, but they did not succeed in becoming masters of the situation until Ireland was betrayed by her own people. That is the way we are going on ourselves, and it is why, should I stand

alone, I shall never consent to a step of this kind. Canada above all for me, so long as she is just and equitable, and then my nationality. There is another objection made, that the French element in the North-West is very small. But such an argument is worth little, and does not call for an answer. I say that our right being conceded, if it is taken away by force, it does not matter whether there are many or few people in the North-West who speak the French language. I was told to-day that some hon. gentlemen will support this Bill because they are supporters of the Government. For my part, I like to stand by Governments. I entered Parliament as a Government supporter, and it was only when I thought that they went too far astray that I felt I had to leave them. I thought that conservatism did not mean doing dirty work, but that it meant maintaining our constitution, our customs and our laws, and guarding the rights and privileges which are dear to every patriot. When I found the Government pursuing a wrong course I left them. I left Sir John Macdonald in 1872, when he acknowledged that he had deceived us at the time of the Confederation. I left him again when the question of the marriage laws arose, because I cannot support men who are lost to a sense of honour. There were other reasons; but I have said enough to explain why I was forced to leave the ranks, and why I must to-day oppose the Bill before us as it stands. It is a Bill prepared by the late Government, but which the present Government have adopted as their first-born; it is the first time that the Premier has opposed the interests of Lower Canada and of his Lower Canadian friends—the first time that I have known him to attempt to crush those who have stood by him and from whom he has always received support. It has been said that the 18th clause of the Bill contains nothing mischievous—that it does away with very little. The Bill is there, and speaks for itself. I do not want anybody's interpretation of it. Interpretation means that if you submit a question to a hundred men you will get a hundred conflicting opinions. I prefer to take the Bill as it is, and what does it say? It says that in all proceedings of the Legislative Assembly of the North-West French or English may be used now, but after the next general election the English majority, who have

already warned Governor Royal that if he should speak French at the opening he would be insulted, will have the power under this legislation to do away with French, if they like, in the debates of the House and in the printing of the deliberations and proceedings of the Assembly. That is the meaning of the clause, and I defy any man to contradict me. I would be ready to accept this Bill if I felt that I could honourably do so, but how can I go back on what I have promised? At the time of Confederation I was among those who promised that certain rights and privileges should be granted to the minority. I am a representative of those who made that agreement in 1865, and one of those who hold that we should respect the rights of the people of the North-West. If I should go back on that I would be guilty of a dishonourable act. Now, if you go back to the history of old Canada you will find that we had many troubles in the past—and why? At the time when the mother country, deceived by the oligarchy which ruled here, ill-treated the minority in old Canada, we had troubles. But when we became better known in England, that is, after Lord Durham had made his report, things changed for the better. I admit that Lord Durham did make a report against us; I believe he spoke the language of an honourable man. He seemed to me to be a very clever man, when in so short a time he could appreciate the character of our people and give to England, I may say, a fair idea of what we were. But with our failings and our defects, he saw also our good qualities, and he told them to the people in England, and I never said a word against his report, because I admit he was perfectly fair. When Her Majesty the Queen saw that we had agreed, French and English, in Canada, to ask for the restoration of the French language, it was granted. If the Government of this country continue to deprive us of our rights and privileges as they are now doing it will bring trouble on the Confederation. No doubt if it continues there will be much agitation and trouble. For my part, if God spares me a few years more, and if this system of taking from us our rights continues, I will be one of those who will excite the feelings of my countrymen against Governments who are not willing to carry out their promises, who are not anxious to have peace in our coun-

try. I hope it will not come to that; I hope there will be an end to it; I hope it will be seen by every one that we have rights and privileges that must be preserved sacred, as all such rights and privileges should be. I will now leave in your hands the motion which I have placed before the House.

HON. MR. ARMAND (in French)—While I endorse all that my hon. friend from Delanau dière has said, I would go further. I believe that the 18th clause should be expunged altogether, and in accordance with the notice I have given to that effect, I move in amendment to the amendment that the 18th section be struck out of the Bill.

HON. MR. GIRARD—I would not like to leave the hon. member from Delanau dière alone in this debate. He said that if he should stand alone on the point that he has brought before this honourable House he would follow the course he has now taken. For my part, I am not disposed to leave him unsupported on this question. Under the Constitutional Act of 1867, and when the Manitoba Act was passed, and when the North-West Territories Act was passed, provision was made for the preservation of the dual language system. On the present occasion the disposition of Parliament is not in the same direction. It is not my intention to repeat the discussion of last year. It was a very long one, and every hon. gentleman gave his opinion on the question, and those opinions are of record in the official report of the Senate debates, and there is no necessity for repeating them on the present occasion. The section that the hon. gentleman from Delanau dière desires to amend, and the one that Mr. Armand wishes to expunge altogether from the Bill, still retains, on a certain footing, the use of the French language. At first sight we might suppose that the French language is retained as it is in the existing law; but if we read a little further than the first provision we will see that the first elected Legislature will have authority to legislate on this question, and I am afraid that when the time arrives French will be abolished as an official language. I desire to retain for my people what they hold as a treaty right, and I think the French people of Canada are indebted to the hon. gentleman

from Delanau dière, who has pleaded the cause of his compatriots and their language with so much ability. In my opinion, he has spoken as a patriot, as a man who loves his country and its constitution, and who is ready to make every sacrifice to maintain and defend the rights of his people. If we had some one at all times as ready to defend and maintain the rights of the French people of the Dominion as the member from Delanau dière is, we would stand in a better position than we do to-day, and I would be recreant to my duties if I failed to assist him in his efforts on behalf of the French people of the North-West Territories. While the French Canadians of the Province of Quebec are largely in the majority, and on that account retain what they consider to be to their advantage of their laws and customs, they never abuse the power that they have. Under every circumstance they have been tolerant to the minority, and have been at all times willing to accord to all parties the rights to which they are entitled. In the North-West Territories also, where the French are in the minority, we are very glad to accept the assistance of those who are willing to defend our interests, for it seems to me to be the destiny of the French people to be pioneers in civilization and colonization on this continent, and although they are in the minority in most places where they have founded settlements they prove themselves to be good citizens and loyal to the country of their adoption—doing their best to promote the prosperity and welfare of the community in which they live. I will not occupy the time of this House on this occasion. Whenever we have appealed to the Senate for redress for any wrong or the abolition of any abuse we have always had their sympathy and support. It has been said on many occasions that the Senate is not a very useful branch of the Legislature; but it has been on many occasions the first to point out dangers ahead, and afterwards the first to provide a remedy. I have great confidence in the Senate, and at the same time I am convinced that whatever may be done for the Legislature of either Manitoba or the North-West will be done for their best interests. We cannot always fight against the majority, but I suppose we will be found excusable if we express our apprehensions that if this Bill becomes law our rights, which have

not been contested up to the present time in the North-West, will be abrogated. I am not afraid of the English people; at the same time, it is our duty to see that our people are placed on a footing of equality in the North-West. By the last Census we find that comparatively no part of the Dominion has progressed as we have progressed in Manitoba and the North-West. That progress will continue. The excess of population, not only of the Dominion, but of other countries, will pass into the North-West, where there is room for millions and millions of people. That far country will be occupied largely by people from the older provinces of Canada, and I contend that there is no country in the world that offers the same advantages to strangers for settlement. Although the frost has caused a good deal of destruction in many of the States to the south of the line it has done very little damage in Manitoba, and the crop prospects there are magnificent. We expect that next year the agricultural wealth of the Province will induce many people to come and live amongst us. If these bright prospects for that magnificent country are endangered by questions of race and religion I am sure there is not a member of this honourable House who would not make every effort in his power to settle such questions in the best interests of the country. I will not trespass further on your time; I have done as I desired to do: I have stood up with my hon. friend to prove that we are faithful to our friends and are ready to do everything in our power to do what is necessary in the interests of our people.

HON. MR. SCOTT—Before the vote is taken on this question I should like to say a word, for fear my position might be misunderstood. I can appreciate all that has been said by the hon. gentleman who has brought this question before the House, in claiming for the French people of this country all the rights to which they are entitled. I fully appreciate, and am quite sure every hon. gentleman of the Senate appreciates, what he has said with reference to what we owe to the French Canadian people, that Canada is to-day one of the jewels of the British Crown. No doubt, at the time the thirteen colonies seceded had the French Canadians chosen to throw in their lot Canada to-day would be a State of the Union, instead of a British dependency.

Later on, during the War of 1812, when overtures were again made to Lower Canada, we all know how they were refused and rejected, and how the preservation of Canada at that time largely depended upon the support of the French Canadians of Lower Canada, who were then in the majority in that province, as far as population goes. I think we all recognize that, and if to-day we were sacrificing any substantial right of the people of Lower Canada this House would be exceedingly slow to make a move in that direction; but it is because I feel that it would be a very great mistake to insist upon the observance of a question of this kind in a country where it will cause a great deal of friction in the future that I ask you, supposing we did place in the Statute-book clause 18, enforcing the observance of the French language in the Legislature and in the publication of its debates and its laws, and making the French language co-equal with the English, would it be observed? I fear that the universal conclusion would be that it would not—that the law would be set at defiance. If I am correctly advised, a very small proportion of the population of the North-West is made up to-day of people who speak the French language. Excluding the French half-breeds, they are a small fraction indeed in that country. I ask, are French Canadians going to that country? Might they not very wisely and properly and happily have settled this question for themselves, by migrating largely to the North-West? We all know that for the last twenty years a considerable exodus has been going on from Quebec, but where has it been going? Not to the North-West, but to the country south of us. We know that large colonies in the eastern States and towns are entirely made up of French Canadians—in the manufacturing towns of Massachusetts, Vermont and Rhode Island. Had those people gone to the North-West, as we all would have wished them to have gone, I think it would have been better socially for them, and would have been in the interest of this great country, and would have relieved us of this vexed question to-day. But it is not so. They have chosen to leave this country and cast in their lot with the people to the south of us to a very great extent. Therefore, I say it is to be regretted that the element which has left the Province of Quebec did not take up their residence in the North-West. It

becomes really a trifling matter after all if the proportion of French Canadians in the North-West is so insignificant as we are led to believe it is. It would seem farcical for us to insist on the continuance of this clause in the constitution of that country and deprive people that we invite there, under the plea that they are to avail themselves of self-government, of the right to say in what language shall their deliberations be carried on. I say again it would be futile on our part, because it would fail in its purpose—would be ridiculous, and would create greater friction than to allow the people to settle the question for themselves. I hope there is liberality enough in the North-West—if any French gentleman wishes to address the Assembly in his own language—that there is liberality and courtesy enough there to listen to that language as it has been spoken and listened to in many intellectual assemblies in the world; but it is not by force or by insisting on it that we can make them adopt it. It is rather by conciliation, and I think this is a very excellent opportunity for drawing the line as to what is fair and reasonable to be left to the North-West in giving them a constitution. There are other questions that will come up in the near future that have been foreshadowed by gentlemen who propose to introduce them, and it will then be proper for the French Canadians to stand up and substantiate a right that is of some value and some usefulness in the future for even a small proportion of the minority race in the North-West. I allude to the school question, which is not touched upon by this Bill, and which will no doubt be forced upon Parliament at an early day. I say the position of the French Canadians is very much stronger on that substantial question by their giving way on this, which I consider merely one of sentiment. I had thought this question was practically settled last session. It was settled in the other Chamber, and in this House presumably, by a very considerable vote in both places; and in that vote I find that gentlemen from the Province of Quebec recognized it as settled, inasmuch as a majority, both of the House of Commons and of the Senate, decided in favour of the adoption of the principle laid down in this Bill, that it should be left to the Legislature of the North-West, after the next general election, to settle this language question. In the House of

Commons when the vote came up it stood 149 to 50, and I find in that 50 there were but 11 French Canadians, so that a very considerable majority must have voted for the Bill as it stands to-day. We know it was very warmly discussed, and that this was considered, by gentlemen holding positions on each side, a fair and reasonable compromise. I find also in the Senate that the vote stood 46 to 7 when it came up here, and there were eight gentlemen from Lower Canada who sustained the Bill as it was then and as it is to-day, while there were but seven for the negative; so that this question has practically been settled by the gentlemen from the Province of Quebec in both Chambers, much to the relief of those who speak the English language exclusively. It is very well known that in the Province of Ontario there are more French Canadians than there are inhabitants in the whole of the North-West. The French Canadian element in Ontario is somewhere about 75,000—at the last census it was over 60,000. It is very well known that there are three counties where they can always elect a representative, and there are other counties where their influence is so strong that practically they have the control. Could we not, with as much propriety, appeal to Ontario to-day to allow the French language to be spoken in its halls as we could in the North-West, where the French population is not growing with such rapidity? The County of Prescott is nearly altogether French, and is represented in the Local Assembly by a French gentleman. The next county, Russell, is also represented in the Local Legislature by a French gentleman, Mr. Robillard. The County of Essex has a very large French population. Mr. White represents it now, but second on the list, very close in the contest, was a French gentleman, and that county is largely French. There are other constituencies, more particularly in eastern Ontario, such as the city of Ottawa, where the French vote is considered to some extent the controlling vote. So, looking at the question from a practical point of view, one might almost say: Why not allow the French language to be used in Ontario for the same reason? But when we come to consider the fact that, as compared with the whole population, it is infinitesimal, it is not considered a grievance. Where the French

element is so small in numbers, it, in a measure, is absorbed in the whole population. At all events, the French have the advantage of those who speak English, because they always understand English, and, as a rule, very few of the English-speaking population understand French, so they are not in anyway debarred. In the Province of Ontario this question of language has come up in connection with the schools, and there we find, although they are not bound to observe it in their constitution, they have a bi-lingual reader, they have French teachers, and the concession is made generously and properly. In the same way, in the North-West, I trust the spirit of conciliation will so largely prevail that this question of language may not be a disturbing element in the future, but I do think it would not be in the interest of the French Canadians if we were to-day to insist upon the continuation of the language in a Legislature possibly in the future made up entirely of English-speaking people. It would throw it into ridicule. I ask my hon. friends from the Province of Quebec, looking at it practically—because you have to recognize it as a practical question—would it not place us at a very great disadvantage if that were to be insisted upon? It would not be observed, and we should have a constant friction and irritation growing out of this part of the constitution imposed upon ninety odd per cent. of the community against their will. In my judgment, it would do a great deal of harm and would react in a great many ways that we do not now dream of. We ought all to be animated by a spirit of conciliation. When there is anything substantial that the French Canadians in this country wish, so far as Parliament goes, they are powerful enough, I am glad to say, to demand it. If they claim any special right that they think ought to be engrafted on the constitution of this country, if it is reasonable, they will find enough to support them to enable them to carry their point, but it weakens the influence and power of the French Canadian race if they insist upon what I described the other day, and what I still think is a purely sentimental question, without any special merit in it. For these reasons, I regret that I cannot record my vote in favour of my hon. friend's amendment, and I think it would be very much wiser and more in

the interest of future harmony if he were to withdraw his motion.

HON. MR. ABBOTT—I agree very much indeed with what my hon. friend opposite has just said, and it is very gratifying to see the reasonable and conciliatory spirit in which the whole question is treated in this House on both sides. I do not propose now to go into the question at any length or to make a speech upon it. I would gladly repeat, if it were not troublesome to the House, almost the very language of my hon. friend from Ottawa, because I concur in the greater part of it so thoroughly; but I would just remark this upon the question—that it is brought before the House more as a compromise of a very heated discussion and of very warm feeling on the subject than as the adoption of any special principle. The only principle involved in it that I can see is submission to the will of the majority; but as respects the agitation which has prevailed in reference to the use of the language, I think this clause will be valuable as dissipating the feeling which has prevailed about it. I hope, and I support this clause in the expectation, that we shall hear nothing more of this dispute in the North-West Territories, and that while the people there who speak the French language will have their laws printed in French as well as in English, under the terms of the law as it stands, the loss of the privilege of debate, supposing the Legislature should take it away, will be one of very small importance to them. I do not propose to say anything more on the subject than that I hope in the interest of peace, good will and harmony the House will adopt the clause.

HON. MR. BELLEROSE—I was surprised at the remarks of the hon. gentleman from Ottawa (Mr. Scott) which the hon. leader of the Government and of this House says he accepts almost wholly. I am surprised at both speeches, because it cannot be denied that it is a question of principle, and as I have shown from the language of Sir John Macdonald at the time of Confederation, it is the very principle on which the Confederation is based. Therefore, nothing that has been said can be considered an argument against my contention. I have a right to claim that the principle on which this Confederation



is based is one where two languages are recognized as official. I voted for that at the time, and I do not think I was wrong then. It stands the law of the land, and if any promise or pledge is to be regarded as sacred, surely that should be. It is something which concerns the honour of the country. The hon. gentleman from Ottawa repeated his remark of the other day, that this is a mere matter of sentiment. I deny that; if it were a mere matter of sentiment there could be no argument in favour of our contention. But I claim that it is a question of patriotism; and that no argument has been advanced which can be regarded as valid against our claim. Then the hon. gentleman from Ottawa said that French Canadians do not go in any numbers to the North-West. That is no argument in reply to my contention that you are bound by the constitution to maintain French as an official language there. Are you relieved from your promise by the fact that few French Canadians go to the North-West? The hon. gentleman from Ottawa was a member of the Government that established French as one of the official languages in the North-West. Now he is ready to help the present Government to destroy his own legislation. Perhaps his idea was at the time to influence votes in the North-West. Does the hon. gentleman think it will be a great inducement to French Canadians to go to the North-West to know that their language has no official recognition there and that they must learn English before they can read the debates of the Legislature and learn how their money is voted? Is he such a politician that he would rather see the North-West colonized by any other people than French Canadians? It seems so. We do not often see the French and Irish agree. So long as we help them, it is all right, but when we want them to help us they go with their good masters the English. We often see that in the city of Montreal. Then the hon. gentleman said there are only eleven members in the House of Commons who voted against this Bill. Does that reverse the principle that I lay down, or does it destroy the evidence that I have furnished to show that the principle has been recognized and sustained by previous Governments? Not at all. What is the use of speaking when you have nothing to say? The hon. gentleman is

too ingenious. Then the hon. gentleman says that in Ontario there are about 75,000 French; I believe there are over 100,000.

HON. MR. CASGRAIN—One hundred and thirty-five thousand.

HON. MR. BELLEROSE—It does not matter much what the number is; the number has nothing to do with the stand I take. It is no argument against the principle that I have laid down and the evidence that I have furnished. At the time of Confederation the French element in Ontario, forming but a small proportion of the population, could not ask that their language should be recognized as official, and we in Lower Canada had no right to meddle there at the time.

HON. MR. OGILVIE—The same thing applies to the North-West.

HON. MR. BELLEROSE—It is not the same in the North-West. Upper and Lower Canada were provinces, and had a right to speak for themselves, and nobody else could meddle with them; but the territories are our property—the property of the Dominion, bought with the money of Canada. French has been established as one of the official languages in that country, and it is guaranteed by treaty. The leader of the House says that this is a compromise, but how can there be a compromise on a question of this kind? Has Parliament any right to vote a compromise? Not at all. The representatives of the people have not been elected for anything of that kind. The use of our language has been guaranteed to us by Imperial legislation, so that I do not see how anybody is bound by this compromise. Believing that I am right, I feel that I must persevere in the course that I have entered upon. Seeing that the arguments that I have made are unanswerable, I leave the House to decide the question, and after them I leave it to the people at large to appreciate the course followed by the present Government and Parliament.

HON. MR. GIRARD—The Mackenzie Government was in power at the time when the North-West Territories Act was passed. As the Bill came from the other House it contained no clause to guarantee

the French population of the North-West in their privileges. I claimed some guarantee for the people that I represented; whether I acted wisely or not I cannot say, but I did what I thought was right, and the hon. gentleman from Ottawa, who at the time was leader of this House, admitted the correctness of my contention, and accepted the amendment that I proposed. It was then that the clause was introduced giving the French population of the North-West the right to have their language recognized as official. In view of these facts, I think the hon. gentleman is inconsistent.

HON. MR. HOWLAN—I wish to correct one remark of the hon. gentleman with reference to the Irishmen who are members of this House. I want to show him how completely he has missed the application of the point. It is a well-understood fact that a majority of the people in Ireland favour Home Rule: that is exactly what we want to grant in this case—to let the majority in the North-West exercise their judgment. If the Irish people could only get such legislation from the Imperial Parliament as this Bill contains they would be quite satisfied.

HON. MR. TASSÉ—I have heard with a certain amount of surprise the speech delivered by the hon. leader of the Opposition. He has compared the position of the French Canadians in Ontario with that of the French population in the North-West. I think he is utterly mistaken—that there is no similarity between the two cases. The use of the French language has never been granted in Ontario by law or by the constitution, however numerous the French element may be, and on this point I may say that the figures given by the hon. gentleman are not correct. He put the French population of Ontario at 75,000.

HON. MR. SCOTT—I think it was 60,000 at the last Census. I cannot tell what it is now.

HON. MR. TASSÉ—It was double that figure at the last Census. It was more than 100,000, and if we are to judge by our national development it must number to-day at least 125,000 souls.

HON. MR. SCOTT—I hope it is so.

HON. MR. TASSÉ—Large as the French population in Ontario is, the official use of our language has never been recognized either by the constitution or by the laws of the province. Consequently, the case of Ontario is different entirely from that of the North-West. Those who know anything of the past history of the North-West Territories are aware that in 1870 there was an insurrection there, and that delegates were sent to the Government at Ottawa to ascertain on what terms, after a full and mature discussion, they would enter Confederation; and if you examine the various bills of rights which were adopted, not only by the people of the Hudson Bay Territory but by the people of Rupert's Land, as it was termed then, you will see that one of the very absolute terms upon which they wanted to enter Confederation was that the French language should be put upon the same footing as English. On those terms the people, who had taken up arms against the Crown I am sorry to say, consented to enter Confederation, and those terms were conceded by the Government of the day and sanctioned by the Parliament of Canada. I say that the use of the French language was guaranteed, not only to the people of the Red River settlement, as it was termed then, but to the people of the North-West. When the Manitoba Act was passed the use of the French language was guaranteed to the people of that province, and when the North-West Territories Act was passed by this Parliament I am proud to say that it was the Senate that came to the rescue of the population there and granted to them the official recognition of their language. So there is no comparison between the state of things existing in Ontario and that which exists either in the Province of Manitoba or in the North-West Territories. We have been told that there are very few French settlers in the Territories, and that on that account it does not matter much whether they should be granted the use of their own language. Well, I do not admit that. Those who know anything of the Census of 1881, as it was published, are aware that at that time there were as many French in the North-West as there are English-speaking people in the whole Province of Quebec, and possibly a little more. The English-speaking minority in Quebec have rights that are recognized by the constitution and the laws

of the land, and, French Canadian as I am, I should be the first man to stand up for those rights and liberties if ever they were assailed. What would the English-speaking people of Quebec say if to-morrow an attempt were made to introduce an amendment to the constitution of this country to deprive them of the official recognition of their language? You would say: No; that right has been granted to them under the constitution of the country and the laws of the land, and it is not in the power of the majority, large as it may be, to deprive the minority of its just rights. The people of Manitoba and the North-West Territories are absolutely in the same condition, in my eyes, as the English-speaking minority of the Province of Quebec. It is not a question of conciliation to me. Short as has been my career, I have done everything in the past to conciliate the various classes and creeds of this country. It is not long since there was a great agitation in the Province of Quebec, and I was one of the very few at that time who stood by the law of the land, and I have been somewhat severely punished for my conduct on that occasion. Still, I do not regret what I have done. I did it in the interest of conciliation of the various classes and creeds of this country, in order to show there was but one law for all. I stood by that principle, and I am still prepared to stand by it; but between conciliation and the surrender of the rights, privileges and liberties granted to a whole race, there is a wide difference. I will not consent to the surrender of a particle of our rights. I will go for conciliation as far as possible, but my policy on this occasion will be no surrender.

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

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Bellerose,	Tassé.—5.
Girard,	

## NON-CONTENTS :

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The amendment was declared lost on the same division.

The original motion was agreed to, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

On the 3rd clause,—

HON. MR. MACDONALD (B. C.)—It seems a very short time having an election every three years. Would it not save a great deal of expense to have the elections every four or five years instead?

HON. MR. ABBOTT—The tendency is in the direction of having a short period for a Parliament in a country where the population is rapidly growing. There is a great change in the population in three years.

The clause was adopted.

On the 6th clause,—

HON. MR. ABBOTT—I should like to make a remark about this clause. There is a portion of the Territories under the jurisdiction of this Parliament which is not comprised in the portion of the territory represented by the members in this Parliament, and I propose to amend the Bill, when I come to the clause, to prevent the operation of the power with respect to spirituous liquors being extended over the Territories. The jurisdiction which will be given to the Legislature by sub-section 6 will only apply to the territory which is included in the electoral districts mentioned in the schedule.

The clause was adopted.

HON. MR. PERLEY—Can a member resign?

HON. MR. ABBOTT—The powers of the Legislature are much wider than they

were before. That power was not expressly in the former Act, nor was the power of dissolving, nor the power of calling a Ministry. These powers will be altered considerably under the present Bill.

HON. MR. KAULBACH—I do not know how rapid the administration of criminal justice is in the North-West, as there is a large territory to go over, and large powers are given to the judges there; but it strikes me that having done away with the form of indictment in order that the person may not be detained in prison unnecessarily, the judge should have power to see if the offence is of a nature which he can adjudicate upon, and if the evidence put in is sufficient to justify the allegation, and, if it is not sufficient, that the prisoner may be discharged; otherwise, in a large territory like that, a man might lie in gaol for a long time, and would have to wait until such time as the judge in the course of his circuit can hear the case. If the judge can have the case referred to him to see if there is evidence enough to justify the detention of the prisoner it would avoid this difficulty.

HON. MR. ABBOTT—My hon. friend will see that that can be done by writ of *habeas corpus*.

HON. MR. MACDONALD (B.C.)—I was going to call the attention of the Premier to sub-section 3 of section 13. This clause gives the Assembly greater power than this Parliament has or any of the Assemblies of the Provinces. It gives the power not only to create the office but to appoint the officials. That would make the officials partizans of those who appoint them. At present the Governor has an advisory board, but this Bill leaves him entirely bare—no Attorney General, no Secretary for the Territories, and no officers of any kind; he is left entirely alone, and the question arises: Would those officers have a seat in the Assembly or would they not? I think they should be appointed by the Governor in Council. Let the Assembly create the office and the salaries, and let the appointment be made by the Governor in Council; and these officials ought to have seats in the Assembly, with power to present Bills and be responsible to a certain extent for the legislation of the

Assembly. I mention this because I have lived for a long time under a Crown colony government and we have had several officials—four or five—and these presented the measures for the country. They were always in the minority. Supposing there were four officers of this kind in the House, there would be seventeen against them, so that there would be no fear of their carrying any measure that would not be liable to be defeated by the voice of the majority.

HON. MR. GIRARD—I want to have it made clear what portion of the west is included in the North-West Territories. I see by the law passed in 1886 that the North-West Territories were understood to include that part of the North-West which is not included in Manitoba and Keewatin. I am sure that the promoters of this Bill, and every hon. gentleman of this House, will be very sorry to have strong liquors introduced into that part of the North-West known as the Great Mackenzie Basin. I would like to have that part of the country excluded from the operation of this part of the law respecting permits for liquors; because the temperance policy of that part of the country has induced many people to make their homes there, to avoid being exposed to the temptations that prevail in other parts of the Dominion.

HON. MR. ABBOTT—My hon. friend did not observe the reply that I made to the hon. gentleman from Ottawa. The portion of this clause about tavern licenses will be restricted to the territories which are composed of the territorial divisions mentioned in the schedule—that is to say, it will be composed of the territories as now organized. It will not extend to the unorganized territories. With reference to the question of the hon. gentleman from Victoria, I do not understand the territorial officers to be such officers as the hon. gentleman referred to; they are, in fact, officials who have nothing to do with the legislation, but are merely administrative officers throughout the Territories who are paid by territorial funds. The hired officers have nothing to do with the legislation at all.

HON. MR. POWER—Is there any provision in the Bill which we are amending

for the territorial officers, attorney generals, treasurers, &c.?

HON. MR. ABBOTT—I do not understand that there is any.

HON. MR. MACDONALD (B. C.)—I think the advisory board ceases when this Bill becomes law.

HON. MR. ABBOTT—Yes; the territorial officers are not members of the Legislature. They are appointed by the Local Government and paid by the Local Government, and have nothing to do with the legislation.

HON. MR. POWER—As there will not be any territorial Legislature—what we call responsible government—there will be no Ministers in the House.

HON. MR. ABBOTT—No.

HON. MR. PERLEY—The Assembly will have power to organize the committee?

HON. MR. ABBOTT—Yes; that is inherent in the Assembly,

The clause was agreed to.

On the 16th section,—

HON. MR. PERLEY—I think the words “on whose premises” ought to be struck out of this section; they might lead to great injury. For instance, a person might take a bottle of liquor and leave it on the premises of some responsible person, and the very fact of the police finding the liquor there—for instance, on my premises—would render me liable to a fine under this clause.

HON. MR. ABBOTT—There are so many evasions of the law that it has been made very forcible and strict. These are the words in the Revised Statutes passed in 1886, taken from the original Constitution of the North-West Territories from five or six years older, where it had been in operation at least thirteen years, and there has been no complaint of it in all that period.

HON. MR. PERLEY—I think these words should be struck out.

HON. MR. ABBOTT—It has been the law up to now.

HON. MR. PERLEY—No matter; they should be struck out.

HON. MR. POWER—By a provision of this clause it authorizes the Local Legislature to grant licenses.

HON. MR. ABBOTT—My hon. friend will remember that the clauses which provide for the liquor traffic are left in force until the Legislature repeals them. The plan of the Act is the sections of the Revised Statutes—the Constitution—which provide for the prohibition of intoxicating liquors are placed, by numbers, in the last clause of this Bill, under the control of the Legislature, so that they may repeal or do as they like.

The clause was agreed to.

On section 20,—

HON. MR. ABBOTT—I propose to make a change in the schedule by striking out sub-section 10 and sub-section 11. By these two numbers the former electoral district of Moose Jaw was divided into two, but this draft was made before the returns from the Census were known, and it turned out that there was an error in the estimate of the population of that electoral division, and it was thought best to endeavour to preserve the proportions a little more nearly by restoring the electoral district of Moose Jaw to its former proportions; and I ask to substitute the article of the former schedule in place of section 10, and to strike out section 11. It is possible that I may at the third reading ask to make another change. The populations of the various electoral divisions are now ascertained, and the plan which is provided for by this Act would be, to some extent, disproportionate. This distribution has been made after communications were received from all parts of the North-West. There are two electoral districts, so arranged as to give representation to the half-breeds.

HON. MR. GIRARD—The change proposed I feared might be to the contrary, but after the explanation of the hon. gentleman I am willing to accept it.

HON. MR. ABBOTT—We have arranged the half-breed question in the Saskatchewan district.

The clauses were agreed to.

HON. MR. ABBOTT—It is very probable that at the third reading of the Bill I will ask provision to make a change in the district of Assiniboia, but I will leave it until the Bill comes up for the third reading.

HON. MR. MASSON—Why are there in some divisions two members instead of one?

HON. MR. ABBOTT—That was part of the original arrangement made by the Assembly itself.

HON. MR. MASSON—Does that meet with the approbation of the people in that part of the country—half-breeds and others?

HON. MR. ABBOTT—Yes; we have arranged with the half-breeds. I omitted, as we passed through the Bill, to mention the amendment I propose to make. Permit me to go back to section 19, which provides that the Assembly may repeal sections 92 to 100, inclusive. Here is where I propose to restrict the power of the Assembly with regard to the liquor traffic, leaving the law with regard to the liquor traffic in the unorganized territories just as it is to-day. I therefore move to amend section 19, in the third line, after the word "and," by inserting the words "also, in so far as they apply to the territories comprising the several electoral divisions mentioned in this Act, &c."

HON. MR. GOWAN, from the committee, reported the Bill with several amendments.

### THIRD READING.

Bill (168) "An Act to encourage the production of Beet-root Sugar."

The Senate adjourned at 5:50 p.m.

## THE SENATE.

*Ottawa, Friday, Sept. 4th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BAIE DES CHALEURS RAILWAY  
CO.'S BILL.

REPORT OF THE RAILWAY COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, to whom was referred the Bill "An Act respecting the Baie des Chaleurs Railway Company" presented their sixth report. He said: I think it is not desirable that the report should be read at the Table. It is long, and the consideration of it will certainly have to be postponed, because on that report I presume there will be some resolution passed by the House. It is a report relating entirely to the non-attendance of witnesses who were summoned to appear before the committee. I would also suggest that the appendices "A" and "B" attached to it need not be printed in our minutes. They will appear in the Journals of the House, and it would be a pity to encumber our minutes with the duplicate of them. I move that the report be considered on Monday next.

The motion was agreed to.

### AN ADJOURNMENT.

MOTION.

HON. MR. STEVENS moved that when the House adjourns to-day it stand adjourned until Tuesday next at 3 o'clock.

HON. MR. KAULBACH—If the leader of the House says that the public business will not be injured or delayed by this adjournment I will not take advantage of the position which is given to me by the rules of the House to prevent the adjournment. We have for Monday next the consideration of the report which has just been presented to the House by the hon. gentleman from Sarnia, and I am sure it must provoke a considerable amount of discussion.

HON. MR. SCOTT—No.

HON. MR. KAULBACH—There are other matters also to be dealt with. However, if the leader of the Government says that the adjournment will cause no inconvenience to the public business, I have no objection.

HON. MR. ABBOTT—Of course, the House is aware, as well as I am, that we have been so diligent in our work that we have got through it as fast as it came on our Paper, and there is nothing before us to-day and nothing to come up on Monday, except the report to which my hon. friend refers. I have been informed by my hon. friend from Sarnia that this report does not recommend any action of an extraordinary character by the House, and therefore I presume it will not provoke much discussion. I can only say, therefore, that I do not see that the public business will be delayed or its progress interfered with by this adjournment.

The motion was agreed to.

The Senate adjourned at 3:25 p.m.

## THE SENATE.

*Ottawa, Tuesday, September 8th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## INTERCOLONIAL TRADE.

### MOTION.

HON. MR. WARK moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will take into consideration the importance of drawing more closely the ties that bind the colonies to the Mother Country and to each other, and whether Canada should not take the initiative in making overtures to the other colonies of the Empire with this object in view.

He said: The subject to which I propose calling the attention of the House may be considered a very large one, but I do not intend to deal with more than a portion of

it. My object in bringing it before the House is to see if some means cannot be devised for recovering what was once a prosperous and profitable business, a portion of the trade of Canada which has dwindled away and almost become extinct—I refer to the trade between Canada and the British West Indian possessions. That trade grew up under peculiar circumstances. It was, I may say, almost called into existence and nurtured under what was called the Colonial Customs Act, an Imperial statute which protected the British West Indian products in the markets of the British North American colonies, and, *vice versa*, protected our products in the British West Indies. A very prosperous and profitable trade was carried on for a great many years, up to 1846, when that Act was repealed. The consequence was that the United States very rapidly almost absorbed the whole trade of the British West Indies. Now, the question is whether some attempt ought to be made to recover that trade, and whether the present is not a favourable opportunity. A treaty has been negotiated recently between the United States and Spain by which the products of the Spanish possessions are to have a preference in the United States market. That will operate very seriously against the British West Indies. Again, after the expiration of the treaty between Great Britain and Spain, next year we will appear to disadvantage in the markets of the Spanish possessions. The present, therefore, seems to be a favourable time, which ought not to be allowed to escape, to bring about closer relations between Canada and the British West India islands. That, I think, could best be done by offering to these islands free trade. We cannot negotiate treaties with them to discriminate against other countries, and I suppose it will be quite out of the question to attempt to depart from that policy. In 1843 there was a great deal of commercial depression, and a cry was raised throughout all the North American colonies for protection. The number of petitions that were presented to the different Legislatures was very large, and the question was looked upon as a pressing one. Canada took the lead and introduced a system of protection, which extended over almost every thing that was raised on the farm, especially on horses, asses, mules, horned cattle of all

kinds, and even sheep and lambs, and goats and kids. Everything that was grown on the farm, every species of grain, was protected; every species of fresh and salt meats, ham and bacon—everything was loaded with pretty heavy duties. This was all directed against the United States. Nova Scotia followed, and so did New Brunswick, and we had this system in operation for a very brief time, when it attracted the attention of the Imperial Government. Lord Stanley sent out a dispatch in 1843—it was rather termed a circular—addressed to the Governor General and the Governors of all the different colonies, pointing out how embarrassing this would be to the Imperial Government, and how necessary it would be to abandon it, because it interfered with treaties with foreign countries. The justice of this was admitted. In fact, although this dispatch recommended the Governors to endeavour to dissuade the Legislatures from passing such laws, it went further, and authorized and required them to withhold their assent from such legislation. As I observed before, the policy was considered reasonable, and it was acquiesced in, but the Legislatures did not abandon their favourite scheme of protection. The difficulty was, that while British products were in a great measure relieved from these heavy duties, they had now to take their chances with those of foreign countries. This went on until 1847, and it was difficult to know how to get quit of it. In New Brunswick a remedy was proposed, and it suited admirably. While the House was discussing this very subject I moved a resolution to the effect that an Act should be passed authorizing the Lieutenant Governors, by proclamation in the *Royal Gazette*, to admit into New Brunswick goods the product or manufacture of any other of the North American colonies when it would be made to appear to His Excellency that such province was admitting our product on the same terms. It was accepted by the committee and the House, a Bill was based upon it and passed forthwith. The Nova Scotia Legislature was in session at the time. They were made acquainted with what we were doing, and they immediately introduced a Bill containing the same conditions. Canada held back. She objected to including manufactures, although we had no manufactures to send them. But in consequence of that objection Inspector General

Hincks drew up a long memorandum, which was approved of by the Governor in Council, and we had to change our legislation so far as to confine our treaty to natural products. Canada then entered into the arrangement, and proclamations were issued in 1849, and the policy was carried out from then until Confederation; and if Canada had not objected to manufactures—for we excepted nothing but spirits—we would have been exchanging our products just as freely for eighteen years past. I call attention to this to show that there is one way of getting over the treaty, and I believe only one. We cannot go over to negotiate. That was proposed by the Canadian Assembly in 1843. They appointed a committee to negotiate with the West Indies, to admit their products on certain liberal terms—terms of lighter duties—on condition of their reciprocating; but the dispatch which I have referred to here—Lord Stanley's dispatch—arrived here before the committee reported, and the whole thing was abandoned. The only way we can get back the trade with the British West Indies is the way I have indicated. This is a favourable time, when the products of the Spanish West Indies are to be admitted into the United States on more liberal terms than those of the British possessions. It would be a favourable time for us to attempt to get back that trade, and I think the only way we can do it is by offering them complete free trade—placing an Act on our Statute-book which will admit their products free of all duties whenever they are pleased to reciprocate. We could not go into treaties with the West Indies. It would be a tedious work, and it would be uncertain whether they would all agree to the same terms, there are so many of them, some of the islands having Legislatures of their own and others Legislatures for groups of islands. It is probable, however, that they would all come in by degrees, and I have no doubt if we made them the offer it would soon be accepted by most of them, and this would be the beginning of the system of free trade between all the colonies of the empire, a thing much to be desired. I simply call the attention of hon. gentlemen to this one part of the subject of free trade with the British West India Islands.

HON. MR. ABBOTT—I hope my hon. friend will not press his motion. I think on reflection he will perceive that the



motion covers a ground so immeasurably greater than that which he has stated in his address, that for that reason only it would scarcely be right that the Senate should adopt the Address in its entirety, for the purpose of attaining the object which my hon. friend has referred to in his remarks. But I think there is a wider objection than that. The Address, it appears to me, points to something in the nature of Imperial confederation. I do not understand it in any other way. I do not understand how it can be construed in any other way, and that is a subject of enormous importance, one upon which I think a very small proportion of the members of this House would be prepared to address the Crown just now. We scarcely know—at least, I must confess I scarcely know, what Imperial confederation means, according to the interpretation put upon it by its advocates, and I have never heard so precise a definition of its purposes, as would enable me to judge whether I agreed with these purposes or not. I hope, therefore, my hon. friend will not insist upon having his motion pressed. The subject he wishes to bring up might be brought up in a narrower form. I believe the only duty of any importance we now levy on anything coming from the West Indies is molasses of a certain grade.

HON. MR. SCOTT—And rum.

HON. MR. DEVER—Some six millions of dollars.

HON. MR. ABBOTT—I was not aware to what subject my hon. friend intended to direct his remarks, and it was quite impossible for me to obtain the information necessary to answer him accurately on that point. There is a duty on rum—there must be, in fact, a heavy duty on rum, but on ordinary products I think the only duty remaining is on some grades of molasses. I would ask my hon. friend not to press his motion for the Address, otherwise, I fear I would have no alternative than to object to it in its present form. I can tell my hon. friend that I sympathize with him in his desire to have as free a trade as we can obtain with the West Indies, and to obtain as much of their trade as we can; but I do not think, honestly, that it can be furthered by the passage of this resolution.

HON. MR. ALMON—I think great credit is due to the hon. gentleman who has brought this resolution before the House. When we consider that his life politics have been opposed to the party who have been desirous of obtaining treaties between Great Britain and her colonies, I think he deserves credit for bringing this question forward, and I cannot see the force of the objection that the hon. Premier makes, that he cannot explain what Imperial federation means. I have always objected to Imperial confederation, because there has been too much jingoism in it; but when Imperial federation takes a practical shape that there should be a treaty between Great Britain and her colonies, then I think there is something in it. It is very clear that if England will put a duty on American flour and admit flour from Canada free, we could very easily afford to take off some of those enormous duties which we have on English manufactures which cannot be made in this country. All these things must commence from small beginnings. I can remember when they repealed the corn laws. When it was proposed in England every one laughed at the idea, but from little it grew to great, until at last the reform was carried. It may be said in opposition to this proposition that England will never put a duty on foreign flour. I have heard it said over and over again that England would never repeal the corn laws. The corn laws have been repealed, and in my opinion England will yet take a common sense view of the question of trade with her colonies, and once she puts a duty on some things that are imported from foreign countries in favour of her colonies she will be drawing her colonies very much nearer to her; therefore, I think there is a great deal of hollowness in the statement of the Premier that we do not know what Imperial confederation means. There has been a great deal of jingoism about it. At one time I think I was a pretty good Conservative, but now, if I was in the English Parliament, and an improvement was to be made to a church building and assessments were to be made on Roman Catholics or dissenters for it, I should object to it very strongly, even at the risk of being put down as a Radical. I think a treaty with Great Britain would be a very excellent thing. My hon. friend has taken a great deal of trouble with

these resolutions, and he deserves the thanks of this House for bringing the subject before our notice. Although his resolution will not pass now, it is just as certain that the measure indicated by the hon. gentleman will pass as that the corn laws have been repealed, and I do not think there is a loyal Canadian who will hold up his hand against it.

**HON. MR. KAULBACH**—I am very glad my hon. friend has brought up the question of the West India trade. As far as Nova Scotia is concerned, we are doing all we can to secure it, but as for any pronounced scheme it is yet in its infancy. The Government has subsidized steamers and cables between Nova Scotia and the British West Indies, and I think they must be commended for the interest they have taken on this question, and the information they have obtained. I think we have satisfied Jamaica and many of the British West India Islands that there is a very profitable trade to both parties to be developed between Canada and the islands. The fast steam service established by the United States greatly developed trade between the West Indies and that country, and by having agents in the islands who have familiarized themselves with the wants of the people, and by a systematic sending of articles required, the United States have secured almost the whole of the trade at one time enjoyed by Nova Scotia, and I am sure that the effort that our Government have made to bring back that trade to the Maritime Provinces is to be commended and that trade will rapidly develop in the future.

**HON. MR. BOTSFORD**—I fully concur in the expression of opinion made by my hon. colleague from New Brunswick. At Confederation we had a very lucrative trade with the countries mentioned, which has been almost entirely destroyed, and I certainly think that every possible measure should be taken to secure a return of that trade to the Dominion. With respect to the larger question involved in this Address, I may say very frankly I am decidedly in favour of the confederation of the British Empire. I believe that it will be a blessing to the people of the whole country and it will also be a blessing to the people of other nations. I believe that it will tend to a reduction of those enormous armies which are now kept up by the different

nations of Europe, and which are supported by the hard labour and the taxes wrung from the middle classes of those countries. I believe that if the British Empire was federated, containing, as it does, one-fourth of the population of the world, and acted in unison, it would have the effect of securing peace, as I have mentioned; but the Address as proposed by my hon. friend is open to the objection which has been raised by the Premier, that it seeks to address the representative of the Crown on a question which is not yet fully developed. Before the Senate can be called upon to do that, a definite scheme should be devised, on which a discussion could be had with effect. Under the circumstances, I think the hon. gentleman should withdraw his resolution, inasmuch as it goes much further than the part of the question to which he devoted his argument.

**HON. MR. WARK**—You may put that construction on it if you please, but if it did refer to Imperial federation, although the subject has not received much consideration here, there has been a great deal of attention paid to it in other quarters here, but more generally in the mother country and among the representatives of the different colonies. Several years ago the late Mr. Forster, a very eminent statesman, was president of the organization, and now Lord Roseberry is the president. Only a few weeks ago a delegation waited on Lord Salisbury on the subject, and he asked them to lay some plan before him. A committee is now at work, comprised of several noblemen and other eminent public men, devising such a plan, and certainly, when they are busy in the mother country, it would not be amiss if our public men were considering the question here, too. About the time of Confederation we sent a commission of very respectable men down to the West Indies and South America to collect information and report as to how trade could be promoted in that direction. We sent down another delegate, Mr. Simeon Jones, a few years ago, and he made a favourable report. The Minister of Finance has been there himself within twelve months, and the representatives of this country at the Jamaica Exhibition brought back valuable information, and the Government have subsidized a steamer to carry on that trade. Certainly, it is time that some benefit was being obtained from all

this expenditure. If there is nothing to be done, if everything is to stand still, as it has been, while now the West Indies are open to most favourable terms, we will have neglected our duty in some way. With regard to Imperial federation, it is coming to the front. It is looked upon with suspicion by both parties in Canada, but I can tell them that the question is one that is bound to be taken hold of, and that those who keep away from it will have to take back seats. I shall withdraw the resolution, but I have stated my opinions very freely upon it.

**HON. MR. McCALLUM**—The hon. gentleman who had brought up this question deserves credit for what he has done. I consider this the most important subject that has been brought before Parliament in my time. Are we not to discuss it? Is it not desirable that we should have closer connection between Great Britain and the colonies? Have we not been trying to go to Washington for some time, and is it not right that we should look elsewhere? Are we to be told that we must not discuss this question? I do not wish in any way to embarrass the Government in anything that may be done with our neighbours to the south of us, but I have often desired to see Great Britain and her colonies united to trade with another, and let the world do as it pleases outside of the empire. The resources of the British Empire are so great that we can get along very well without begging for trade relations with other countries. If this resolution is premature we can let it stand. I do not say that it should not be withdrawn now, but I hope that it will be brought up early next Session.

The motion was withdrawn.

#### SIR HECTOR LANGEVIN'S RESIGNATION.

##### AN EXPLANATION.

**HON. MR. ABBOTT**—The House will remember that I was asked a day or two ago with reference to the position of Sir Hector Langevin in the Government. I and my colleagues were under the impression that it was generally understood, from the time Sir Hector placed his resignation in my hands, that his functions as a Minister practically ceased. I think a

statement of that description was made at the time, which I repeated the other day in answer to a question put to me by my hon. friend from Toronto; but Sir Hector having seen the questions put in this House and elsewhere, thought proper to write me the following letter, which I desire to communicate to the House:—

“ OTTAWA, 7th September, 1891.

“ MY DEAR PRIME MINISTER,—I see that at the last meeting of the Senate a question was put to you by one of the senators to know whether my resignation as Minister of Public Works has been accepted. This question coming after a similar one in the House of Commons, makes me perceive there is some misunderstanding about my position; and in order to put an end to it, I wish, as intended by me in the first instance, to ask you that my resignation may be accepted without further delay.

“ I remain,

“ My dear Prime Minister,

“ Yours very truly,

“ (Signed) HECTOR L. LANGEVIN.

“ Hon. J. J. C. ABBOTT.”

I replied to him thus:

“ PRIVY COUNCIL OFFICE,

“ OTTAWA, 7th September, 1891.

“ DEAR SIR HECTOR LANGEVIN,—I have to acknowledge your letter of this morning, requesting that your resignation may be accepted without further delay, and to say that in accordance with your request I shall regard your resignation as final, and shall lay it before His Excellency immediately.

“ I remain,

“ Dear Sir Hector,

“ Yours very truly,

“ (Signed) J. J. C. ABBOTT.”

I have thought it proper to make this communication to the House, in order that hon. gentlemen might be perfectly aware, in an official form, of the actual position of matters with respect to Sir Hector Langevin.

#### INSPECTION OF SHIPS BILL.

##### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (149) “An Act respecting the Inspection of Ships.”

**HON. MR. DICKEY**, from the committee, reported the Bill without amendment.

**HON. MR. ABBOTT** moved that the Bill be now read the third time.

**HON. MR. POWER**—I desire to call attention to one provision in this Bill which I think requires amendment. The 11th clause provides that:

“When a ship is found liable by a conviction for the penalty in the next preceding section, the Minis-

ter may direct any chief officer of Customs to seize and sell any such ship; and it shall thereupon be the duty of such chief officer of Customs to seize and sell such ship."

The penalty is not unreasonably large, but the 12th clause provides that:

"Penalties under this Act may be recovered upon summary conviction; and any information or complaint in respect of any offence against the provisions of this Act may, whenever the prosecution, suit or proceeding is instituted under 'The Summary Convictions Act,' be laid or made within twelve months of the time when the matter of the information or complaint arose."

Now, it strikes me that that should be only in cases of non-payment of penalty. This clause provides, without any qualification, that the ship may be seized and sold. We ought to express the ground on which a ship should be seized and sold.

HON. MR. ABBOTT—My hon. friend does not suppose that the Minister would order the ship to be seized and sold if the penalty was paid?

HON. MR. POWER—One cannot tell what Ministers would do.

HON. MR. ABBOTT—The clause is put in the potential mood; the Minister is allowed to do this, but I cannot conceive that anyone would suppose that he would order it to be done after the penalty is paid.

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

### THIRD READING.

Bill (116) "An Act further to amend the Inland Revenue Act," passed through Committee of the Whole without amendment, and was read the third time and passed.

### NORTH-WEST TERRITORIES' ACT AMENDMENT BILL.

#### THIRD READING POSTPONED.

The Order of the Day being called,—  
"Consideration of amendments made in Committee of the Whole House to Bill (126) 'An Act to amend the Act respecting the North-West Territories.'"

HON. MR. ABBOTT—I endeavoured to make these amendments complete, but I

think it will be necessary to propose to the House a further alteration in the districts, which will give one more member to Eastern Assiniboia, and it is possible—we are now verifying the figures—that we may find it necessary to ask for a still further change, to give two members. But I am unable to decide what I would propose to do, and I therefore ask that this Bill be allowed to stand over until to-morrow.

### FRAUDS UPON THE GOVERNMENT BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (U) "An Act respecting Frauds upon the Government." He said: Everyone understands the occasion of this Bill, but of the purpose and plan of it I desire to speak of shortly. There are two or three separate laws on the Statute-book applicable to frauds in respect of money. There is, for instance, a direct enactment against embezzlement, as it is understood. There are laws respecting the making away with trust funds. There is a series of clauses under the head of threats, in the Revised Statutes, dealing with this very subject of frauds upon the Government. Naturally, one has been led to look closely at the provisions of these statutes, and I doubt very much if they go anything like as far as the common law itself in many respects; but I think one of their chief defects is that they do not provide for the punishment of those persons who bring about frauds of this description, being confined entirely to the recipient of the bribe or other inducement, and are not made to attach at all to the person who offers or gives it. I think that is a great defect in the law on this subject, and that is one of the defects which I propose to remedy by this Bill. If the House will pass the Bill, I propose to have it on record on the Statute-book, that he who offers to a public officer an inducement to betray his trust, shall be held to be equally guilty with the man who accepts it, and I think it will have as strong a tendency to check fraud upon the public as any other method that can be devised. That is a leading feature of this Bill, but in detail I may say it covers very much more ground than any law now on the Statute-book. The four or five clauses under the head of threats in the

Revised Statutes, deal with practices which require a considerable amount of investigation and proof, as to the intent and motive, in order to procure a conviction. It has seemed to me that there is a certain class of cases in which the intent and motive may be sufficiently presumed, from the character of the act done, to render it unnecessary that substantive proof of such intent or motive may be adduced, and more especially when the corrupt act charged is not connected directly—is not a part of the *res gestæ*—not a part of the transaction itself. When the bribe or compensation for the wrongful act, is paid or offered before or after the commission of the offence, it will be found, as I think it has been found in many cases in the recent investigations, that there is no connection that is susceptible of proof between the two transactions. However, it has also seemed to me that the giving of presents, or compensation, or remuneration in any form whatever, by a person dealing with a public department, to a person who is acting for the department, is a transaction of such a character as to require no substantive proof that the intention of the person giving the remuneration, was not perfectly innocent. I presume there is not one man in ten thousand, or one man in the Dominion, probably, who would believe that a person desiring to sell, or habitually selling, goods to a department, who makes presents to the person who, from time to time buys them for the department, has not a desire to ingratiate himself with that person, and procure larger prices or more frequent purchases, or purchases unnecessarily large in their magnitude, or some other thing inconsistent with the interest of the Government he represents. The Bill is, in two words, made for the purpose of dealing with offences of this description, with definitions less broad and requiring less substantive proof, than the clauses which now appear on the Statute-book; and the other feature of the Bill is that it punishes those who give and those who offer, bribes, as well as those who receive them.

HON. MR. BELLEROSE—This Bill has only been distributed in English, I believe, but I will not oppose it on that ground. I have not had time to read it over. I regret that such legislation is before us, though I feel that it is quite necessary.

It is well known that the scandals which have led to the introduction of this Bill, have occurred more in the upper classes of our political community than in the lower class. For twenty years past scandals have arisen between citizens and Governments. In 1873 one of the first was discovered. Is it surprising that officials who earn little and are subject to great expenses, seeing that the leading men of the country consider such conduct right, follow their example? I know that this will not be accepted by every one who hears me, but it is well known that even in this House, not three months ago, a rule was passed which was considered only fit for school boys—that if a member of this House wanted anything from an official he must give a written requisition. What was this rule for? There must have been a cause for it. In our days politics have reached such a state that there are all kinds of scandals cropping up. The allegations are not always made good, but sufficient facts are brought out to show that there is ground for many of the charges. Three years ago I said that there was something wrong in connection with the building of the block on Wellington street, because the course followed then showed that all was not right—it showed that there was money paid for nothing. Has not that been established? Other scandals, which are the talk of to-day, were spoken of some time ago, and they have all been brought to light. If we want the Canadian Parliament to be respected we ought to adopt measures to prevent those scandals; and we should begin with the leaders in public life, who are the offenders. So long as they furnish an example for wrong-doing, others, who occupy less important positions, will follow the same course. Why not make the law apply to election funds also? It is very well known that there is money stolen for election purposes. It would seem that Parliament does not care at all about these things. They suffer them to continue, until they become notorious, and then there is an investigation. For years, I myself have brought to the notice of the House things that I shall not repeat to-day. How were those charges received, though some of them were so serious as to involve the death of a man? How were they met by Parliament? Very indifferently. Every rule of the House was invoked against me, so that I might be

ruled out of order, and I did not succeed in attaining the end I sought. That is the way things have been going on. For my own part, I cannot shut my eyes to these facts. Whatever bad feeling it may have aroused against me personally, I felt that I would not have done my duty as a public man if I had not referred to them under the circumstances. Let the Government show, not only in this instance, that they wish to do what is right—for I believe this Bill is in the right direction—but while they are about it, why not have an amendment to the election law, to provide that every man who will give money for his election will be imprisoned? What is the law of the land to-day? It is a law in favour of the rich and against the poor. What does a rich man care about a fine of \$100, or what does a member of this House care about a penalty of \$200? They laugh at it and go their way. If it was punishable by imprisonment it would be a different thing entirely. Do not suppose for a moment that by the passing of this Bill it will prevent dishonesty. We have already a law on the Statute-book to prevent these frauds and these scandals. There are scandals in every quarter, as I have said before. The evidence taken before the committees of Parliament this session shows that what I have been telling for the last four or five years is quite true. I have said a great deal on this subject the last few years, and I have had to withdraw my support from the Government because of these scandals. I would have been happy to support the late Government for some years past, but I could not do so on account of those scandals which I was sure of, but which Parliament did not care to investigate. It would be a very short amendment to the Election Act to provide that there shall be imprisonment as a punishment for a breach of the law. Why not do it? I am sure it would be successful in preventing corruption in elections. I am sure of it, because I have seen enough of elections in 45 years experience to know where the difficulties are and where the door is always left open for corruption for those who desire to enter Parliament. It is all very well for a party man to say that the late Administration were not guilty. But I say they were guilty, and the evidence which has been adduced before the committees of the other House shows

that they were. There are facts, although they are not quite to the point, which show how these things went on, sufficient even in politics to condemn a man, though not enough to hang him before a tribunal. This would be a proper time—if not now, at least at the next session—to have such an amendment as I suggest to the different laws to provide the penalty of imprisonment for dishonest practices.

HON. MR. GOWAN—I rejoice to see this measure brought forward by the First Minister. I think it is an additional evidence of the intention of the present Government to secure what is fair and just in all dealings with respect to the public service. Everyone who is familiar with the history of the criminal law and of crimes knows how difficult it is to frame any general measure that will reach and cover the wonderful and subtle contrivances of criminals to evade the law and escape the penalty. From time to time it has been found necessary to pass additional and amending Acts in order to meet new contrivances of the dishonest and the criminal to escape under the general wording of some particular enactment. This, I take it to be, is a Bill of that character, and in the hasty reading that I gave it, it does not appear to touch any existing remedies—it does not lessen or alter the character of anything that is now a crime under the statute law, but is an addition to it; it is very full, and, so far as I can see, very complete, although hereafter an additional Act may be necessary to meet new contrivances. I take this Bill to be independent; that it may be separated from all Acts that now exist on the Statute-book; and, for my part, the only thing that I will address myself to in considering the Bill more fully is this: Is there anything declared by this Bill to be a crime which ought not to be so declared? If there is not, I will gladly welcome it, as everyone who has the interest of his country at heart and who desires to see everything in the shape of fraud and dishonesty put down with a strong hand, will welcome it. I think myself that it would be wise to approach this measure entirely irrespective of existing law. There are many questions which need not be entered into, and which would not be discussed in this House at any great length, of a technical character, and the mode that I suggest for dealing with

it would rid me of all considerations of that kind. I simply ask myself on each clause, is it just, right and proper that men should be punished for what is set forth in the face of the Bill? If it is, I at once assent to it. The punishments in the Bill are, some of them, severe; but I entirely agree with the hon. gentleman from Delanaudière that punishment for crimes affecting the public at large ought to be severe, and ought not to touch merely the poor, but should touch every member of the community; and although the fine here may be a thousand dollars and imprisonment, still I would suggest, for the consideration of the First Minister, whether it would not be advisable to insert a clause in the Bill somewhat similar to that which is contained in the laws of the United States dealing with a kindred matter, that all persons convicted of offences under this Act should not be merely liable to fine and imprisonment, but should be declared thereafter to be incapable of holding any office of profit or emolument under the Government. That is done in respect to certain minor officers in connection with the courts, and I really think, for the grave offences that are enumerated in this Bill, it might be well to consider whether such a clause should not be incorporated here, and I leave it to the First Minister to consider my suggestion to add in committee. There is another point I would like to refer to the consideration of the Premier also. In offences of the character set forth in this Bill it is always found a very great difficulty to frame an indictment that will be complete and sufficient—in familiar words, an indictment that will hold water. This has been recognized in respect of a great many offences, and you will find in the procedure act that there are statutory forms of indictment given that will enable the prosecutor to lay a charge with some degree of safety before a court and jury. I would strongly urge upon the First Minister to consider whether one or two general forms of indictment may not be added to this Bill. We all recollect the old indictment for murder, and the immense particularity that was required, and we know how that was simplified by giving a statutory form that in a few words described the offence in common language, and got rid of many of the subtleties that exist in preparing indictments for serious charges. So in the

case of frauds and false pretenses there are forms given. Upon these two points I would strongly urge my hon. friend that he consider whether it would not be desirable to insert a clause of the character that I have mentioned, and further, a penalty that would reach the highest as well as the lowest, declaring that any person convicted of an offence under the Act shall be incapable hereafter of holding any office of emolument under the Government. With that addition I am perfectly satisfied with the Act, and there is nothing in it that I, as an honest man, could not lay my hand on my heart and say ought to be done. The measure now before us being cumulative, I do not trouble myself with previous enactments.

HON. MR. ALLAN—I do not rise for the purpose of saying anything with regard to the details of the Bill, which, I suppose, will be fully discussed in committee, but really to express my satisfaction as a member of this House and as a Canadian that the Government has seen fit to introduce a Bill of this character. The Civil Service is one that ought to be pre-eminently an honourable one, and one that ought to stand above all reproach, and I am sure all of us who have the good name of our country at heart and desire to preserve our reputation in this respect can only feel, apart from any party consideration at all, the deepest regret at the various—I suppose I must use the term—scandals that have been brought before the public view during the present session of Parliament. I, therefore, think the Government are to be congratulated on introducing a Bill of this character, which I hope will deal thoroughly and effectually with the malpractices that have been brought to light. I trust that this Bill and the commission which it is proposed to appoint with respect to the Civil Service will have the effect of putting the service on a better footing. I would like to say one word with respect to what has fallen from the hon. gentleman from Delanaudière, and that is, while I would be disposed to go to the same length as he has with respect to members of Parliament, I think also it would be very desirable that if a member of Parliament should obtain his seat by bribery or by any improper means of that kind he shall be liable to imprisonment as well as fine. It is also desirable that the

elector who sells his vote should be put in the same category. The trouble arises from the foot. Men are not always disposed to give their vote from a feeling of what is right and patriotic, but because they desire some equivalent in return, and my own strong opinion has always been that that is where the evil begins, and not at the head, and if we cure that you would not find it getting higher and higher, until it gets into very high places indeed.

HON. MR. SCOTT—We must all deeply regret, no doubt, the necessity of a measure of this kind; for I assume, although I have not had the opportunity of going through it carefully, that it is more searching in its consequence than the law as it at present exists. I find its clauses very much in line with the law as we have had it on our Statute-book for many years. It would be a deterrent equal to the passing of this measure if prosecutions were to be commenced under the law as it is. I am inclined to think that if the Department of Justice were asked for an opinion they would perhaps find, on examining the law, that nearly all the cases, if not all, that have been brought under notice the last eight or ten weeks are provided for in our own statute as it exists, but the law has been allowed to remain as a dead letter. I certainly submit that the earnestness and the good spirit of the Government would be much more manifest if they would turn their attention to the prosecution of these parties under the law as it is. I find, with respect to contracts, that cap. 173 of 49 Vic., section 20, provides:

“Everyone who makes any offer, proposal, gift, loan, promise, agreement, compensation or consideration, directly or indirectly, to any officer or person in the employment of the Government of Canada, or of any province of Canada, with intent to secure the influence of such officer or person to promote either the obtaining or the execution of any contract with such Government, or the payment of the consideration moneys therefor and—

“Every officer or person in the employment of such Government, who accepts, or agrees to accept, any such offer, proposal, gift, loan, promise, agreement, compensation or consideration,—

“Is guilty of a misdemeanour and liable to a fine not exceeding \$1,000 and not less than \$100, and to imprisonment for a term not exceeding one year and not less than one month, and in default of payment of such fine to imprisonment for a further term not exceeding six months.”

Then it goes on to say:

“Everyone who, in the case of tenders being called for by or on behalf of the Government of Canada, or

of any province of Canada, for any contract, directly or indirectly, by himself or by the agency of any other person on his behalf, with intent to obtain such contracts, either for himself or for any person, proposes or makes any gift, loan, offer, promise or agreement, or offers or gives any consideration or compensation whatsoever, to any person tendering for such contract, or any officer or person in the employ of such Government and—

“Every person so tendering, and every officer or person in the employment of the said Government, who accepts or agrees to accept any such gift, loan, offer, promise, agreement, consideration or compensation whatsoever,—

“Is guilty of a misdemeanour, and liable to a fine not exceeding \$1,000 and not less than \$100, and to imprisonment for a term not exceeding one year and not less than one month and in default of payment of such fine to imprisonment for a further term not exceeding six months.”

Then section 22 provides:

“Everyone who, being a public officer or paid employé of the Government of Canada, or of any province of Canada, receives, directly or indirectly, any promise, offer, gift, loan, compensation or consideration whatsoever, either in money or otherwise from any person whomsoever for fraudulently assisting or favouring any individual in the transaction of any business whatsoever connected with such Government, or for doing so contrary to the duties of a special position as an officer or employé of the Government, is guilty of a misdemeanour, and liable to a fine not exceeding \$2,000 and shall be incapable for the term of five years of holding any public office; and everyone who makes such offer shall be liable to the same penalty.”

That is a pretty strong clause as it stands.

HON. MR. ABBOTT—It is only prospective, as my hon. friend will see. It applies to a gift given before the act.

HON. MR. SCOTT—I am reading from the law.

HON. MR. ABBOTT—But it only applies to a thing done before the act is done. I carry it much further.

HON. MR. SCOTT—If I have read aright the reports of some of the evidence taken recently, there are a good many gifts that have been given in advance of the contract.

HON. MR. ABBOTT—I have not repealed the law relating to that.

HON. MR. SCOTT—I am inclined to think that if prosecutions were undertaken under the statutes a more powerful deterrent than the passing of a new law would be exhibited to the public. It is like locking the door after the horse is stolen passing this Act. Of course, there are a great many sections that bear on the causer



that necessitate this legislation, but I have quoted sections 20, 21, 22, and I would refer hon. gentlemen to section 26, respecting fraud and cheating. It would be probably desirable that the Department of Justice, who, I presume, have had something to do with the drafting of this Bill, should advise us in what way the statute is enlarged. It would assist us probably when we go into committee.

**HON. MR. POWER**—Probably this Bill has been drawn up with more care, because there has been more experience than we had at the time when the chapter of the Revised Statutes referred to by the hon. gentleman from Ottawa was passed. But, as my hon. friend has pointed out, it is not a new departure. This is simply an amendment and amplification of the existing law, and it is a very good thing, and goes a long way in the right direction. I cannot quite agree with the hon. gentleman from York. I think it was he who said that the mischief began at the bottom and gradually worked itself up to the top. I think it is the other way. I think the mischief began at the top and worked down to the bottom; and the fault I find with this measure is that it is not sufficiently radical. It does not contain any provision to punish a member of either House of Parliament who undertakes to trade his influence for valuable consideration. That is a thing which is not mentioned. I do not see why members of the two Houses, who are as liable to temptation as other people, should not be liable to the same punishment if they happen to fall. There is a provision in the existing law which imposes penalties upon members who have contracts themselves; but, as far as I am aware, there is no provision to punish a member of Parliament who corruptly uses his influence or promises his influence to another person. I quite agree with the hon. gentleman from York as to the promise. The law which the hon. gentleman from Ottawa refers to punishes the person who receives as well as the person who promises; and with respect to electoral corruption, if we were dealing with that matter now, I should go with the hon. gentleman from York in thinking it would be very desirable that a man who took a bribe should feel that he was at the same time running a risk of incurring a heavy fine or imprisonment. I think you can

hardly expect that civil servants will be pure if they have not pure examples before them; and as the hon. gentleman from Delanaudière said, for a long time there have been things done by members of Parliament and by Her Majesty's Ministers which are calculated to impress upon civil servants that truth and honesty are not things which are expected from them—at least, that they are not the most admirable things. He may better by the instruction. That is only human nature. I notice in this Bill also the same omission which the hon. gentleman from Barrie referred to in the second clause of the Bill, which provides that:

“Every person convicted of any offence under the provisions of the section next preceding shall be incapable of contracting with the Government, or of holding any contract with or from it.”

It does not provide that any officer of the Government shall forfeit his place and become incapable of holding office in the future, as I think he should. I think this Bill is a step in the right direction, and I hope the Premier will carry it a little further, and make its provision a little wider. I think members of Parliament and members of the Government should come within the scope of this enactment, if it is to work properly, as well as the humbler classes of civil servants.

**HON. MR. MCCALLUM**—I think they do.

**HON. MR. KAULBACH**—This Bill is evidently introduced with a view of meeting those cases which have been brought to light by the committees this session. Those cases would be met by the law as it exists, and it is necessary that this Bill should be passed to meet every one of those cases, because the existing law would not affect parties who gave tolls, and who had not a contract in view, or where a contract had been entered into.

**HON. MR. ABBOTT**—I do not propose, and I do not suppose it would be necessary for me, to discuss the offences of this person or of that person, or of this Government or of that Government. The subject is a fertile one, and I might tread on the toes of more persons than one. I accept the discussion, as far as the discussion has gone, as a discussion of the Bill on its merits, and I propose to deal with it in that way. The hon. gentleman from Ottawa will see, when he comes to read the Bill over more

carefully, which I know he has not yet had the opportunity of doing, that it enlarges in every respect the provisions of the statute. It goes so far that the statute might be repealed, but the effect of that would be to relieve those persons who have already committed offences against the provisions of it, from being prosecuted and punished under it, which I do not propose to do. I do not propose to discuss the remedy which the Government may take against those persons who have been found guilty of committing offences under the Act. There is a delay of two years fixed by this Act under which the offence may be prosecuted, so that if my hon. friend intended to censure the Government the House may find his censure is somewhat premature, as he may have reason by-and-by, to think himself. But as regards the amplification of the Bill, if my hon. friend compares the clauses which are, as he says, very much on the lines of the former Act, he will see that in numerous respects, the provisions of this Bill are extended beyond the provisions of the existing law. I don't know but that I shall adopt my hon. friend's suggestion, that persons who use their influence with the Government for securing office, should be punished in the same way as persons who make use of their influence with the Government to obtain contracts, or obtain the payment of claims. It was an oversight, I think, in drafting the Bill, not to have put it in, and unless I see a good reason to the contrary, I shall accept my hon. friend's suggestion, and will see that clause (f) which is precisely in line with my hon. friend's suggestion, is amended, by asking the House to provide a punishment for those who use influence, real or pretended, in getting office, the same as those who use their influence, real or pretended, in getting contracts or payment of debts. I have stated the reason why the existing law was not repealed: it is, that it may remain in force and be availed of for useful purposes before it becomes necessary to incorporate it and this Bill also, I hope, in the provisions of the criminal code.

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

**BAIE DES CHALEURS RAILWAY  
CO.'S BILL.**

REPORT OF THE COMMITTEE.

HON. MR. VIDAL moved the adoption

of the Sixth Report of the Select Committee on Railways, Telegraphs and Harbours, in re the Baie des Chaleurs Railway Company's Bill. He said: The House has had an opportunity to read the report, and consequently is familiar with its contents. I have no doubt you will all have observed that it is entirely confined to mentioning the non-attendance of persons who were summoned to appear before the committee as witnesses in the investigation which we have been carrying on. The committee have not thought it necessary or desirable to suggest to the House any course of action to be adopted. No resolution has been prepared to be submitted to the House; the committee has contented itself with simply giving a statement of the facts of the case. I may, however, in connection with it, make an observation or two on this occasion with respect to what occurs to me should be taken notice of by the House. The honour and authority of the Senate have received a very serious wrong from those persons who, under any pretence whatever, have failed to attend as witnesses on receiving the order of the committee duly authorized by the House. You will have noticed that two or three of the parties who were summoned failed to appear under somewhat different circumstances. One of the earliest cases noticed in the report is that of Mr. Pacaud. He was not officially served, for he had got out of reach before the messenger who carried the official document reached Quebec, but he had an intimation by telegram of the warrant having been issued and of the documents that he was required to produce. This intimation he had received while he was still in Quebec. Had he felt any desire to yield to the wish of the committee, there was ample time for him to do so before going to New York on his projected voyage to Europe. It is the more remarkable that he did not come when he was the person, of all others, who could give, if he chose to do so, some explanation of the extraordinary payments which were made of public money. One would think that he should have availed himself most gladly of the opportunity afforded him by the committee of coming forward and showing that these transactions, which have an appearance of gross wrong-doing, were, after all, correct and proper, if he could do so. His failing to appear, and his leaving the country

under such circumstances, deserve, in my mind, a sharp rebuke from the House. Another gentleman who was summoned should receive very different treatment—I allude to Mr. Garneau, a member of the Quebec Government. On receiving intimation, as he did, that a summons had been issued for him, he replied that he was unable to come, owing to ill-health, and that he would send a doctor's certificate. That would have been considered ample reason by the Committee to excuse his non-attendance; but he saw fit, two days afterwards, to send to me a telegram intimating that his colleagues in the Quebec Government desired him not to come. This altered his position very materially, and if it had been the only plea advanced he would have deserved censure from this House. Subsequently, a telegram came from him, in which he repeated the first plea, and he forwarded a doctor's certificate, so that in his case I do not see that any extreme censure should be passed upon him. Mr. Phillippe Vallière was duly summoned, but made no appearance. So far as I am aware, he sent no excuse and gave no reason for his non-attendance. Mr. Simeon LeSage is another gentleman who was summoned. His case, I think, was one of peculiar aggravated wrong-doing. He was not only summoned in the ordinary way by telegram, and advised of the documents that were required, but he was also properly summoned by an officer delivering the summons to him, and he thought fit to send, as an answer to that summons, a telegram in these words: "I received instructions from the members of the Quebec Government not to appear before the Senate Committee." Now, it appears to me that the members of the Quebec Government, in undertaking to give such a direction to one of their officers, far exceeded their powers, and acted in a manner calculated to bring severe reproach on themselves. Mr. LeSage having sent this communication to me, and failing to appear, his conduct was such that it moved one member of the committee to ask that authority be obtained from the House to have Mr. LeSage brought before the committee; but before that could be carried out the evidence which that hon. gentleman expected to obtain from him was procured from another source, and he intimated to the committee that having obtained the necessary evidence, and on

account of Mr. LeSage having acted on instructions from his superiors, he was not prepared to insist on Mr. LeSage's appearance. Consequently, the matter was not brought before the House. The whole responsibility of Mr. LeSage's conduct rests on the members of the Quebec Government, who directed him not to appear. On what grounds they gave those instructions, and why they desired that the facts should not be elicited, I cannot conceive. It appears to me that if everything had been straightforward and proper, and capable of explanation—for it is well known that serious charges were made—the members of the Quebec Government, of all parties, should have been anxious that their employés, who were familiar with the transactions, should come and give evidence under oath, and show that nothing was wrong, if that could be done. The very fact that they have not only refrained from coming forward and availing themselves of the opportunity of testifying themselves, but that they have actually forbidden those over whom they have control from doing so, very naturally suggests that they did not wish those persons who were well acquainted with all the details to be subjected to an examination by the committee, that they were afraid of the results of such an examination. That is the appearance that it is likely to have in the public mind. I think, therefore, they have made a grievous mistake in resisting the summons to appear and give evidence before the committee. The report makes no recommendation to the House; it simply reports the facts, and it is for the House to decide whether any further steps should be taken. In my judgment, it would be desirable that some strong statement should be put on record, expressing the sense which this House entertains of their gross disrespect and refusal to recognize its authority; and although I do not see that there is any necessity for compelling their attendance, I should like it to be put on record that the House has full authority and power to bring any and every one of them here, if necessary, to give evidence before any of its committees. The fact of a man holding a position in the Government, or even of being Premier of the Government, would not exempt him from coming here when duly summoned as a citizen of Canada, subject to the authority

of this, one of its highest courts, to give evidence. He would have certain rights and privileges if questions were asked him, which, as an executive councillor, he might feel that he was under no obligation to answer; all he would have to do would be to refuse to answer the question put to him, but many questions which would have been asked with reference to the matters that were being investigated had nothing whatever to do with his official position as a member of the Government. These gentlemen should certainly obey the summons; they should come here, and it would have been quite time enough to shelter themselves under the plea of their official position in the Executive Council when questions were asked them which they might think improper for them to answer. That would have been the time to raise their objection, and with that, I presume, no fault would have been found; but, in the meantime, they have set at naught the authority of this House, and I think it is desirable that some expression of opinion of their conduct should be put on record. I have not prepared any resolution, not knowing whether the House would coincide with the view that I entertain; in the meantime, I will simply move that the report be adopted.

HON. MR. BELLEROSE—I cannot concur in the report of the committee any more than I did in the course taken by them, because I feel that the committee ought to have suggested to the House the importance of having those men here. I am opposed to corruption, and have always been since I first occupied a seat in Parliament, as my public utterances will show; but while I take that position, I also claim that to investigate any such charges as these we should take a proper course. Above all, I stand by the British North America Act. I look upon it as the indispensable basis of the rights of the minority. We had a great deal of trouble in framing the Confederation Act to secure proper protection for the minority, and I shall never consent to any step that would have a tendency to destroy our constitution. Anyone who has read history knows that minorities should always oppose any violation of a contract to which they are parties. That principle applies to all bodies, whether political, religious, or other. I feel, therefore, that I cannot consent to

anything which would create a conflict between the provincial and Federal authorities. When the committee made their first report I said that the House would take a false step if they adopted it, and I feel strongly now that I was right in the view that I took then. The report to which I refer was dated the 6th August, and asked for power to send for persons and papers and take evidence under oath. That was the beginning of the wrong course which has since been followed. We have the best authorities for saying so. May says: "If parties acquaint the committee that they do not desire to proceed further with a Bill that fact is reported to the House, and the Bill will be ordered to be withdrawn, or the report will lie on the Table, etc." Had the Committee followed that course they would have been right, and the House would then have decided whether the Bill should be withdrawn or not; but the report did not mention that fact, and it was therefore contrary to parliamentary law. It was a false report of what had taken place, and the Senate alone had the right to judge the case, and say whether the committee should go on or stop there. That was the first wrong step. May says: "If the parties abandon their Bill, and no other parties undertake its support, the Bill is lost, however sensitive the House may be on the subject." May says that even supposing the House is anxious that the Bill should pass, it cannot force its passage. Now, what are the powers of the Committee on Railways? They have the right to examine Bills referred to them, to make an inquiry, and prove the preamble, or investigate anything that the opponents of the Bill may bring forward. The committee in this case went further. Had they confined themselves to their regular duties the Bill could have been reported in a day or two, but the committee have been sitting for three or four weeks inquiring into the manner in which the Quebec Government has acted in connection with that matter. The majority carried their point, and have taken a wrong course, and what will be the result? It will bring about a conflict between the provincial and the Federal authorities. Now, that is a very sad state of things. If it were in order, I could show that the whole course followed in the committee was wrong; however, I can deal with that when the report comes before us. The

chairman of the committee has to-day made a charge against the Quebec Government. I have read the evidence, and I must admit that there has been some corruption in connection with the Baie des Chaleurs Railway project, but that is not what we are dealing with to-day. We are asked to say whether the evidence given is evidence that we are bound to take. I say no. The committee had to enquire into the facts connected with the Bill. The opponents of the measure said that the Baie des Chaleurs Company owed them a great deal of money, and that if the charter asked for was granted they would lose their money, because the Quebec Government had promised to give them money that they had reserved out of the Quebec subsidy, and this money had been stolen. Now, where do you get proof of that? Not by an investigation, lasting three or four weeks, into matters that have no bearing on the subject, but by bringing witnesses before the committee and examining them on the point. That was not done, because the committee thought that it was dangerous to undertake to bring the Quebec Ministers here. Why? Though there is no law on the subject, this House has no right to meddle with the Quebec Administration. Suppose there is a committee sitting in the other end of the building, and a senator is wanted as a witness, the House of Commons has to come to this House and beg leave to have him appear as a witness. The same rule applies to a Committee of the Senate when a member of the House of Commons is required as a witness before it. In the same way, the Senate has no power to send for local Ministers, and that is the reason why the committee does not recommend to-day that these men be apprehended and brought before it. There will be other committees, and we will have the evidence taken, and these men will be arrested if they do not appear when we are sure of our powers. To-day we are not. The Senate has placed itself in a false position by taking a wrong course. If we have the power, and wish to make the public respect the majesty of the Senate, we ought to force those men to come before the Committee. But that is precisely where my objection comes in: a wrong course was taken, and the committee has no power to force their attendance. We should be in a position to show the public that the Senate

is no respecter of persons, and that all citizens of the Dominion stand in the same position before us. For these reasons, I cannot concur in the report. The chairman of the committee says that the Quebec Government were wrong in not obeying the summons. I do not think so. I believe that they have been guilty of corrupt conduct, and I hope the Lieutenant Governor will see fit to appoint a Commission to thoroughly investigate the charges against them and save the province, but I want the proper course to be followed. If these gentlemen in Quebec believe that we have no power to demand their attendance here they are acting within their right when they refuse to come. The hon. gentleman from Sarnia thinks that we should not arrest them for failing to come, but that we should show by a resolution of the House that they have done wrong. That would be only showing that we are weak, and afraid of the consequences of undertaking to apprehend them. As to Mr. LeSage, the same reason applies. This House has no power to compel the attendance of an official of the House of Commons before one of its committees, but must ask the consent of the other House to have him attend. That is parliamentary law, and therefore is it not the right of the Quebec Ministers to say to their officers, especially a Deputy Minister, who is the head of a Department, that he shall not attend here without their consent? I do not see, therefore, that there is anything wrong in the course they have pursued. What does Bourinot say: "It is a clear and undeniable principle of parliamentary law that a committee is bound by and is not at liberty to depart from the order of reference." What was the order of reference? It was the railway Bill. The only question we had to consider was whether the money was there or not. Bourinot says: "If a committee wish to go further, they must report to the House, and ask that instruction be given them." This did not take place, so that that investigation, in my opinion, has been quite a mistake, and it is not surprising that these men in Quebec have refused to obey the summons. I cannot vote that they were wrong, under the circumstances. We have taken a wrong course, and they have shown that they are not under our jurisdiction. What did the Premier say? "That is parlia-

mentary law, but there are circumstances under which you may do away with parliamentary law." It is an exception to the rule, but I am afraid the Quebec Government will take exception to our course, and it may bring about something which may be unpleasant to both the Local and the Federal Houses.

HON. MR. VIDAL—My hon. friend quite misapprehends the purport of the report. I do not think he can point to one statement in that report that he can find fault with. It is a mere statement of facts reported to the House, with no opinion on the conduct of the parties and no recommendation to take any action. Unless the hon. gentleman is prepared to say that there is something misstated in the report I can see no reasonable objection to its adoption. All that he has said will come in very properly when the full report is presented. I hope that that will be very soon; or, it would come very properly if there were a resolution before the House either requiring the attendance of those parties or in any other shape, but the larger portion of what he has said has very little reference to the report before the House.

HON. MR. BELLEROSE—I complained of the report because it did not go far enough. It should have suggested the necessity of having those men apprehended, so that my remarks were all right. That is my reproach, and in the committee I voted against the report, because I said that, the committee not having been obeyed, we ought to take action. That was why I said I had heard some remarks which convinced me that some members of the committee were afraid of the consequences of apprehending these men, and they thought it better not to recommend the House to take action.

HON. MR. O'DONOHUE—It seems to me that there is much in this matter that concerns the head of the Government. When an amendment to this Bill was proposed in the committee which the promoters could not accept, and they proposed to withdraw their Bill, they should have been permitted to do so. That point is as perfectly decided as any question of law. May says that the promoter of a Bill has a right at any stage to withdraw it. Here

the proposal was made on behalf of the promoters of the Bill, and the committee refused to allow them to withdraw it. I think the committee made a mistake in preventing the withdrawal of the Bill, and it is a question which particularly concerns the Government that they should see to it that we are at all events, acting within the law. The committee denied the right of the promoters of this private Bill to withdraw it. This is one point. Another is, that the question was put to counsel as to what subsidy he was in quest of to be paid to his clients, and he stated that it was the subsidy paid by the Dominion to the Province of Quebec—the *per capita* subsidy. I contend that once that subsidy enters into the hands of the Government we have nothing to say about it. If the Government threw it into the lake, or did anything else with it that we did not approve of, we have no right to interfere with them. It is their own money, collected by the Dominion and given to them under the Constitutional Act.

HON. MR. MCCALLUM—There is no evidence to that effect.

HON. MR. O'DONOHUE—That is the fact acknowledged in the evidence. I put the question as to what subsidy it was the learned counsel sought to be recouped from, and he said it was the *per capita* subsidy paid by the Dominion Government last June or July. Now, we have no right to interfere with that at all. Then there is another point with regard to the \$100,000, about which so much has been said—that \$280,000, or something like that, was earned and coming to Armstrong; that he agreed, after a great deal of work and pressure, to take \$175,000 as full payment of his claim; that when Armstrong received that money it was his, and he could do what he liked with it. He said he gave \$100,000 of it away. If he gave it all away he could do as he pleased with it. He got a receipt in full from the Quebec Government for the amount of his account. Now, these are the three points which seem to me to be of so much importance in this discussion as to deserve the attention of the Government—first, that it was against the law to prevent the promoters of that private Bill from withdrawing it; second, that the money was the money of Quebec, and that the Government had the right to do what they liked with it—

HON. MR. MASSON—I rise to a question of order. The hon. gentleman from Toronto, if I am not mistaken, is a member of the committee, and as a member of the committee he will have to discuss that question on its merits with his colleagues of the committee. They have not discussed this question; they have not compared the evidence; they have not made a report on that evidence, and consequently the hon. gentleman is entirely out of order in debating a thing which is not before the House. The only question before the House is, whether certain persons, who, by the decision of this House, have been ordered to appear before the committee, shall be reported to this House as not having appeared. At the present moment I consider the hon. gentleman is not in order in discussing a report which is not before the House.

HON. MR. BELLEROSE—I believe that the point of order is not well taken. Supposing the hon. gentleman comes to the conclusion that he wants the evidence of these men to pass judgment on this question, is he not in order to show before the committee that it has not been proved that the \$100,000 is in the hands of the Government? The hon. gentleman seems to be arguing that these witnesses ought to be called, and, if so, I believe he is in order.

HON. MR. O'DONOHUE—I have no intention to occupy the time of the House by any remarks of mine, for I do not feel well to-day, but I deem it of sufficient importance to bring the point I have raised before the notice of the House, and having done that I have performed all my duty, as it appears to me it was my duty to do, more as *amicus curiæ* than in any other capacity.

HON. MR. MASSON—The hon. gentleman having sat down, I shall not insist on my point of order.

HON. MR. KAULBACH—My hon. friend says he is not in order, and accepts of the ruling of the Chair.

HON. MR. POWER—The Chair has not ruled.

HON. MR. KAULBACH—The hon. gentleman was most incorrigibly out of order.

SOME HON. GENTLEMEN—Order! order!

HON. MR. McINNES (B.C.)—It is well, since the question of order has been raised, and as it may be a guide to us on some future occasion, that we should have the ruling of the Speaker.

HON. MR. DEVER—I contend that the hon. gentleman from Lunenburg is himself out of order. While there is a question of order before the Chair an hon. gentleman has no right to speak.

HON. MR. KAULBACH—When there is a question of order before the House I have the right to discuss the question of order.

THE SPEAKER—There is no question of order now before the Chair, if the hon. gentleman does not insist upon his point of order. I asked the hon. gentleman from Mille Isles if he insisted on the point, and he said no. If any hon. gentleman does insist, and will not allow the hon. member from Mille Isles to withdraw his question of order, then I must decide.

HON. MR. KAULBACH—If I am not to refer to the question of order at all I will now refer to the question of the report of the committee.

HON. MR. POIRIER—I call for a decision of the Chair. I was similarly situated the other day. I admitted that a point of order taken against me was well taken, but I was roundly abused, although I admitted that I was not in order, and the ruling of the Chair was insisted upon and a very elaborate decision was rendered. Now, I am a dissentient voice, and I call for a decision of the Chair.

HON. MR. MASSON—My purpose was accomplished when the hon. gentleman from Toronto sat down, admitting that my point of order was well taken. I do not see that I could consistently, and with due regard to the hon. gentleman himself, insist upon a point of order which he himself admitted was correct. Consequently, I yielded and sat down. Now, if any other hon. gentleman wants to raise the same objection he may do so. I do not want a decision on the point of order I raised.

HON. MR. KAULBACH—I considered that the point of order had been withdrawn with the concurrence of the hon. gentleman, who admitted that he was out of order.

HON. MR. O'DONOHUE—The hon. gentleman is charging me wrongly. I never admitted anything of the kind. It is perfectly untrue.

HON. MR. KAULBACH—I shall not refer to the evidence before the committee, for it is evidently out of order to do so; neither will I refer to the jurisdiction of the committee in this matter. I contend that we had a perfect right to go on with the Bill. The promoter had the right to ask permission to withdraw it, but the committee had the right to say whether they would grant permission or not. The Campbell and White divorce cases may be cited as precedents. In one case the petitioner wanted to withdraw his Bill, but he was not allowed to do so. The Bill was continued on behalf of the respondent, and an Act was passed giving to the respondent a separation *a mensa et thoro*. In this case before us there has been a gross contempt of the rights of Parliament. If there is any court of the land which has plenary powers it is the High Court of Parliament, and no gentleman, no matter how high his position, can do anything else than comply with the order of this court. If a witness summoned wishes to protect himself under some privilege he may do so, but he is obliged to attend the court first and claim his privilege there. The counsel who appeared for the Province of Quebec ignored the right of Parliament to demand the attendance of witnesses from Quebec, and there has been a contempt of court on the part of some of the witnesses that should not be passed over without some resolution and some remarks of the Senate.

HON. MR. POWER—I understood the hon. gentleman to say that steps should be taken to enforce the attendance of witnesses.

HON. MR. KAULBACH—No; I did not say that.

HON. MR. POWER—I thought that was the logical conclusion of the hon. gentleman's remarks. It does seem a little singular that we should be discussing a report which, as the hon. chairman of the

committee has told us, is a mere statement of certain facts as to which there is no dispute. But I think it is not to be wondered at, for this reason: the committee have not in their report recommended any action to be taken or any course to be adopted as a consequence of the facts reported, and when that report is once adopted there will be nothing before the House; so that any member who wishes to point out that the committee should have taken another course, or that the House should take some course suggested by the facts contained in the report of the committee, is obliged to speak now. When the report is adopted it will be too late. I agree, on the whole, substantially with the hon. gentleman from Delanau dière. Having cited those members of the Quebec Government and the officers of the Quebec Government here, and those gentlemen being absolutely necessary witnesses for the purpose of finding out the whole truth about the matter which we were substantially inquiring about, I think that we ought to have them here, and that we should not be satisfied with merely reporting the fact that they have not come; because we are in this position: this is probably not the last investigation which the Senate will be called upon to hold, and when another investigation takes place, and we propose to summon witnesses here, no matter who those witnesses may be, they will point to the great Baie des Chaleurs case, and say, in that case members of the Quebec Government, officers of the Quebec Government, and others, were summoned, and they did not come, and no evil consequences followed from their not coming, and we shall not go either. We are just in that position, that if we have any regard for our own dignity and if we are anxious, as hon. gentlemen are supposed to be anxious, to arrive at the truth of this matter, we are bound to bring those men here or find out we have no right to do so. If we have no right to bring them, then we had no right to begin an inquiry into their conduct and no right to summon them. I feel that the majority of this House is bound, and I feel that I am bound myself, because I am bound by the action of the majority, though I did not concur in it myself; but being bound by the action of the majority, I am bound to see that action carried through to a conclusion. I am sorry that the report of the committee



does not contain any recommendation of the action to be taken by the House towards the gentlemen who have not come here. There is nothing wrong in the report, but there is something not in the report which should be there: it should contain a recommendation to the House as to the manner in which these gentlemen should be dealt with.

HON. MR. ABBOTT—It does contain it.

HON. MR. POWER—Will the hon. gentleman look at the report and see what it says? The report says:

“The promoters and opposants of the Bill, and the counsel for the Government of the Province of Quebec, having stated to your committee that the attendance of certain of the above-mentioned witnesses, namely, of the Honourable Pierre Garneau and Messrs. Gustave Grenier and Philippe Vallière, is not required by any of them, your committee report the above facts for the information of your honourable House, and for such further action as it may be pleased to take thereupon.”

Does that contain any recommendation as to the action to be taken by the House? It simply says: we shall lay the facts before the House and allow the House to act. I say their report should have contained some recommendation for action, and if it had been intimated by any gentleman that it was proposed to ask the House to take any action I should not have used the language I have done; but although this report has been under consideration for some time we have not had the slightest intimation that it is proposed to ask the House to take any action that will bring those gentlemen here. I feel that the whole matter is in a very unsatisfactory position, and I am glad that the Premier agrees with me. That is the result of departing from the proper and regular parliamentary practice. What would have been the proper course to have taken in this case? If there was any charge of improper conduct, that charge should have been made by a member of this House rising in his place and making a clear and definite charge. We should then have had something to investigate. The committee have never known just what they were supposed to be trying, and now we find that essential witnesses have not come, and we know not what we are going to do about it. We have not the faintest intimation that we are going to do anything. We are like the King of France, with twice ten

thousand men, who first marched up the hill and then marched down again. These witnesses are in a position to defy us, and I hope the leader of the Government, who was particularly strong and clear when this matter was before the House at the previous stage in insisting that every one should come who could tell anything about this matter, will insist that the House shall have the information that it should have in order to enable it to decide the questions which it is dealing with, and that the dignity of the Senate may be sustained.

HON. MR. MASSON—I think it would be very unfortunate if it went out to the country, as hinted, that we have taken action against the Government of the Province of Quebec, or that we are investigating anything relating to the Province of Quebec. I could quite understand that if Parliament had undertaken anything of the kind the argument used by the hon. gentleman from Delanau dière would be correct, and that the Government of the Province of Quebec would probably interfere by its Legislature with Dominion affairs. But it is not the case at all. The Government of Quebec is not implicated in this case at all, so far as we are concerned. We have nothing to do with the Government of Quebec; we are not accusers of the Quebec Government, and the Government of the Province of Quebec have no right to retaliate against us. We are only investigating a misappropriation of the public funds of the Dominion that should have been given to a particular party and was not given to that particular party, by which he was defrauded. The Government of Quebec are only implicated by accident. We only knew of the implication of the Government of Quebec accidentally during the investigation. Should not the members of the Quebec Government, for their own justification, appear before this committee? The Senate of Canada has never levelled an accusation against the Quebec Government; if the accusation comes, it will only come as an incident in the inquiry of the committee.

HON. MR. VIDAL—I would like to say a few words in reply to the hon. gentleman from Halifax. He would leave the impression that there was important evidence required that we could not get, and that we ought to insist on getting. All the

facts are abundantly proved by the evidence obtained. We had all parties interested in the Bill stating to us that they did not want any more witnesses summoned. I asked particularly, in order to keep the committee clear from any charge of that kind, if any more witnesses were to be summoned. No member of the committee—even the hon. gentleman from Halifax did not insist on other witnesses being summoned at the time; so that the impression left on my mind as chairman of the committee—and I presume on the minds of the majority of its members—was that no more evidence was required, and that even if these parties had come they could have done nothing more than repeat what we already knew. They would have been merely corroborating statements already made, so that the statement that these gentlemen were required in order that we might acquire the knowledge of certain facts of which we were in ignorance, is contrary to the fact, and is calculated to mislead those who listened to the hon. gentleman's remarks, and I contend that the committee did perfectly right when all parties interested in the Bill stated that no more witnesses were required. Certainly, there is no room for fault to be found with the committee in that respect.

HON. MR. McINNES (B.C.)—The hon. gentleman is scarcely correct in saying that no member of the committee desired the attendance of these witnesses.

HON. MR. VIDAL—I did not say desired; I said, when I asked the question, that no member of the committee mentioned his desire that any member of the Quebec Government should be summoned.

HON. MR. McINNES (B.C.)—I will go further, and say that several members desired their attendance, and I, myself, as a member of that committee, asked that they should be compelled to attend here, and I am of that opinion still. I am very sure that these gentlemen are in a position to give evidence and throw light upon the transactions in connection with the subsidies granted by the Dominion and the Local Legislatures, and they are in a very much better position than any of the witnesses that we have had before us. The position is just this: we either had the power, or we

had not the power, to compel the attendance of these people. If we had not the power, we had no right to assume that we had. If we had the right, it was our bounden duty, if we are to maintain our position and our dignity as the highest court in the land, to compel them to come before us; and I am perfectly satisfied that if they are compelled to come before the committee they will throw a great deal of light upon what appears to be rather obscure at present, and if no other gentleman will move, I will move myself that His Honour the Speaker issue a warrant compelling their attendance.

HON. MR. ABBOTT—Well, move.

HON. MR. ALLAN—I want to correct one statement. I fully endorse what has been said by the chairman of the committee with regard to summoning witnesses. In fact, my hon. friend from New Westminster, in some remarks in the committee, may have expressed that desire; but I wish to say emphatically that when the counsel on both sides declared their case closed, and before the committee rose, when they decided to report to the House, the chairman put the question specifically whether any member of the committee, or the counsel on either side, desired to summon any more witnesses, and no other witness was asked for.

HON. MR. McINNES (B.C.)—That is perfectly correct. I remember the chairman putting those questions, and asking the counsel on both sides if they had any more witnesses to call.

HON. MR. ALLAN—And any gentleman on the committee.

HON. MR. McINNES (B.C.)—I do not think the committee were altogether in the hands of counsel. They had their duties to perform. They were sitting there as judges. I distinctly stated that I did ask for the attendance of witnesses.

HON. MR. POWER—If this had been an ordinary private Bill, and had been treated as an ordinary private Bill at the previous stage of our dealings with it, that would be a perfectly proper line for the committee to take, and the House would be perfectly right in following out the line suggested

by the committee. But where were the promoters of the Bill? The promoters of the Bill had withdrawn from the matter altogether fully a month before the report was made. They had asked to be allowed to withdraw the Bill. They had not appeared before the committee in any way; and it happened that on the day when this motion was put—

HON. MR. ROSS—I rise to a question of order. The hon. gentleman has spoken two or three times on this subject, and is not in order.

HON. MR. POWER—I am about to move an amendment, to which I am speaking.

HON. MR. ROSS—The hon. gentleman cannot move an amendment, having already spoken two or three times on the report.

HON. MR. POWER—I have spoken only once before on the report.

THE SPEAKER—My ruling is this: that no hon. member can speak on the same question twice, and the hon. gentleman having spoken once already is not in order in moving an amendment.

HON. MR. POWER—I admit that the point of order is well taken.

The report was adopted.

The Senate then adjourned at 6 p.m.

### THE SENATE.

Ottawa, Wednesday, September 9th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### ONTARIO EXPRESS AND TRANSPORTATION CO.'S BILL.

#### THIRD READING.

The Order of the Day being called,—

Consideration of the Report of the Select Committee on Banking and Commerce in re (Bill 151) "An Act respecting the Ontario Express and Transportation Company."

HON. MR. ALLAN said: The hon. gentleman who has charge of this Bill has asked me to explain the amendments made by the committee. The Bill was opposed in the committee by certain parties who, as they alleged, had been persuaded to become shareholders in the company through misrepresentations as to the status of the company, and also that they had received no notice of the intention of the promoters of the Bill to apply for the present legislation. After a good deal of discussion the amendments which have been reported were agreed to, both by the promoters and the opponents of the Bill. The first amendment gives the option to all these parties who are opposed to the passing of the Bill, or who do not desire to remain in the company, whenever the company makes a call upon them after the passing of this legislation, to abandon their stock. If they give regular notice to the company that they do not desire to continue shareholders, and that they surrender their shares, the shares shall be forfeited and they shall have no further responsibility in respect thereof. The other amendment is to strike out the latter part of the 2nd clause. This was rendered necessary by the first amendment, because the latter part of the 2nd clause provided that the company should have a certain amount subscribed and paid up within a limited time, and the promoters represented that if clause (a) were adopted it might make it impossible for the company to have the amount paid up in that time, because a good many of the present shareholders might withdraw under the first amendment, and therefore the committee thought it only fair to strike out the latter part of the 2nd clause. Those are the only amendments in the Bill.

HON. MR. KAULBACH—Do I understand my hon. friend that there is no paid-up capital in this company? I understand that this Bill relates to a company that has ceased operations for a number of years. If this proviso is struck out, will the capital be exhausted?

HON. MR. McMILLAN—No; the capital is not exhausted. Twenty per cent. was paid in by the former company. I move that the report be adopted.

HON. MR. POWER—The intention of the first amendment is that the present

holders of stock in the company shall have an opportunity of ceasing to be members if, when the first call is made under this Bill, they prefer to withdraw. They can then surrender their stock; but as I read the amendment, it is capable of this construction: if within one month after notice to a shareholder of any call made subsequent to the passing of this Bill he gives notice, he can surrender his stock. The language is quite general: it does not apply to the first call after the passing of this Bill, so that it would enable the shareholder, after he had paid two or three calls, to withdraw, and we can understand how that might be a great injustice to people doing business with the company. A shareholder might remain in the company until it got into difficulties, and perhaps when the last call was made to enable the company to meet its liabilities he could give notice under this amendment and escape his liability. I think this amendment is capable of being construed contrary to the intention of the promoters of the Bill, and that a very trifling change would get rid of the difficulty. If we make it read: after notice to him of the first call made subsequent to the passing of this Bill, there could be no misapprehension, and the object in making the amendment would be attained.

HON. MR. ALLAN—My hon. friend from Halifax was kind enough to bring this to my notice before the House met, but I do not exactly construe it in the same way that he does, because I take it for granted that the first thing the company will do, if this Bill passes, is to call on the shareholders to pay up their shares, and after a shareholder has received such notice I apprehend if he does not take advantage then of the opportunity afforded him and surrender his shares he would be precluded from objecting to pay any further calls for all time to come. My chief objection to any alteration is the fact that after a good deal of discussion this clause had been agreed to by the parties on both sides. Of course, if my hon. friend who has charge of the Bill wishes to make the alteration he can do so; but I think, after the Bill passes, the first thing the company will do will be to call on the shareholders to pay up their calls, and if anyone remains in the company I think he cannot afterwards take advantage of this

amendment to decline to pay up subsequent calls.

HON. MR. CLEMOW—As I understand the amendment, it does not interfere with the first call. Only one call has been made, and that has been paid; this amendment refers to subsequent calls. Parties holding stock at the present time are liable for the payment of the first call, but not for any call subsequent to the first if they desire to withdraw. All the parties interested were at the meeting of the committee and agreed fully to the conditions imposed on them by this amendment. It was perfectly well established that only one call had been made, and having paid that call they are not to be relieved from the payment of it by this amendment, but they are to be relieved from the payment of future calls if they wish to get out of the company.

HON. MR. KAULBACH—I do not often agree with my hon. friend from Halifax, but I think he is right this time. The amendment refers to any call made subsequent to the passage of this Bill.

HON. MR. ABBOTT—I have had no previous communication of the Bill, but I am inclined to think that there is something in the objection that has been raised, and that the amendment might really embarrass the company very much and create an injustice if a man, after paying two or three calls, should have the option to surrender his stock and abandon the company. It might be an injury to the creditors and a serious embarrassment to the company. I think it would be better to substitute "the first" for "any."

HON. MR. POWER moved that the clause be amended as suggested.

HON. MR. McMILLAN—I am perfectly willing to accept the amendment.

The motion was agreed to, and the report, as amended, was adopted.

The Bill was then read the third time and passed.

The Senate adjourned at 3:40 p.m.

## THE SENATE.

Ottawa, Thursday, Sept. 10th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## FRAUDS UPON THE GOVERNMENT BILL.

## REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (U) "An Act respecting Frauds upon the Government."

(In the Committee.)

On the first clause,—

HON. MR. ABBOTT.—I propose to amend sub-section "f." The clause was framed with a view to putting a stop to a kind of brokerage for obtaining payment of claims on the Government on the pretense of having influence with the Government. My attention was called, when this Bill was last before the House, to this clause as being capable of advantageous expansion, and being made applicable to other things besides the mere payment of claims. It was suggested that it might be made applicable to the obtaining of offices. Now, I propose to alter it to carry it still further, and my idea would be, besides making two or three minor alterations which I have had embodied in the clause, that I have had re-copied altogether, to extend it in this way:

(f.) Every person who, by reason of or under the pretense of possessing influence with the Government or with any Minister or official thereof, shall demand, exact or receive from any person any compensation, fee or award for procuring from the Government the payment of any claim, or of any portion thereof, or for procuring or furthering the appointment of himself or of any other person to any office, place or employment, or for procuring or furthering the obtaining for himself or any other person of any grant, lease or other benefit from the Government; and every person who shall offer, promise, or pay to such person under the circumstances and for the causes aforesaid, or any of them, any such compensation, fee or reward, and;

HON. MR. SCOTT—Is it proposed to make it retroactive?

HON. MR. ABBOTT—No; I am sorry I cannot.

HON. MR. DEBOUCHERVILLE—Does that apply to the person himself?

HON. MR. ABBOTT—No; if he pays a third party for procuring something for himself it applies. For instance, if I pay somebody so much for procuring something for me or for somebody else it applies.

The motion was agreed to.

HON. MR. ABBOTT—As to sub-section (g), I have modified this, not so much as extending its provisions as making it more plain what is meant. It was a little confused. In the first place, it read so that a clerk might take a commission or a reward with the permission of the head of his department. That is not intended. It is not intended that the person shall take a commission or reward with anybody's permission. The second part of this clause I think is not a proper limitation, because it is too sweeping. There are a thousand cases in which it might be perfectly proper that a man should make a gift to a member of the family of an employé of the Government. Suppose, for instance, it were a marriage gift: this clause as it stands would prevent the making of a gift to the son-in-law or daughter-in-law. I therefore move that the clause be altered as follows:

(h.) Every person, being an employé or official of the Government, who demands, exacts, or receives from such person, directly or indirectly, by himself, or by or through any other person for his benefit, or who permits or allows any member of his family or any person under his control to accept or receive,—

(a.) Any such commission or reward; or,  
(b.) Within the said period of one year, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall lie upon him, accepts or receives any such gift, loan or promise.

The motion was agreed to.

HON. MR. ABBOTT moved that the following be added as sub-section (g):—

(g.) Every person having dealings of any kind with the Government through any department thereof, who pays any commission or reward, or who, within one year of such dealings, without the express permission in writing of the head of the department with which such dealings have been had, the proof of which permission shall lie upon him, makes any gift, loan or promise of any money, matter or thing, to any employé or official of the Government, or to any member of the family of such employé or official, or to any person under his control or for his benefit, and;

HON. MR. DICKEY—I should like to ask my hon. friend if his attention has

been directed to the scope of those words which he has mentioned himself—"within one year of such dealings."

HON. MR. ABBOTT—Yes.

HON. MR. DICKEY—Does that refer to a thing done before, or done after?

HON. MR. ABBOTT—To both.

HON. MR. DICKEY—Would it not be better to state that?

HON. MR. ABBOTT—If my hon. friend thinks there is any ambiguity about it, I am willing to make the change. I move that the clause be amended accordingly.

The motion was agreed to, and the subsection was adopted.

HON. MR. REESOR—Will this Bill prevent anybody from receiving money for political purposes? Can anyone take money from a contractor for political purposes?

HON. MR. ABBOTT—If the person who receives it is an employé or official of the Government it would apply to him.

HON. MR. REESOR—It does not apply to anyone else?

HON. MR. ABBOTT—No; I do not think we could do that very well.

HON. MR. DICKEY—I should like to ask my hon. friend if he has turned his attention to the effect of this legislation, when it becomes law, upon the present clauses in the Act of which, in a great many respects, it is a very material improvement—I mean to say, with reference to the question of concurrent legislation or conflict of law? In criminal matters, of course, my hon. friend's experience will remind him that it is very necessary to have no doubt on questions of that kind, that might give a person the opportunity of escaping conviction; and without passing any opinion on the subject, I would ask my hon. friend if his attention has been called to the effect of this as bearing on other sections in cap. 173, remaining in force, as I understand they are intended to be.

HON. MR. ABBOTT—I was not satisfied with my own impression of it. I consulted with my friend, the Minister of Justice, about it, and the conclusion we came to was that the mode I proposed to adopt was best, to maintain the existing Act. The question of my hon. friend is very pertinent as to anything in the future; but as to the past, the opinion we all formed upon it, and we were decided about it, was that this Bill would not affect the former Act, as everything which happened previous to the passing of this bill, and the procedure, would remain the same.

HON. MR. DICKEY—The question as to the future remains open?

HON. MR. ABBOTT—As respects the future, our opinion is that this law will govern. Our intention really is that next session, when the criminal code is brought before the House, this portion will be incorporated. This Bill which we are now about to pass will be incorporated with the code, and anything which remains of the old Act will be also incorporated.

HON. MR. VIDAL, from the committee, reported the Bill with amendments.

## NORTH-WEST TERRITORIES BILL.

### AMENDMENTS CONCURRED IN.

HON. MR. ABBOTT moved the adoption of the amendments made in Committee of the Whole on Bill (126) "An Act to amend the Acts respecting the North-West Territories." He said: I have had several communications from the North-West on the subject of the divisions provided for by this Bill, and I find that very strong approbation is expressed of them, and strong objection to their being altered in one or two directions which were suggested.

The motion was agreed to.

The Senate adjourned at 3:50 p.m.

## THE SENATE.

Ottawa, Friday, Sept. 11th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BAIE DES CHALEURS RAILWAY  
CO'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbours, presented their final report on the Baie des Chaleurs Railway Company's Bill.

HON. MR. MILLER—I would suggest, as the report is very long, and as it would be more satisfactory to the House if members could read it at their leisure in the minutes, that its consideration be postponed until a future day.

HON. MR. VIDAL—I entirely concur in the suggestion of my hon. friend, and it was my intention to make such a motion, but I was rather surprised to observe on the Paper for to-day a notice of a motion to adjourn until Thursday next. If such a motion should be adopted by the House, it becomes exceedingly important, in my mind, that this report should be first attended to.

HON. MR. OGILVIE—I gave notice of a motion to adjourn until Thursday next, but after consultation with the Premier I beg leave to withdraw it.

HON. MR. VIDAL—There is another matter in connection with this report to which I should call attention. In my judgment, it would be exceedingly advisable to adopt a portion of the report at once—that part relating to the Bill to which amendments have been made. It is most desirable that it should be returned to the House of Commons at the earliest possible moment, as it will doubtless lead to discussion, and the passage of the Bill might be jeopardized even by a very short delay. I see no reasonable objection to taking this course, beyond the fact that it is not very customary to adopt a portion of a report. I propose to move that the

paragraph at page 14 of the report, recommending certain amendments to the Bill, be now adopted. This may be a somewhat unusual course, but it is not without precedent. I remember instances in which portions of a report have been adopted while the body of the report has been left over for further consideration.

HON. MR. MILLER—I do not think it was understood by the Railway Committee that this course should be pursued. We made a report, and expected that it would be considered as a whole on any day set down for that purpose. There is no emergency to call for the course recommended by the chairman of the committee. If the report should be adopted on Monday, as will very likely be the case, the Bill can then go down to the House of Commons, and there will be plenty of time to have it passed before prorogation takes place, as it is not at all possible that the House will be prorogued next week, and we will be pursuing a wiser course to let the report stand over until Monday, and then take it up as a whole.

HON. MR. ALLAN—There is another reason which it might be well to consider, and that is, that the latter part of the report really gives the reason why we have amended the Bill. Therefore, I think the two should go together.

HON. MR. VIDAL—I regard them as so entirely separate that I think they might have been embodied in two distinct reports, for that matter. My only desire is to facilitate the public business. I move that the report be taken into consideration on Monday next.

The motion was agreed to.

GREAT NORTH-WEST CENTRAL  
RAILWAY CO.'S BILL.

ENQUIRY.

HON. MR. BOULTON enquired of the Honourable the First Minister :

If he has any information that will lead him to expect that the Great North-West Central Railway will be soon operated ?

He said : It is not necessary for me to enter into a detailed history of this company, which possesses one of the oldest charters in the North-West, and whose line

runs through a country containing some of the finest settlements west of Winnipeg. This railway has been promoted and is now being promoted by a company of which I am pleased to say my hon. friend from Ottawa is a member. He has very much assisted the company in bringing the road to its present position. About this time last year, or a little earlier, 50 miles of this road was completed, ironed and ready for running, and the whole of last winter the settlers in that section of the country had to look on, seeing everything in readiness for the operation of the railway, while they could not utilize it.

HON. MR. KAULBACH—Why?

HON. MR. BOULTON—On account of some difficulty between the contractor and the company, I understand. I have not yet been able to get at the bottom of the difficulty; I merely state the facts. Last spring meetings were held, and the resolutions passed at those meetings were sent to me, because the railway runs through the constituency which I have the honour to represent in this House. I was requested to bring the matter to the notice of the Government, in the hopes that something might be done to utilize the railway accommodation that was already there. I addressed the Minister of Railways last March in respect to it. This road has not been in operation up to this moment. The president of the company is in Ottawa now, I believe, and has been out west to inspect the line; and I understand that he is anxious to operate the road, but there are difficulties between the company and the contractor. The contractor says he has not been paid, and he wants to run the line. He holds a lien on it until he has been paid off. The company say he has not completed his contract. What the difficulty is I cannot say positively, but the broad fact is plain, that part of the country is suffering for want of railway accommodation, while this line is ready to be operated. It is a line that the Government has assisted, and it is completed and ready for running. The settlers have this year on that 50 miles between one and a-half and two million bushels of wheat to move from that section. I think if the Government were to make enquiries they would probably exert some influence which would bring the contractor and the company to-

gether, and have the road made available for use, so that the crops can be moved as soon as they are threshed. I take the opportunity of asking the Premier if he has any information as to whether there is a likelihood of the road being run very soon?

HON. MR. ABBOTT—The Government are fully aware of the importance to those people of the running of this railway, and for the last fortnight steps have been taken to ascertain what the difficulty was that prevented the road being run, and how it could be obviated. As a consequence of this, Mr. Charlebois, the contractor for the road, has submitted a memorandum to the Minister of Railways of his position in the matter, and the Minister is investigating the subject at present, and hopes in a day or two to bring about an arrangement between him and the company to have the road run. My hon. friend from Ottawa, who has a large interest in the road, in answer to a question of mine a few days ago, said he hoped the line would be running in ten days from that time. I hope that arrangements will be made to have the road in operation in as short a time as possible.

HON. MR. CLEMON—The other day, when this matter came before the House, I either misunderstood the Premier or was misunderstood myself. I am reported as saying that 100 miles of the road had been constructed. What I intended to say was, that only 50 miles of the road had been constructed. At that time the representative of the English capitalists had arrived in the city, and he was perfectly satisfied that he had the means to settle all difficulties. Lately the contractor has had some differences with the company, which have eventuated, I am sorry to say, in the company taking legal proceedings, which were instituted in Toronto yesterday or the day before. Notwithstanding all this, I do hope that the road will be operated in time for the transportation of the large quantity of wheat in that section of the country now being threshed. I believe it will amount to two millions of bushels this year. The project has had a great many difficulties to contend with. In the first instance, the company had to assume a large responsibility in the payment of old debts. Some 40 miles of the



road had been constructed on a different line, and when the original parties took hold of it they were obliged to pay the entire indebtedness of that 40 or 50 miles, from which outlay they have obtained no benefit whatever. The matter was then taken hold of by an English company, and they have expended half a million dollars on the enterprise. The only difficulty at the present time is to have a satisfactory arrangement between the contractor and the company. I regret, and all of us must regret, to see a road, which is already built and ready for traffic, lying for such a time idle. I am on the directorate of the company, and as far as lies in my power I will do what I can to bring the matter to an amicable settlement. I do not despair of succeeding. It was my intention this afternoon to have gone to Montreal to see if something could be done to have the road run. If the matter goes into litigation I do not know when the road will be in operation. We all know what the English people are—if they commence to fight you may depend upon it they will not give in, and the running of the road will be indefinitely postponed. I can understand the feeling in the North-West. I deeply deplore the unfortunate position of matters, and sympathize with the people, not only as respects their interests but in respect to the ultimate success of the enterprise. Had that road been in operation last year it would have been a success financially to-day, and in place of having only 50 miles constructed they would have had much more of it in operation. I was misled the other day in stating to the House that the road would be running in ten days. I had the assurance of the representative of the English capitalists to that effect, and I thought I was justified in making the statement. I had no thought of deceiving the House in any way. Unfortunately, difficulties have since cropped up, and proceedings have been taken which may possibly result in a settlement. If there should be a lawsuit, the litigation will be tedious. There are many matters connected with the case which will protract the proceedings, and it will be ruinous to everybody—to the English capitalists, to the contractors, and, to a certain extent, to that section of the country. Therefore, I think we ought to do everything we can to have the difficulty settled. I know the Government are

desirous of bringing about an amicable settlement. I know that what the Premier has stated is perfectly correct—that the matter is now in the hands of the Minister of Railways, and with his co-operation and the assistance of the Government I do hope we will bring this question to a satisfactory solution in a short time.

## THE QUEBEC GOVERNMENT.

### ENQUIRY.

HON. MR. BOLDUC—Before the Orders of the Day are called, I desire to direct the attention of the Government to certain rumours that are current in Quebec about a crisis alleged to exist in the Local Government there. Perhaps the Premier will have no objection to telling us whether any correspondence has been exchanged between the Local and Dominion Governments, or between the Lieutenant Governor of Quebec and the Dominion Government, about this matter.

HON. MR. ABBOTT—There has been no correspondence whatever between the Local Government and the Dominion Government about the matter, directly or indirectly; but the Lieutenant Governor has transmitted to His Excellency a copy of a letter which he addressed to Mr. Mercier, the Premier of Quebec, and His Excellency has transmitted that copy here.

## NORTH-WEST TERRITORIES BILL.

### THIRD READING.

The Order of the Day being called,—Third reading of Bill (136) "An Act to amend the Act respecting the North-West Territories."

HON. MR. ABBOTT moved that the Bill be not now read the third time, but that it be referred to a Committee of the Whole House for certain amendments. He said: The amendments which I wish to make are simply verbal alterations in the numbers of the lots designating the lines. The object is to prevent confusion hereafter. I also wish to make a change in the clause describing the electoral divisions in Eastern Assiniboia, which I mentioned to the House when we had this Bill before the committee.

The motion was agreed to.

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

The Bill was then read the third time and passed.

The Senate adjourned at 3:55 p.m.

### THE SENATE.

*Ottawa, Monday, Sept. 14th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### FOREST FIRES IN MANITOBA.

#### INQUIRY.

HON. MR. BOULTON rose to ask—

If it is the intention of the Dominion Government to enact a measure having in view the preservation of the timber from fire in the Province of Manitoba and the North-West Territories?

He said: I think upon inquiry it will be found that it is very desirable that such a measure should be passed. The Province of Ontario passed an Act some ten years ago for the same purpose, and the benefits which have accrued from that legislation are apparent. The Province of Manitoba and the North-West labour under greater difficulties in regard to forest fires than the old provinces, inasmuch as they are surrounded with very inflammable material in the long prairie grass, especially that which grows with such great luxuriance in the neighbourhood of timber. Not only that, but the timber there is not in a solid block, as it is in Ontario and the eastern provinces. It is frequently in bluffs, and there may be a bluff of timber with two or three millions of feet of lumber in it, surrounded by prairie, and a little further in the neighbourhood a similar bluff, so that the forest can be more speedily destroyed where such inflammable material exists, unless steps are taken to arrest the setting out of fire. It is not only the loss of the timber dues which the Government derive from this timber, but the loss to the country is in the burning over of the valuable timber in the North-West. The dues that are collected amount to

about \$1.25 per one thousand feet of lumber, whereas the value of the timber itself when it comes to be sold and distributed as a medium to employ labour amounts to millions of dollars, so that country not only loses the actual dues that may be paid into the treasury for the timber cut and for the sale of timber limits, but the value of the trade that is developed from these forests. It is a matter of very great importance and requires, I believe, the attention of the Government to devise some means by which forest fires can be stopped. I know in the neighbourhood where I reside there are some valuable forests of spruce, balsam and other timber in the Riding and Duck Mountains, and the destruction to those forests by fire in the past ten years has been very great. If there were one or two forest rangers and assistants, with the combination of the lumbermen up there, valuable property would be saved to the country, and the material that is so much needed by the settlers and which is so very scarce would be preserved ready to their hands for a great number of years. In connection with this also is the consideration of the growth of forest timber in our western country. The soil is decidedly rich, and it would be of great value to the country, from a public point of view, to encourage the growth of forests, and for the Government itself to make some plantations in various parts of the country. I hope next session that the Government will be able to see their way to prepare an Act dealing with this question. The greatest danger that the country experiences in the forest fires is in the spring of the year, after the snow has left the ground, and when the grass is dry and inflammable, and when people are apt to put out fires to burn up the old grass and prepare their ground for a new growth of hay. Therefore, before next spring, if the Government could devise means by which some supervision could be exercised, a great advantage would accrue to the country. I may congratulate the Government upon the reduction they have made in the dues upon the dry timber—that is, timber burnt through, which would rot very quickly if it was not cut. The Government have reduced the dues on this class of timber one half, which will encourage lumbermen to take it off rapidly and turn it into lumber to the benefit of the trade of the country. At the same time, it would be very desirable that

this dry material should not be produced by the fires which occur so frequently in that country, if steps can be taken for prevent their frequency.

HON. MR. ABBOTT—My hon. friend does not in any degree overrate the importance of the subject to which he has called the attention of the House, but he must allow me to say that its difficulty is at least equal to its importance. The matter has been for some time past under the careful consideration of the Government, and enquiries are being made as to a plan that would be feasible for diminishing these fires—preventing them, I fear, is beyond possibility at the present—but the Government will not be in a position to introduce any measure this session or that purpose.

### THE BAIE DES CHALEURS RAILWAY.

#### MOTION.

HON. MR. MILLER moved :

That an humble Address be presented to His Excellency the Governor General : praying that His Excellency will cause to be laid before this House, all correspondence between His Excellency the Governor General and the Lieutenant Governor of the Province of Quebec, in connection with the Baie des Chaleurs Railway, and all other papers and correspondence in the possession of the Government on that subject.

He said. Understanding that some correspondence has passed between His Excellency the Governor General and the Governor of the Province of Quebec on the subject of the Baie des Chaleurs Railway, I have placed this notice on the Paper. I think it is very desirable that if any such correspondence exists the House should have it at the earliest possible moment, in view of the discussion which is likely to take place on the report of the committee dealing with this question. I take it for granted that the leader of the Government will be prepared to say at once, and I presume to say in the affirmative, that that correspondence will be brought down. I understand there is no other correspondence, excepting the communications between the Governor General and the Lieutenant-Governor of Quebec, and therefore the latter part of the motion may be regarded as surplusage.

HON. MR. ABBOTT—I desire merely to say that I do not oppose the motion of my

hon. friend, but that the question whether it would be proper to bring down this particular communication has not been decided. There is only one, as I said on Friday—a copy of the letter which His Honour presented to His Excellency—only that one document; and the question as to whether it would be proper to make it public at present or not is under consideration. It has struck us that it might not perhaps be expedient in the public interest to bring it down at this moment. However, within the next day or two we shall decide that, and if we feel that it is just and proper to bring it down we will lay it on the Table, and therefore this motion may pass.

The motion was agreed to.

### THE LIBRARY OF PARLIAMENT.

#### ADOPTION OF THE REPORT OF THE COMMITTEE POSTPONED.

The Order of the Day being called—Consideration of the First Report of the Joint Committee of both Houses on the Library of Parliament.

HON. MR. ABBOTT said. There is just one point in this report which requires to be dealt with. It is as to the purchase of a number of books from the estate of the late Mr. Todd, the revision of a volume which he published, and that is still open—it has not been disposed of in the other House, and as it deals with a question of money I must ask to have it stand over until Monday.

The order was allowed to stand.

### FRAUDS UPON THE GOVERNMENT BILL.

#### THIRD READING.

HON. MR. ABBOTT moved that the report of the Committee of the Whole House on Bill (U) "An Act respecting frauds upon the Government," be concurred in.

The motion was agreed to.

The Bill was then read the third time and passed.

BAIE DES CHALEUBS RAILWAY  
CO.'S BILL.

MOTION.

HON. MR. VIDAL moved the adoption of the seventh Report of the Select Committee on Railways, Telegraphs and Harbours, on Bill (82), "An Act respecting the Baie des Chaleurs Railway Company." He said: In rising to move the adoption of this report I do not think it necessary that I should trespass at any length upon the time of the House, as everything has been so clearly and fully stated in the report, and I presume hon. gentlemen have made themselves acquainted with, at any rate, enough of it to come to a decision as to its merits and the desirability of approving of it. I would, however, take the opportunity of making a remark or two in connection with matters which have come up with reference to this subject. My hon. friend from Delanaudière has, and I think with considerable reason, found fault with the action of the committee at an earlier stage; but while I concur in his view that our action was irregular, that we ought certainly to have reported to the House the desire of the promoter of the Bill to withdraw it when it was made known to us, and to have then obtained the decision of the House that the Bill should not be withdrawn, and its direction to go on with the investigation, the House was really in possession of the fact, though not by the report of the committee. The House knew well what it was doing when the debate took place and when it gave the necessary order for the summoning and examining of witnesses. While I admit that there was this irregularity, it has not been the cause of any injury to any one, and no evil result has sprung from it; it is entirely counteracted by the more recent action of the promoters of the Bill in asking to withdraw their objection, and requesting that the Bill should be proceeded with and amended. This, I think, would do away with anything that might be supposed to be wrong, or a hardship to the parties connected with the Bill, and therefore the action of the committee has to that extent been justified. When we remember the peculiar character of the Bill, and the large amount of public money invested in the railway, and when there were presented to the committee claims of parties—honest and just claims, as far as

the committee could judge—against the company for the construction of the road, and when we remember that the claimant felt that his rights would be entirely swept away, either by passing the Bill in its original state as it came to us or by allowing the Bill to be withdrawn, it will at once be seen that the committee was placed in a difficult position. It would appear to be countenancing a gross injustice to the claimants if the Bill were dropped; and while unquestionably the House alone has power to decide whether the Bill should be proceeded with or not, still, as the parties eventually did not wish to withdraw it, and the public interest required that it should be passed, the committee was justified in the course that was taken. With regard to the report itself, it is quite unnecessary that I should dwell at any length upon it, but will briefly refer to two or three important salient points which are the essence of the whole. I may say that the main subject occupying the attention of the committee after disposing of the Bill was the investigation into the allegation made by the counsel for the opponents of the measure, that a very large sum of public money had been misappropriated. After investigating this matter the committee came to certain conclusions, and I think quite correctly. It cannot be denied that they have given every opportunity to any and all who desired to give information or explanations which could possibly be demanded. The committee was exceedingly anxious to ascertain the actual truth or falsity of every allegation that was made, and gave every opportunity of disproving the charges to those who contended that the statements were untrue. In this I am sure no fault can be found with the action of the committee. It was proved that \$175,000 of public money, granted in aid of the railway by the Province of Quebec, was misapplied and wholly diverted from its intended purpose. In order to have a proper understanding of this matter, as it appeared to the committee, and on which they based their judgment, I think it is well that I should read from its Journal the original resolution passed in the House of Assembly of the Province of Quebec with reference to this subject. It was on the 5th March, 1890, and was as follows:—

"Resolved *nemine contradicente*, That seeing the urgency of the case and without making it a prece-

dent, this House desires that the Government adopt practical means to pay the wages of the persons who worked on Section 'K' of the Baie des Chaleurs Railway, to pay the farmers who sold their produce in good faith and are not paid, as well as the board still due by the persons who worked on such section of railway, and all other privileged claims, and this out of the value of the work done and of materials on the spot, as will be established by the Government engineer, to be deducted from the subsidies to become due to the company."

This clearly sets forth the motive and reason why the legislation which followed was suggested and acted upon—the protection of these parties who had no other way of getting their just claims paid. Following out that resolution, action was taken by the Legislature, and they also were very careful in passing their act to guard that the money thus to be appropriated should be expended only in this direction. I will read an extract which I have taken from the Quebec Statute book with reference to this matter. It is as follows:—

"The wages due to workmen, the amounts due to farmers for land taken for Section 'K' of the said railway, the amounts due to other persons having privileged claims against the said company, and to others having claims that may be fairly considered privileged, in proportion to the amount of work performed on the said Section 'K' \* \* \* provided the amount does not exceed \$20,000."

Nothing can be clearer than the design of the Legislature and the authority which was given to the Administration of Quebec to pay this money to settle these privileged claims of workmen and others, and the House will observe the amount was limited; it was not to exceed \$20,000. When, therefore, it came to the committee's knowledge that the large sum of \$175,000 had been paid out of the money which, by the statute, was to be devoted to the payment of these debts, it became obvious that something was wrong. The whole amount by the statute was limited to \$20,000, and here was \$175,000 paid out. Then the statute regulated the way in which the privileged claims should be investigated, and, when certified, paid; and the Quebec Government appointed an officer for the purpose of making this investigation, requiring also that the claims should be certified by the secretary of the existing company before being paid. We find that this \$175,000 was not paid in that way at all; there was no investigation, there was no certificate by a Government engineer as required, but a direct order came from a superior officer to this gentleman, who had been entrusted

by the Government with the money to pay these debts, to pay \$175,000 to Armstrong for his account as presented. It is true this account was certified as correct by the secretary of the existing company, but it had not the authoritative proof required by the Act so as to entitle it to be paid as a privileged claim, and in no sense could the committee regard it as such; yet, notwithstanding this, we find it was paid. On inquiring carefully of the gentleman to whom it was paid we ascertained most distinctly the fact that while he claimed a very much larger sum, and accepted this \$175,000 as a compromise, he could not have got that sum, or indeed anything at all, unless prior to getting his claim allowed he would agree to give \$100,000 to Ernest Pacaud. This is the essential feature of the whole affair—his claim would not have been acknowledged at all unless he would agree to give \$100,000 of the money to Pacaud, which sum was actually paid to him. This at once showed that there was something very far wrong. Pacaud could have no possible claim on one single dollar of the money that was granted for the payment of privileged claims, and therefore on continuing their investigation into the matter the committee discovered that not a single dollar of the \$100,000, and I question if any of the \$75,000 was properly and honestly applied to the purpose for which it was appropriated. It went into private pockets or to meet private obligations to certain banks. It is quite true that we have been informed that a good deal of the money thus obtained was a fund, supposed to be quite right by the parties forming it, for the protection of those who were involved in contesting elections for the House of Commons which took place last March. Many of these elections were to be disputed and \$1,000 was required to be deposited in every case. In order to meet these expenses, notes were given by Pacaud and money was raised, and those notes were paid eventually out of the \$100,000. In connection with this, I would give a hint to my Quebec friends on a point which has not attracted attention in the committee, or elsewhere, so far as I have seen: We were informed that although this money had been applied to the taking up of the notes that the original amount obtained from the banks discounting them was paid into court—that is, paid into the Quebec

treasury, subject to the decision of the courts with reference to the contested elections, and that it was the expectation of the maker and endorsers that their cases being good the most of this money would come back to them again. I want to give my Quebec friends a hint, that a good deal of this stolen money is in the Provincial Treasurer's hands; and if it should happen that the election contests are to be gained by those parties, what is to become of that money lying in the Quebec treasury, which is certainly a part of this \$100,000. I hope those interested more immediately in Quebec finances will look into this matter and see that this money lying there, subject to the order of the courts, does not go into Mr. Pacaud's pocket or any other improper place. This is merely a hint for them. The malappropriation of this large sum of money is the essential feature of the report, and I think it justifies the action taken by this House and its committee throughout, and would justify us in urging upon the Government that no additional payment of subsidy should be made to that road until they could satisfy themselves that the money would be rightfully, lawfully, and honestly expended. With this view, it was thought desirable (and the committee have so amended that Bill) that the Government should have the power, if they think fit to use it, to appoint two directors, who would see that the money yet to be paid (because there is some of the subsidy yet coming to them, both from the Dominion and from the Province of Quebec) is properly used, and to see that there shall be no other misappropriation of the public funds granted in aid of that railway.

THE SPEAKER declared the motion adopted.

HON. MR. SCOTT—On a division.

HON. MR. ALMON—I call for the yeas and nays.

HON. MR. SCOTT—If there is to be a division, I should like to explain why I said "on a division."

HON. MR. KAULBACH—If the hon. gentleman wants to have the report adopted on a division we must have the yeas and nays.

HON. MR. SCOTT—If it is allowed to be carried on a division I have no desire to say anything, but if the votes are to be taken I shall have to claim the indulgence of the House to say a word or two.

HON. MR. ALMON—If the report is to be declared carried on a division we must have the yeas and nays, because we want the public to know that the almost universal sentiment of this House is in favour of the report of the committee. If the hon. gentleman from Ottawa wants to give his reasons for wishing to have it recorded that the report is adopted on a division, he should be allowed to do so.

The Senate divided on the motion, which was agreed to on the following vote:—

CONTENTS :

Hon. Messrs.

Abbott,	McKindsey,
Allan,	McMillan,
Almon,	Macdonald (Victoria),
Bolduc,	Macdonald (P. E. I.),
Botsford,	Macfarlane,
Boucherville, de,	MacInnes (Burlington),
Boulton,	Masson,
Carling,	Merner,
Casgrain,	Miller,
Clemow,	Montgomery,
Cochrane,	Montplaisir,
Dickey,	Murphy,
DeBlois,	Ogilvie,
Girard,	Perley,
Glazier,	Poirier,
Gowan,	Prowse,
Guévremont,	Read (Quinté),
Howlan,	Ross,
Kaulbach,	Smith,
McCallum,	Sutherland,
McDonald (C. B.),	Vidal.—43.
McKay,	

NON-CONTENTS :

Hon. Messrs.

Armand,	McInnes (B. C.),
Bellerose,	O'Donohoe,
Chaffers,	Pelletier,
Grant,	Scott,
McClellan,	Stevens.—10.

The Senate adjourned at 4:10 p.m.

## THE SENATE.

*Ottawa, Tuesday, September 15th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (U) "An Act respecting the Baie des Chaleurs Railway Company." (Mr. Ogilvie.)

## BILLS INTRODUCED.

Bill (155) "An Act respecting the duties of Customs." (Mr. Abbott.)

Bill (171) "An Act respecting the Rathbun Company." (Mr. Read.)

The Senate adjourned at 3.40 p. m.

## THE SENATE.

*Ottawa, Wednesday, September 16th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE NEW SPEAKER.

HON. MR. SCOTT—Before the motions are called, I should like to offer my congratulations to the hon. Senator from De la Durantaye on his appointment to the Chair. He is a gentleman who has had, at all events, a very large experience of parliamentary practice. It is my good fortune to have known him for a period of over thirty years, and thirty years ago our names appeared together on a good many division lists of the old Parliament of Canada; so it fairly devolves upon me to offer my best congratulations to him on the honour that has been conferred upon him to-day. We, on this side of the House, or rather the few gentlemen for whom I speak, have, of course, no voice in the appointment of a Speaker of this Chamber, but it is always gratifying to us when a wise and judicious selection is made. Though there are two or three hon. gentle-

men from that Province who could have filled the Chair in a creditable manner, I am quite confident that my hon. friend will discharge the duties with credit to himself and satisfaction to the Senate. Those for whom I speak more particularly feel that he will discharge those duties impartially and fairly, not taking into account our numbers, but the propriety of the position that we may at any time hold in reference to points that may arise. I hope, sir, you will find the Chair a very pleasant one, and we on our part shall endeavour to make it agreeable while you continue to occupy it.

HON. MR. BELLEROSE—I cannot let this occasion pass without congratulating my hon. friend on his appointment. No better choice could have been made by the Government from amongst their supporters from the Province of Quebec. I congratulate the hon. gentleman on his appointment, and I also congratulate the Government on what they have done in this instance. If in other respects I have had to complain of the Government, I am happy to be able to congratulate them on their choice of speakers in this House—on their choice of the gentleman who filled the Chair this session until now, and on the appointment of his successor. It was only right that another gentleman of the same origin should fill the position. I congratulate the House on the appointment, because we will have the advantage of having for Speaker a gentleman who understands both languages. I hope by-and-bye, if any one of another nationality is appointed to replace the hon. gentleman who now fills the position, that we will have one who also will have a knowledge of both languages.

HON. MR. ABBOTT—I should have been glad, if it had lain within my functions, to take the initiative in congratulating my hon. friend who has just taken the Chair upon the position he occupies. It gives me, and will give my colleagues in the Government, the greatest satisfaction to find that the high opinion which they formed of His Honour, the present Speaker, of his qualities and capacity for the position to which he has been chosen, is shared by hon. gentlemen opposite. He has had, from this side of the House, the most positive and unqualified testimony that was in

our power to offer of the opinion entertained of his character, capacity and standing in the country, and he will be gratified to perceive that it is participated in by gentlemen on the other side of the House—shared equally, I may say, by both sides of the House. While, I am sure, we all regret the absence of the hon. gentleman who occupied the seat before him, and whose courtesy and firmness and judicious conduct during the short period of his office won golden opinions from the country and from the House, we shall feel satisfied that his place is worthily occupied by the hon. gentleman who now fills the Chair.

## TRADE WITH THE BRITISH WEST INDIES.

### ENQUIRY.

HON. MR. WARK enquired—

What steps, if any, the Government intend to take with the object of recovering the trade with the British West Indian possessions, enjoyed by the North American colonies, while the Colonial Customs Act was in operation, but to a great extent lost since the repeal of that Act.

He said: When I brought this subject up a few days ago objection was taken to it as being likely to involve the discussion of a subject that is rather distasteful in some quarters. I have no intention of introducing anything that would cause either alarm or uneasiness to the most timid. At the same time, I could not discuss the question which I proposed to bring before the House without making some allusion to the matter. The question which I intended to bring before the House was closer trade relations with the British West Indies, and I stated the reason why I thought the present was a very appropriate time, because by a treaty which has been lately entered into between the United States and Spain the products of the Spanish possessions will be admitted into the United States on much more favourable terms than those of the British West Indies, and I thought the time was very appropriate to offer free trade with the British West Indies. I say free trade, because we cannot offer modified trade. I referred to the time when we endeavoured to discriminate in favour of our own products throughout the British North American colonies, and I pointed out that at that time Lord Stanley, who

was then Colonial Secretary, sent out a despatch in which he objected strongly to this discrimination. He said if all the colonies were to resort to that policy it would cause such embarrassment and difficulty to the Imperial Government that they were unwilling to assent to it—in fact, he went so far as to direct the Lieutenant Governors in the first place to endeavour to dissuade the Legislatures from such legislation, and failing that he directed them to withhold their assent to any measure of the kind. The despatch came out in 1843. The British Colonial Customs Act was repealed in 1846, and the impression went abroad then that the subject of Lord Stanley's objection would not be insisted upon, and Earl Grey, then Colonial Secretary, sent out another despatch, dated the 9th November, 1848, in which he confirmed Lord Stanley's despatch—the policy of the mother country was still the same—and that was acquiesced in from that time down to the present. Consequently, to attempt now to enter into any kind of a modified arrangement with the British West Indies would be at variance with the policy of the Imperial Government, which has so long been admitted to be the proper policy. If, therefore, we offer the West Indies anything, we must get over it as we got over it in 1849, when we adopted the system of free trade between the B.N.A. colonies. There was no discrimination there. We just agreed that each colony should admit the products of the other colony free, and if we are to get over the difficulty now of existing treaties, we must agree to admit the products of the other colonies into this Dominion free, on condition of their admitting our products free. Consequently, we cannot confine it to the West Indies; we must extend it to the Australian colonies, the Cape colonies and South Africa, which are the only colonies perhaps that would respond to our application. With regard to the British West Indies, we have very little to lose in the shape of revenue. We have still less in relation to the Australian colonies, and I do not think we have any direct trade at present with the South African colonies. But the very fact of it being understood that the trade was free between the colonies must revive and give an impetus to trade of some kind, and perhaps a rapidly-increasing trade. What, therefore, I propose is, that we should



adopt the same policy that we had in 1847 and 1849—that is, offer free trade to the other colonies and endeavour to draw back the trade which we have lost. That trade was very flourishing at one time, but since the Colonial Customs Act was repealed the United States have almost entirely deprived us of it. We had then a flourishing trade, but the trade of the United States now with the British West Indies amounts to \$27,813,000, while ours amounts to only \$3,000,000—that is, only about one-tenth of the whole, while they have nine-tenths of it. It seems to me, then, that the present is a very favourable time to try to open up negotiations with the British West India Islands, and give them our free market. We admit their products almost free of duty now, and as was remarked by the hon. Premier the other day, there was only behind that a little molasses. If this policy is to lead to free intercourse between all the colonies the movement will not stop there. In a very brief time I should expect that the colonies would begin to look for closer commercial relations with the mother country. They would propose a modification of the duties on the imports from the mother country, which now admits everything we send free. There then would be a favourable opportunity for the colonies to go, not individually, but unitedly, to the Imperial Government, and say: "You have certain treaties in operation now which require us to admit the products of foreign countries, which tax our products highly, into our markets on the same terms that we admit yours." We want to modify our rates of duty on British products, to reduce them gradually, and we want to be relieved from just what the hon. Premier proposes in the Address of which he has given notice, only he comes directly to the point and I come to it in an indirect way. If those treaties are to be enforced and remain in force, then the Imperial Government would have this proposition to make to those countries with which such treaties exist: "Our colonies are unwilling that you should continue your high duties while they are about to reduce theirs. We give you the alternative, either to consent to these treaties being modified and stand in the same position as other countries with respect to the colonies, or make an equal reduction of your tariffs to the reduction made

by the colonies." This, I think, would be a reasonable proposition, and one that it would be difficult to reject. I believe that free intercourse between the colonies will eventually lead to free trade with the mother country. It ought not to be attempted hastily. We have several protected industries which have been brought into existence, and we ought to give them time to prepare for this change, but they must look forward at no distant day, first to our reducing our tariff to a revenue basis, and next, if we see that it is for our interest, to introduce a system of free trade over the whole empire, and when that is introduced I think we might stop there. We would then have that great empire, with its population of over 300,000,000, composed of a number of communities, each taking care of its own interests, enacting its own laws and administering its own Government, each raising its own revenue and expending it, and all trading together freely, every man being permitted to supply his wants in any parts of the great empire on the best terms he could get, and everyone being permitted to sell the fruits of his industry in whatever portion of the empire he could get the best terms. We would then have, I am satisfied, unbounded prosperity, and we would be less dependent on foreign countries. This, I may observe, is all the Imperial Federation that I want. I know there are parties who are unfavourable to this movement. They speak of a great overruling power, placed above not only the Colonial Parliaments, but above the Imperial Parliament—that it would be necessary to have something of the kind to make treaties, to maintain standing armies and to direct taxation for their support. There is no necessity for anything of the kind. The Imperial Government can be left to make the treaties with the assistance of the representatives of the different dependencies of the empire; and so far as standing armies are concerned, I think we might safely trust to the patriotism of the people if war should break out. Wars are not very threatening, especially to an empire like this, but let us take a lesson from the past. When the United States found England involved in a death struggle with the first Napoleon, and declared war, did not Upper Canada and Lower Canada immediately take up arms and stand side by side with the Imperial troops through

the whole of that war? There was no compulsion beyond that. New Brunswick, which had not then a population of more than 50,000, raised a very excellent regiment, which marched in the depth of winter through deep snow and unbroken forest to take a place alongside of the Imperial troops and to fight the battles of the empire. Twenty-five years later, when the difficulties arose both in Lower and Upper Canada, Nova Scotia came to the front with a pledge of £20,000 or \$80,000 and New Brunswick pledged her whole revenues for the purpose of sustaining the authority of the Queen. These were all voluntary movements. Coming down later, when the Egyptian war was going on, a body of men volunteered from this country to perform duties which no British troops were capable of discharging on the Nile. These examples leave it, I think, clear that the patriotism of the people might be depended on for any assistance that the Imperial Government might want in a war. I know we have parties who think that we would have something like the German Bund, every section of the empire forced to supply a certain number of men. They had 38 different organizations there, from an empire down to a petty dukedom, and each of these had to furnish its quota of men. I suppose this Bund, as it was called, was the work of the wisest men of Germany, and yet the first Napoleon crushed it all to pieces in two or three campaigns. It was reorganized, and Prussia in one campaign—in fact, in one battle—scattered it to the winds again. But the possibility of a war is becoming more remote, so far as the British empire is concerned. A power with 300,000,000 of men, an empire that raises one thousand millions of dollars every year for ordinary purposes, wants neither men nor money to carry on a war, and no nation would venture to bring on a conflict with the British empire. I think the other nations will be more willing to court the friendship than to run the risk of incurring the displeasure of the empire. Consequently, for these two reasons, I think the picture that was drawn of this great overshadowing power which is to have such control over all our affairs is altogether visionary. In the meantime, we may depend on the patriotism of the people if a war should arise, and consequently I believe that the picture I have

drawn of the empire ought to attract every one. There is nothing frightful about it—a united empire, united on strictly commercial principles. The plan that I propose for approaching the Imperial Government and the mode proposed by the hon. the Premier is very different. I propose going with propositions of improved trade relations with the mother country, and placing in the mouth of the Government some argument to use to those countries with whom these unfortunate treaties exist. When I heard the hon. Premier read his address it occurred to me that I had seen in some of the papers an interview between delegates from what is called the United Empire trade league, who waited on Lord Salisbury and brought this very question before him, and here is what Lord Salisbury's answer was :

“The matter which you represent to us deals with two separate subjects, one of them a question upon which there will be very little difference in principle, and another a question of a far more wide-reaching kind. With respect to those two unlucky treaties which were made by Lord Palmerston's Government some thirty years ago—when I must say the matter of our relations with our colonies could not have been fully considered (cheers)—we have tried to find out from official records what the species of reasoning was which induced statesmen of that day to sign such very unfortunate pledges. But I do not think they had any notion that they were signing any pledges at all. I have not been able to discover that they at all realized the importance of the engagements in which they were entering. I can give you with the greatest confidence, I think, the assurance that only will not this Government but any future Government be disposed to enter into any such engagements again. (Cheers.) But when you ask us to denounce the treaties in which they are concerned you must remember that these particular and unlucky provisions do not constitute the whole of these treaties, and that you cannot denounce one article of a treaty by itself. If you wish to get rid of a treaty you may, with more or less regard to international law, probably denounce it. I should be sorry to give too confident an opinion on that point, but I am quite certain that you cannot denounce a treaty by bits. These treaties contain provisions which in other respects are very valuable to the trade of this country, especially at the time when the current of protection is running very high in every country except our own. Therefore, you must not ask me to give any pledges on this matter. We should be glad indeed to take any opportunity that arises for delivering ourselves from this unfortunate engagement, but we can make no promise as to doing so at the price of other protective stipulations, of which the trade of this country may be in very great need. The matter must be one which the Government will carefully watch, and I have no doubt that before a very long time has elapsed some means of mitigating this evil may be found. (Cheers.)”

Now you see the Prime Minister here refers to the very important interests which are concerned. I can give you an idea of them. It is the trade of Germany and Belgium. The British trade with

Germany is as follows: annual imports, \$130,000,000; exports to Germany, \$152,000,000; so that that great body of trade, \$283,000,000, is all included and carried on under the treaties, portions of which we object to. Then, again, the trade with Belgium, which is only a small country, is very considerable. The imports from Belgium are \$86,918,000, and the exports to Belgium \$67,974,000—that is, \$154,000,000 of trade that Belgium carried on under these treaties. The trade altogether, under these unfortunate treaties with these two countries, amounts to \$438,000,000. When we come to ask for the abrogation of these treaties, which the Prime Minister says cannot be dealt with by bits, we ought to have something to offer. We ought to be able to offer the Imperial Government a very material reduction in our tariff against these countries or against the products of the United Kingdom; and we ought to be prepared to allow the Imperial Government to say to those Governments where these unfortunate clauses are contained in their treaties: "If you expect these clauses to remain in our treaties you must make concessions to the colonies." I will not trespass longer on the time of the House, but I think the matter is a very important one, and deserves serious consideration.

HON. MR. KAULBACH—As my hon. friend has made very extended remarks on the question before the House, I may be permitted to say a few words, although I am speaking to a simple question and am very much out of order. No doubt we have lost the trade with the British West Indies very largely, but coming, as I do, from a county which has a larger direct trade with these islands than any other part of the country, a few words from me may not be out of place, especially as it is a question of vital importance to the part of Nova Scotia from which I come. Ours is the only county in Nova Scotia which continues to hold the trade with the British West Indies through the lumber and fishing interests. There is no doubt the Government has done a great deal of late by giving increased facilities for trade by steamships to promote that trade. They have also, in the exhibition held in Jamaica last spring, ascertained the requirements of the islands and the facilities for trade with them, or for the interchange of products between Canada and the British West

Indies. No doubt they have found out in Jamaica that our flour and products of flour are preferable to those of the United States. We in Nova Scotia send wood, and the products of wood, and fish, to the British West Indies. The western portion of the country could send dairy products and products of the farm. No doubt it would be proper that we should have the preference in trading in our own markets—discrimination in favour of the British West Indies in Canada would promote a very profitable trade for us. Such a trade existed when the Colonial Customs Act was in operation. I am old enough to remember when we had an immense trade. We had a provincial revenue derived from foreign products, but only one tax—that is, the Imperial tax. The Imperial revenue was chiefly consumed in maintaining officials and the rest went into our own treasury. It is a matter of vast importance. It will give us a test, in time, of the practicability of Imperial Federation, of which I am a strong advocate. Although this question is largely involved in the one that the Premier has asked us to discuss next week, it is a matter of such direct importance to the county from which I come that I ask the House to excuse me for having made these remarks.

HON. MR. ABBOTT—My hon. friend who put the question no doubt is aware that the Government has been taking several steps towards the rehabilitation of the West India trade, tending to increase the trade between this country and the West Indies in several ways. For instance, the Finance Minister went down himself to the West Indies last year to meet the various Governments and the people of those islands, with a view of endeavouring to arrive at some understanding by which trade between those islands and this country could be facilitated. Besides that, this Government spent a considerable sum of money and took a great deal of trouble in getting a suitable exhibition of the products of Canada made in the West Indies at their great exposition which took place last year; and I may say it is universally recognized that that exhibition was an extremely successful one, that it attracted the attention of the people, and will no doubt have a strong tendency to increase the trade relations between us. In addi-

tion to that, the Government subsidized three lines of steamers from and to various points in furtherance of the trade of the West Indies, and I really do not know at this moment what further step could be taken at present to improve this trade. Of course, if reciprocal trade relations could be established between the two countries it would probably be of great advantage to us, if it were not interfered with in that respect by the reciprocal trade relations which the United States Government has received power to negotiate, and which no doubt they will not fail to attempt to negotiate without loss of time; but we labour under this difficulty in such a negotiation as that, which my hon. friend has not referred to, namely, that we have scarcely anything on which we can relax the duties. We are not taxing the products of the West India Islands at present to any extent in Canada. Since we abandoned the sugar duties there is no article of much importance coming from the West Indies on which any duty exists. There is a class of molasses, I believe, on which there is a duty. Of course, the spirit of rum has a duty, necessarily, and that cannot be abandoned and would not be expected to be abandoned. There are small duties upon fruit, the importations of which are not very large, but the result of the summary of what duties really exist is simply this, that we have very little indeed to offer them as a consideration for their abandonment of their duties upon our exports. These exports now pay the same duties as those of the United States, and unfortunately it is not within our power to make any difference in the amount of duties they impose upon our exports. We should gladly come to an arrangement with them to make a concession in our favour with respect to those exports, in order to induce them to reduce their duties; but we have really carried the principle which my hon. friend advocates so far that we have nothing of any great importance at this moment to offer in exchange for their duties. My hon. friend and the House may be perfectly sure that the attention of the Government is very earnestly directed towards this trade, and that no opportunity will be lost to further and improve it.

## RATHBUN CO.'S BILL.

### SECOND READING.

HON. MR. READ (Quinté) moved the second reading of Bill (171) "An Act respecting the Rathbun Company." He said: This company asks to have its Act of incorporation amended, so that it can issue bonds or debentures, as doubts have arisen as to whether it possesses the power to do so.

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

### BILL INTRODUCED.

Bill (170) "An Act respecting the North Shore section of the Canadian Pacific Railway." (Mr. Abbott.)

The Senate adjourned at 4.20 p.m.

## THE SENATE.

*Ottawa, Thursday, 17th Sept., 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### AN ADJOURNMENT.

HON. MR. OGILVIE moved that when this House adjourns to-day it stand adjourned until Tuesday next at 8 p.m.

The motion was agreed to.

## THE QUEBEC DIFFICULTY.

### ENQUIRY.

HON. MR. SCOTT—Before the Orders of the Day are called, I should like to ask the leader of the Government whether any communication has been received from the Lieutenant Governor of Quebec, in reply to the communication laid on the Table from the hon. the Premier. There was a demand for an explanation, and I should like to know whether that explanation has been received.

HON. MR. ABBOTT—I am not aware of His Excellency having received any further paper.

HON. MR. SCOTT—The motion was for all the papers.

HON. MR. ABBOTT — There are no others.

### THE DEBATES COMMITTEE.

#### MOTION.

HON. MR. VIDAL—Before the Orders of the Day are called, I wish to move that the name of the Hon. Mr. Boulton be added to the Committee on Reporting Debates. The committee is not a large one, and four of its members are not available. One, Mr. Haythorne, has been removed by death; we lose another by His Honour the Speaker being in the Chair; Mr. Power is away, and Mr. Thibeau is not here.

The motion was agreed to.

### DUTIES OF CUSTOMS BILL.

#### SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (155) "An Act to amend the Acts respecting the duties of Customs." He said: This is a Bill rendered necessary by the change made during the present session in the sugar and salt duties, and in the duties on malt and things manufactured from malt, and on tobacco and spirituous liquors. The Bill deals entirely with these changes, with which the House is familiar, and which take off duties to the extent of about three million of dollars. This Bill provides for recouping that to the extent of about half the sum.

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

HON. MR. ABBOTT—I presume there will be no objection to putting the Bill through. I therefore move that the 41st Rule of this House be dispensed with, and the Bill be read the third time.

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

The Senate adjourned at 3:40 p.m.

## THE SENATE.

*Ottawa, Tuesday, Sept. 22nd, 1891.*

THE SPEAKER took the Chair at 8 p.m.

Prayers and routine proceedings.

### THE QUEBEC DIFFICULTY.

HON. MR. SCOTT—Before the Orders of the Day are called, I would like to ask the leader of the Government whether that letter has arrived from the Premier of Quebec giving his answer to the letter of the Lieutenant-Governor, laid on the Table of this House last week?

HON. MR. ABBOTT—I have to say that His Excellency received on Saturday a number of communications from Lieutenant-Governor Angers. They were transmitted here yesterday, and I received them yesterday afternoon. They are now in course of being copied, and I will be prepared to bring them down to-morrow without notice.

HON. MR. MILLER—If I may be permitted to say so, I think the House is under an obligation to the hon. leader of the Opposition for the enquiry which he has made. I have seen it stated in the press that we adjourned this House from Thursday last until to-night, simply to prevent the Government from putting the papers before the House. I was one of those who was in favour of the adjournment, and I do not think a thought of that kind entered into my mind, and I am simply obliged to the hon. leader of the Opposition for calling the attention of the hon. Premier to the matter.

### RESIGNATION OF MR. BURGESS.

HON. MR. McINNES (B.C.)—Before the Orders of the Day are called, I would like to ask the First Minister if the resignation of the Deputy Minister of the Interior, Mr. Burgess, has been accepted by the Government?

HON. MR. ABBOTT—No; the resignation of the Deputy Minister has not yet been accepted.

HON. MR. McINNES (B.C.)—Is he still under pay?

HON. MR. ABBOTT—I think not. The persons who have been suspended on the charges that have been developed before the committee all have their pay stopped. A sub-committee of the Privy Council has been appointed to try the cases. In every case where the evidence was completed before the committee the person found guilty of impropriety was dismissed. In cases where the evidence was not completed, and where the person might be supposed to have something to say on his own behalf, he was suspended. In that case his functions as a civil servant ceased, and his pay ceased, and the sub-committee of the Privy Council has been appointed to try his conduct on its merits. We have been too much occupied in various ways to have these trials completed. I presume they will not be finally completed until after the session, but that is the position of those persons who have been accused before the committee.

#### NORTH SHORE SECTION OF THE CANADIAN PACIFIC RAILWAY BILL.

##### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (170) "An Act respecting the North Shore Section of the Canadian Pacific Railway." He said: This is a measure intended to change an arrangement which was made by the Government of the country several years ago—in the year 1885. In that year a grant was voted of one million five hundred thousand dollars for the purpose of facilitating the entry of the Canadian Pacific Railway into the city of Quebec. There was great complaint along the north shore of the St. Lawrence and in the city of Quebec in consequence of the deficiency in the railway facilities which were then available to the people of that neighbourhood and along that line. The North Shore Railway was in anything but a good condition in point of repair. It was not run in a manner satisfactory to the people at the time, and the Government were strongly pressed to assist in enabling the Canadian Pacific Railway to get possession of this road and to make its final summer terminus at Quebec. In the course of the negotiations which took place for the purpose of enabling the Canadian Pacific Railway to attain this

object it was provided that a certain sum, amounting in the neighbourhood of one million of dollars—which may be called a million dollars for the sake of discussion—was set apart and was devoted to the assistance of the company, by using it for the purchase of bonds existing of the North Shore road, and as the grant was intended for the assistance of the company, the interest of it was devoted to that assistance, by being applied to the payment of the interest of so many of the bonds of the road—in fact, some of the bonds being at a discount, a portion of the money was devoted to buying a certain quantity of the bonds, I think at 90 per cent. The provision made by the Government at the time was one which it was supposed would eventually operate in such a way as to save this money to the country, and the Government, by stipulating that the Canadian Pacific Railway should pay the interest on those bonds so long as the net revenue derived from the road was sufficient to pay it, and the deficiency of interest that had accrued during the time it was sufficient; but the obvious consequence of this arrangement was that the company had no interest in improving the road. It was not to their advantage, or likely to enure to their advantage, to put the road in first-rate order and increase its traffic to such an extent as to enable it to pay out of its net revenue the interest on the bonds of the road and allow the surplus to pay interest on the bonds of the Government. It was the company's interest to make what they could out of it, instead of using the surplus to place the road in repair. Even by that restriction they were prevented from improving the condition of the road by the substitution of steel or iron bridges for wooden bridges, or by the substitution of any kind of work on the road of a better quality than that which was used in its original construction, except on the express stipulation of the Government—in other words, they could not use the revenues of the road in improving it beyond the necessary repairs without the permission of the Government; and it was obvious that the amount they might use in that way with the permission of the Government would eventually come out of the Government itself, because they were not bound to pay interest on the bonds held by the Government until the net earnings of the road were sufficient to pay,

not only the current interest but the deficiency in the interest which had previously accrued. In fact, the arrangement which was devised for the purpose of endeavouring to save a portion of the money appropriated by Parliament to assist the Canadian Pacific Railway to enter Quebec turned out to be an arrangement skilfully, apparently, devised for the purpose of preventing the road from being improved, and preventing Quebec from obtaining all the advantages which it ought to have obtained by means of this assistance. No doubt, whatever the intention, it was, as I have said, an excellent one. It involved the idea of endeavouring to save this sum of money, and eventually, of course, the capital for the Government and the country, and the plan which was devised for the purpose of doing that was supposed to be one that was likely to turn out such as the Government would desire. Though I had myself something to do at the time with the company, I had then formed the opinion that the result would be exactly what it has turned out. It has prevented the company and the country from deriving the benefits which were calculated to be obtained by a proper expenditure of this money voted by the Government. Now, the object of this Bill is to place the matter in the position which, no doubt, it was intended to be placed in when the grant of a million dollars was made. The company has offered to make a large number of improvements in the road, to substitute steel bridges for wooden bridges—to make renewals of a more permanent and expensive character than the work which was originally used in the construction of the railway—to put on a larger quantity of rolling stock, including all kinds of cars and carriages, similar in quality to those which are in use on the most favoured portions of their line; to build elevators, flour sheds, and other local improvements and facilities for handling the traffic of Quebec and Three Rivers and other places along the line, and to make certain other improvements which are mentioned in the Bill, in Three Rivers, improving the loop line and the Piles branch. The improvements which the company have offered to make are detailed in the Bill. They are satisfactory, I believe, to the people along the route, and the condition of this statute is that, upon its passage, and before the company can derive any of the benefits which it is intended by

this Bill to confer upon them, they must execute an agreement with the Government to the satisfaction of the Minister and Department of Justice and the Governor in Council, binding them to perform these works according to the terms of this Bill. That is the object of the Bill, and it is hoped—in fact, it is certain that under its provisions the line to Quebec and the facilities for traffic at Quebec and towns along the route will be equal to those of any other portion of the Canadian Pacific Railway.

HON. MR. POWER—I do not rise for the purpose of offering my opposition to the Bill. I presume that as the leader of the Government was right in 1885 when this arrangement was made, he is likely to be right now, and so far as the Bill goes I presume it is calculated, when it becomes law, to effect an improvement in the railway facilities of the city of Quebec and of Three Rivers. I rise for the purpose of calling the attention of the First Minister to what I consider a very serious omission in the Bill. Hon. gentlemen are aware that this country has expended about two million of dollars in the construction of what is known as the St. Charles Branch of the Intercolonial Railway. The main object of constructing that branch was to make the northern and western terminus of the Intercolonial Railway a competing point both for freight and passengers. The Intercolonial Railway, previous to the construction of the St. Charles Branch, was felt to be completely dependent on the Grand Trunk Railway for its western and northern connection, and this branch was constructed in order to make the Intercolonial Railway independent of the Grand Trunk Railway and make this western terminus of the Intercolonial Railway a competing point. The expenditure of that two millions of dollars has not brought about the result which was sought, and the principal reason why it has not brought about that result is that no proper facilities have been afforded for connecting traffic from the North Shore Railway with the Intercolonial Railway. I think it is to be regretted that this Bill does not contain a provision to the effect that the company should be obliged to run their line to a point on the river side nearly opposite the terminus of the Intercolonial Railway at Lévis, and that there should be at least

one ferry steamer there capable of carrying freight cars across the river, as is done at many other places. Until such an arrangement as that is made, the great expenditure which has taken place in connection with the St. Charles branch will be perfectly useless, and the Intercolonial Railway will continue to be handicapped, as it has been handicapped all along, by the fact that it is altogether dependent for the carriage of business west of Lévis on one road—on the Grand Trunk Railway. I think that, considering the fact that the country has invested some fifty millions of dollars in that road, it is to be regretted that it is not dealt with as any company of sufficient ability would deal with it. It is of great consequence that proper connection should be made between the North Shore and the Intercolonial Railway, and I regret very much that the Government, in making this new arrangement with the Canadian Pacific Railway Company, have not provided for making the terminus of the country's own railway a competitive point. I suppose that as this may be regarded as being a money Bill, we cannot amend it here, but I think it possible that the hon. gentleman may, at any rate, even if we cannot amend this Bill, be able to take such steps as will remove the present want at Quebec.

HON. MR. DEVER—Before the Short Line was constructed and connected with the Intercolonial Railway at St. John the hon. gentleman's argument might have had some weight, especially for the people of Nova Scotia, but the people of New Brunswick are thoroughly satisfied with the present arrangement, and would not feel disposed to go to the expense of having a bridge constructed at Quebec.

HON. MR. POWER—I did not suggest a bridge at all.

HON. MR. DEVER—Any substitute for a bridge would be a poor affair. I know that in our part of the country we are very much pleased with the Short Line of the Canadian Pacific Railway and its connections, and for the present we can get along very well as we are.

HON. MR. KAULBACH—I think a ferry to carry the trade across at Quebec is impracticable. I do not believe it would

give the advantages which my hon. friend from Halifax believes it would yield, and nothing short of a bridge across there will provide the facilities desired in connection with the Intercolonial Railway. Whether that bridge will be built is a matter to be considered, but my hon. friend is entirely wrong if he thinks that a ferry to cross at Quebec, carrying freight and passenger trains, would be attended with any degree of success or give any advantage to the trade of that part of the country.

HON. MR. ALMON—As this is a matter in which the city of Halifax is very much concerned, I agree with everything that has fallen from the senior member from Halifax. Of course, I would prefer a bridge, but that is a very expensive matter. With regard to having boats to carry trains over the river, there is very little expense connected with that. The system is in operation in the United States. By one line trains are carried into New York by ferries that have to run a distance of 15 miles. One scarcely feels that he is aboard a vessel. On making enquiries at Quebec I find that there are only about six days of the year on which those steamers could not cross at Lévis—at least, that is about the time that small steamers are unable to cross. I do not know that the ice would prevent large steamers from crossing at all times, and the suggestion of the hon. gentleman from Halifax could at all events be carried out at all times, with the exception of six days. If St. John is not satisfied—

HON. MR. DEVER—St. John does not complain. New Brunswick is well supplied at present.

HON. MR. ALMON—If St. John does not want the ferry at Lévis, Halifax does.

HON. MR. ABBOTT—I am not prepared to say that a ferry at Quebec would not be a useful institution, and that it might not be, to a certain extent, an advantage to the city and convey a small, but a very small portion of traffic to the Intercolonial Railway; but my hon. friend from Halifax will perceive that the traffic which such a ferry would carry to the Intercolonial Railway would only be the traffic which might come upon the road at points between Montreal and Quebec. It is perfectly obvious that a crossing at Quebec by means of a ferry



boat—which is a clumsy contrivance at best, slow, and for large portions of the year not capable of being used at all—could not for a moment compete with the two railway bridges existing at Montreal, and all traffic coming from points west of Montreal would of necessity cross the river at Montreal and come down the south shore. We have now, of course, only the Grand Trunk Railway from Montreal to Quebec on the south bank of the St. Lawrence, but there is another system of railways rapidly approaching completion on the south shore, and for the whole period of the year during which the ferry at Lévis would be useful we have navigation which would enable us to tranship goods at Montreal by water, if it were thought proper, and forward by railway at Lévis on the St. Charles branch. Now my hon. friend stigmatizes the St. Charles branch as being useless unless it is to afford communication with the Canadian Pacific Railway at Quebec. Where would be the remuneration for the building of the St. Charles branch if its only use is to obtain the traffic which comes between Montreal and Quebec for transmission to the Lower Provinces? I suppose the whole of the traffic that would come over that road from Montreal to Quebec and cross in a ferry might be carried in carts down the river without any great difficulty. It is not in the nature of things that anything grown between Quebec and Montreal would go eastward except to Quebec itself. The market of that produce is all westward. The hay which is produced in enormous quantities along that road goes either to Montreal or the United States. The natural market of its products is either of those large cities, Montreal or Quebec. None of it would be shipped by the Intercolonial Railway in summer. The idea is quite incomprehensible, from a business point of view, that any of the potatoes, oats, or grain of any kind, or hay, or cattle grown or raised between Montreal and Quebec, would be shipped over the Intercolonial Railway in summer. I do not think any gentleman who has to do with the carrying trade, or with the business of the country, would expect any such result: but the St. Charles branch has its usefulness. The Intercolonial Railway, or rather the Grand Trunk Railway, as it was originally, passed along the high bank beyond Lévis and had no access from the water eastward. It was

absolutely necessary when the Intercolonial Railway was brought to Lévis that it should have connection with the navigable water at Point Lévis, and there it receives the immense contribution of traffic which flows down the St. Lawrence on vessels of all descriptions for export to the seaboard, besides performing in a more convenient shape its connection with the Grand Trunk Railway and, as I hope eventually, its connection with other lines of railway running down the southern bank of the St. Lawrence. These are the uses, I take it, of the St. Charles branch to the Intercolonial Railway—that is, giving it such access to navigable water at Point Lévis as it has at its other termini, Halifax and St. John. The object of this subsidy was not, in fact, to create a crossing at Quebec: to have that, a further advance would have to be made. It could not be expected to pay at present, it would have to be subsidized largely, and the only advantage gained would be the transport of such small traffic as might originate between Montreal and Quebec, and as might need to be carried across in the summer months. When the crossing comes to be made at Quebec, as I hope some day it will be, it must be by a bridge. That would give an effective crossing that would be useful for all purposes, as well for passengers as freight, and would be useful to the carrying trade of the Dominion. Of course, we all know that it is a formidable undertaking, and will require much consideration and combination of forces before it can be made, but I hope to see the day when a bridge will be built to carry trains across the St. Lawrence at Quebec as they now cross at Montreal. I remember the time when a bridge at Montreal would have been considered an infinitely more chimerical and distant project than the construction of a railway bridge at Quebec seems now.

HON. MR. POWER—Inasmuch as the hon. leader of the Government and one or two other gentlemen seem to have misapprehended what I have said, I may be allowed to say a few words. I did not lay much stress on the ferry; I was thinking rather of the inconvenience to passengers, and my feeling was that the railway might go at any rate down to the shore, so that passengers who intended going to the Intercolonial Railway or taking the Canadian Pacific Railway at Quebec—and there are

a good many passengers who do that—should not have to take what is not by any means a pleasant drive, and particularly in the winter season. There is now the drive from the station down to the ferry wharf, which is rather long and very disagreeable in winter, and it would not seem unreasonable that the North Shore Railway should, at any rate, come to some point nearly opposite the Lévis station. The hon. gentleman is probably in the main correct as to freight, but perhaps he will be surprised to learn that during the past season very large quantities of hay have been shipped from Quebec to Halifax and other points in Nova Scotia.

HON. MR. MILLER—I desire to express my congratulations to the hon. member from Halifax for having drawn from the Prime Minister a speech which explains to the country, to a great extent, why this Bill is before Parliament.

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

#### THE NORTH-WEST CENTRAL RAILWAY.

##### ENQUIRY.

HON. MR. BOULTON inquired if the Government had any information as to when the North-West Central Railway will be in operation?

HON. MR. ABBOTT—I have had no further information since the question was put to me on Friday last.

#### BILLS INTRODUCED.

Bill (169) "An Act further to amend the Act 52 Vic., cap. 4, intituled 'An Act to authorize the granting of Subsidies in land to certain Railway Companies.'" (Mr. Abbott.)

Bill (146) "An Act further to amend the Dominion Elections Act." (Mr. Abbott.)

#### SUPREME AND EXCHEQUER COURTS BILL.

##### COMMONS AMENDMENTS AGREED TO.

A Message was received from the House of Commons to return Bill (138) "An Act to amend chapter 135 of the Revised

Statutes 'intituled An Act respecting the Supreme and Exchequer Courts,'" and to inform the Senate that they had agreed to the same with certain amendments.

HON. MR. ABBOTT—The only amendment that is more than purely verbal is one which describes the cases which are to be appealable as those which are now appealable to the Judicial Committee of the Privy Council. That, in point of fact, is only an additional description of the kind of case that was already sufficiently described, in my humble opinion, in the Act. The Act provided that cases which were moved to the court of revision in Lower Canada and which were confirmed by that court should have the right of appeal to the Supreme Court. By the law as it now exists, such cases have the right of appeal to the Judicial Committee of the Privy Council, but they had not the right of appeal to the Supreme Court, which was an anomaly that was caused simply by the fact that the Act was passed before the Supreme Court had any existence. The amendment made in this House remedied that mistake, and the House of Commons has clinched the nail on the other side by saying "and which cases are appealable to the Judicial Committee of the Privy Council." The Act was perfectly clear and comprehensible as it was, but it is not any the worse for the change, and I ask the House to concur in the amendment.

The motion was agreed to.

The Senate adjourned at 8:50 p.m.

#### THE SENATE.

Ottawa, Wednesday, Sept. 23rd, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### THIRD READING.

Bill (171) "An Act respecting the Rathbun Company." (Mr. Read.)

## THE CATTLE TRADE WITH ENGLAND.

### ENQUIRY.

HON. MR. REESOR rose to—

Call the attention of the Government to the great disparity of the charges per head on cattle shipped to Liverpool from Canadian and American ports, respectively, the former charging seventy shillings per head while the latter charge twenty shillings per head: these charges I learn from newspaper reports and ask the Government how far the reports are correct, and whether it is in the power of the Government to cause such modification of the charges from Canadian ports as will secure the continuance of this important trade?

He said: Some little time ago I saw by newspaper reports, which seem to be well authenticated by correspondence from Montreal, that there was a very great disparity in charges between the rates on live stock shipped from Montreal and from United States ports. I have made further inquiries, and have learned from a shipper that these reports are pretty well founded. He did not say that the disparity was quite as great as I had seen reported in the newspapers, but he said there was a difference of about ten dollars per head. That, on over 100,000 head shipped in the course of a year, would amount to a million dollars, so that it is a matter of a good deal of importance to Canada. It may be, however, that it will not be at all in the power of the Government to make the matter different, but still I thought it of so much importance that it was proper to call their attention to it, and if it were possible by legislation or otherwise, the difference should be greatly modified in favour of our own ports. Otherwise, it will not belong until the stream of export will be through United States instead of Canadian ports, and no one can really desire that if we can accomplish the work ourselves without too great expense.

HON. MR. KAULBACH—This is a matter of great importance, and I am really glad to find that my hon. friend has come to the conclusion that Governments can do something to promote the trade and prosperity of the country. He belongs to the party that thinks Governments are simply flies on the wheel, and unable to do anything for the country, beyond collecting and expending the public revenue. I am very glad that my hon. friend has faith in

the present Government and believes that they can do something to help the trade of the Dominion, but he is expecting too much when he asks them to regulate the freight on cattle exported from Canada to England. I believe my hon. friend is wrong again in his figures. I do not think there can be the discrepancy in rates that he mentions. What is more important, and what the Government can do, is to see that the advantage which we possess over our American competitors in the ports of Great Britain is maintained. We know that in the United States they are trying to get the embargo on their cattle removed. In fact, this inspection law has been largely owing to their influence. They are alive to the importance of the great cattle industry, and will endeavour by all means in their power to have the embargo removed, as they have sought to remove the embargo on pork in Germany. The new regulations may have something to do with the present rate on cattle, but I doubt if the difference is as great as my hon. friend mentions, although I have no data before me to warrant me in saying so.

HON. MR. ABBOTT—My hon. friend will perceive that it is really not in the power of the Government to regulate the rates of carriage for cattle. That depends altogether upon the supply of available shipping and upon the demand for cattle spaces, but I am under the impression that my hon. friend's information, as contained in the question that he has put, is very erroneous, and that the position of matters with regard to freights from the two points mentioned is not by any means so bad as my hon. friend believes. Information has been obtained since his question was put on the Paper as to what the cattle rates really are, and the Government learn from two leading shipping houses in Montreal that the maximum cattle rate at Montreal during the present season was 60s.; the present cattle rate at Montreal is 55s. Spaces were rented in New York at the end of last week at 45s. Two seasons ago the situation, these gentlemen say, was exactly opposite, American rates being higher then, by one to two pounds per animal, than the Canadian rates. The fluctuation, as I commenced by saying, depends entirely on the supply of shipping available and upon the demand for cattle spaces.

HON. MR. READ—When this matter came up a few days ago I took a little interest in it and endeavoured to gain some information. I have in my hand a telegram from a gentleman who is largely interested in the traffic and who is posted on the rates in both countries, as they are quoted from day to day. His answer is :

“American steamers have been going at from £1, to 35 shillings. They are asking 40 shillings to 55 shillings at present.”

It must be understood that these vessels in the permanent trade ask higher rates; and they should ask higher rates, because they take greater pains with the cattle shipped on them. I made it my business when in Montreal this week to visit a cattle ship that has just been fitted up. I thought I would see for myself what the arrangements were, and, having some knowledge of the business, I thought the fittings up were most complete. I was introduced to the captain and ascertained from him that his vessel had been most successful in carrying cattle. It was the captain's aim to land his cargo in the best possible order, and he had been successful. I asked the reason of his success, and he said that it arose from the fact that when cattle were suffering in a storm he laid-to if possible until the storm abated. I have some little knowledge of other ships that have not had the same success. The great loss that occurred within the last few weeks was on a tramp ship that sailed from Montreal. That ship lost, I think, 77 head of cattle, whereas a regular cattle ship, sailing a day or two before, lost very few. The loss on the tramp ship was due to the fact that the captain had not an interest in the cargo. All the interest he had was to land the cargo and get rid of it dead or alive. Tramp vessels that are not regularly in the cattle trade from year to year never have the same care for their cargo that the regular traders have. The object of the regular trader is to keep up the reputation of his vessel, and shippers are always glad to pay him a little more money, and they can well afford to pay it. Insurance companies will insure cattle for a great deal less upon those regular ships whose captains they know will take good care of their cattle, and will land them in good order if possible.

HON. MR. REESOR—I am very much pleased to hear the explanation of the

leader of the Government. The Government no doubt has better sources of information than any private member has at his command, and it will be more satisfactory to the country that these facts shall be known. However, the hon. gentleman's statement conflicts with the statement I have from a prominent trader, a man that has been shipping recently—that the prices were very much higher here than on the other side. At all events, there is no harm in calling attention to the matter, even if we can bring no pressure to bear upon it, as it will give parties to understand that they have the choice of two or three ports.

The Senate adjourned at 3:40 p.m.

## THE SENATE.

Ottawa, Thursday, Sept. 24th, 1891.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## JUDICIAL SALARIES.

### QUESTION.

HON. MR. DICKEY rose to—

Call the attention of the House to the inadequacy of certain judicial salaries in the Superior Courts of the Dominion; and to enquire whether it is the intention of the Government to propose a remedy for the existing state of things?

He said: In calling attention to the insufficiency of the judges' salaries throughout the superior and higher courts of the Dominion, I wish to say that I do it on my own mere motion, and not on the suggestion of anyone. I have no personal interest in the matter beyond that which attaches to any member of this House who is interested in having an efficient administration of justice. Hon. gentlemen will all agree with me, I think, that this end will not be attained unless by an adequate and independent judiciary. The scale of salaries attached to those high offices was arranged shortly after Confederation, and I may say, speaking generally, without going into particulars, for I do not propose

to quote figures, that the scale was made upon a basis of the salaries in the two larger provinces, being about \$1,000 above those of the smaller provinces. I do not stand up here to contend for a hard-and-fast uniformity in a matter of this kind, because the circumstances of the various provinces are somewhat different; yet, as the jurisdiction of the different courts is co-ordinate, I think some regard should be paid to this in any readjustment of salaries. A short time ago we had an hon. gentleman of this Senate called to a high position in Quebec. He was an ornament to this House, as I am quite sure he will be an ornament to the ermine that he wears. It has leaked out, and I presume it is correct, that his hesitation for a time in accepting that high position arose entirely upon the question of the insufficiency of the salary attached to the office and necessary to the maintenance of the high position which he occupies. That, I am prepared to say, is not a solitary instance. I am not standing here as an advocate of high salaries. I merely call the attention of the Government and the House to the position of this matter, and in connection with the fact that those salaries were arranged nearly a quarter of a century ago. During that period, which has been the life of the nation to which we belong, we have seen throughout very large increases, beginning with the indemnity of the members of Parliament, and increases in salaries of Ministers, and increases in the salaries of almost every public officer down to the bottom, and yet the salaries of judges have remained stationary. Nor can it be said that the wants of those judges and the purposes for which salaries have been given have been lessened during that period. On the contrary, I think we must all admit that not only have the exigencies of their position been greater, but their salaries have remained in a position which scarcely enables them to maintain the social position which they occupy, much less meet the increased cost of living. My hon. friend, who will answer this question, whom we have all gladly welcomed as the leader of this Government, will hardly wish to see the American system introduced into this country. I am quite sure he would shrink from the idea of any judge being obliged to descend from the bench into the forensic arena in order to obtain a

living for himself and family. I do not wish to make any suggestions, and I trust that in the few observations that I have made I have not imported anything into the question of a controversial character.

HON. MR. KAULBACH—This is not exactly in the nature of a question, and therefore I think I am in order in making a few remarks on the subject. I quite agree with my hon. friend in all that he has said, as to the necessity for the effective administration of justice, of gentlemen occupying such high positions being paid suitable salaries. I also appreciate the skilful manner in which he has brought this question before the House and the Government. It involves a money vote, and the hon. gentleman has put his question in such a manner that it is not open to objection on that score. I am sorry that he has confined his remarks to the judges of the Superior Courts. The inadequacy of salary of which he complains is not confined to those judges, but extends also to the County Court judges. There is a remarkable instance of the kind in Halifax. Hon. gentlemen know that the judge of the County Court of Halifax is a man of the highest standing, learned in the law, and having most important duties to perform. The public have confidence in his judgments. The amount of work that he does exceeds that of a Superior Court judge, and, in fact, is larger than the work done by all the other County Court judges in the province. He has a social position as high as that of any judge of the Superior Court, and the cases which come before him require as great knowledge of law and judicial capacity as those which come before the highest courts. I brought this matter before the Minister of Justice some years ago, and he saw the injustice that was done to that gentleman, but he felt that he could not very well take an isolated case. He promised that some time in the future—in the not far future—the whole question of the judges' salaries would be considered, and he thought that this was a case that was worthy the consideration of Parliament. I hope, therefore, that the Government will specially consider this case to which I have referred. Something must be done to remedy the injustice which has been done so long to the County Court judge at Halifax.

HON. MR. SCOTT—I am very glad that the hon. gentleman from Nova Scotia has brought up this subject, although it is one that has been from time to time brought before the notice of Parliament in another place during the last ten years. Speaking more particularly of the Province of Ontario, with which I am familiar, I do not hesitate to say that the judges of the higher courts are very much underpaid. The hon. gentleman expressed the hope that we would not have to adopt the American system. There is one feature of that system that I approve of—that is, the remuneration of the judges. The salaries paid to judges of the New York courts are at least twice as large as those paid to judges of the High Court of Justice or the Court of Appeals in Ontario. I do not think in any part of the world judges perform more work or are more painstaking than in the Province of Ontario, and it is quite probable, so far as my observations go, that the remark would equally apply to the other provinces; but I am familiar with the judges of Ontario, and I think we do not show the high appreciation in which those judges ought to be held in the compensation that we offer them for their services. We boast of our judiciary, and claim that it is at least abreast of that of any country in the world—we think it is, perhaps, a little more than abreast, because the judges of Canada stand in a category peculiar to themselves. They are recognized wherever they are known as men of integrity, of painstaking habits and great capacity, and certainly they are deserving of much larger compensation than they receive. It is a matter of fact now that it is impossible, when vacancies arise, to select men in the first rank of the profession. It is important that such men should be chosen, men who are familiar with the events of the day, because the character of the business that is now before the courts differs greatly from that which came before the courts some years ago. The cases are becoming more intricate and complicated, much larger sums are involved, and more important matters come up than had to be dealt with in the early history of this country, but the salaries have not kept pace with the character of the business. It is a very great mistake in any community to underpay or undervalue the services of

the judges. They are the most important men in the community. They are the men who decide all our disputes of the highest character, cases involving hundreds of thousands of dollars. It is left to them, and it is a matter of the highest consequence, when vacancies occur, that men in the first rank of the profession, who are in the swim of the business of the country, should be selected to fill them. I will not mention names, but a dozen names must occur to anyone familiar with the profession, especially in the two larger provinces of Ontario and Quebec, of gentlemen who would not accept a position on the bench with the salaries attached to them at present. I have in my mind's eye a gentleman who has been frequently offered the highest position on the bench, but he says: "No; my income is three times larger than the salary; why should I present my services to the country? I can make fifteen to twenty thousand dollars a year and not work as hard as the judges do." I know several men in the profession in Ontario who can make that amount, and who, if asked to take a seat on the bench, would refuse to sacrifice themselves for the benefit of the country. On the other side of the line it is different. I was not aware that this question was coming up to-day. I have not, therefore, prepared myself with the figures; but anyone who will refer to the statistics of the United States will find that the salaries paid the judges there are more than double the salaries paid to judges in Ontario and Quebec. We are proud of our judges, and we should compensate them. The cost of living has increased of late years; the cost of keeping up a social state has grown of late years, and this country would be warranted in paying the judiciary higher salaries. From time to time the subject has been brought up elsewhere, and governments have promised to consider it. As far as I can gather, the difficulty seems to be in adjusting between the several provinces, because it is felt that the business in some of the provinces is very much greater than in other provinces. It does not seem fair; the bench expected it and were entitled to look for it. I hope the Premier will see his way to adjusting this question.

HON. MR. ALLAN—I should like to add a few words to what has been said on this

subject. I am quite sure that I express the opinion, not merely of the members of the profession in Ontario, but of very large numbers of laymen, who think that the present salaries of judges of the Superior Courts are altogether inadequate. My hon. friend here has spoken of the necessity of the judges keeping up a certain social state befitting their position, but it would be an absurdity for them to attempt anything of the kind. In the present condition of things, I know, and I think I can speak with some degree of certainty on the matter, that the great majority of our judges, unless they have private means, would find it impossible to entertain or show that hospitality befitting their position. Besides, everyone knows that in the last few years the cost of living has greatly increased and is out of all proportion to what it was when compared with the salaries of judges 25 years ago. I can confirm also what has been said by the hon. member from Ottawa, and it is a fact of which we in Ontario are all perfectly aware, that many gentlemen of high standing in the profession, who would certainly have been placed on the bench if they would have accepted judicial appointments, have declined, simply because they felt that they would be making enormous sacrifices if they did so. I do not think there is any position that a man could fill where it is so essentially important that his mind should be free from any worry or anxiety on pecuniary subjects. I think a judge ought to have such a salary paid to him that he can feel that he can give his whole attention to the duties of his office, without being perpetually worried by financial considerations or as to how he can possibly go on from day to day meeting the requirements of a large family, or how that family shall be provided for after his death. Certainly, if there is any class of men deserving of the greatest consideration, and whom it is our interest in every way to place in such a position that they can fill their duties without distraction, it is the judges of the land. I know a strong feeling has existed on this subject for a long time in Ontario, and we have frequently been told that some step would be taken to remedy this state of things; but session after session has passed without anything being done, and I heartily re-echo the wish expressed by my hon. friend from Ottawa, that the Premier will see his way to do something towards

what might almost be called remedying an injustice which the judges of the Superior Courts have laboured under.

HON. MR. POWER—I concur very much in what has been said by the hon. gentleman who preceded me. I think it is very essential that this question should be settled in some way. This matter of the arrangement of the judges' salaries has been before the country and before Parliament for many years, and it keeps the minds of the judges in an uncomfortable state of suspense, and possibly they at times are thinking of an increase of salary when they should be thinking of something more important to litigants. I trust that the Government at the next session—it is too much to hope that they will be able to do anything this session—will see that the question is settled. We have at the head of the Government a gentleman who is as well qualified as any other gentleman in the country to decide what the salaries of judges should be, and we have at the head of the Department of Justice and leading the House of Commons a gentleman who has been on the bench himself, and who knows from experience whether or not the present salaries are sufficient. Going from the general principle to a particular case, I wish to express my concurrence in what has been said by the hon. gentleman from Lunenburg with respect to the county judge of Halifax. The hon. gentleman has not exaggerated the amount of work done by that judge nor the difficulties of his position, and it has always seemed to me to be an anomaly that the county judge of St. John, N.B., should receive as county judge \$600 more than the county judge of Halifax, who did at least as much work, and the late county judge of St. John was, in addition, in receipt of \$600 a year as judge of the Vice-Admiralty Court. I do not know whether the successor of the late judge Watters will also be judge of the Vice-Admiralty Court, but I presume the Government intend to pay the successor of judge Watters \$3,000—the same sum as that gentleman received. Then the judge of St. John receives a much larger salary than the judge of Halifax. The same is true of some important centres in Ontario. Leaving out of consideration the many years that Judge Johnson has been receiving a very inadequate salary, he should now be receiving \$3,000 a year, and I hope

that if a reconstruction of the salaries does take place at an early date the Government will not overlook the case of Judge Johnson. Then, with regard to the principle upon which the salaries of judges should be re-adjusted, I regret to say that my own views on the subject are not altogether in harmony with the views of other gentlemen who come from the smaller provinces. My view is that the country should pay the judges such salaries as will secure for the bench the best talent in the provinces. I do not say that we should pay salaries that will be equivalent to the sums made by the very first lawyers in Toronto and Montreal, because hon. gentlemen will see by the language used by the hon. gentleman from Ottawa that some of those gentlemen are making from \$15,000 to \$20,000 a year. I do not think the country can pay those amounts, but we can get first-class men for salaries much less than those, and a good many of those gentlemen who are in receipt of large incomes from their practice would be willing to accept smaller sums when appointed to the bench. I think that is the true principle, that the Government should pay such salaries as will procure the best talent in the province. If that principle is adopted, the salaries in the smaller provinces will be less than the salaries in the larger provinces. In the larger provinces, and in the cities of Montreal and Quebec, the judges would need to be paid larger salaries than the judges in the lower provinces. I do not mean to say that the salaries of the judges in the lower provinces might not be added to with justice and firmness. As one member from the lower provinces, I would not be disposed to urge that the judges from Nova Scotia, for instance, should be paid the same salaries as the judges from Ontario. We go into the market, as it were, and pay market value for the article we are getting, and the best talent in Nova Scotia can be obtained at a more reasonable figure than the best talent in Ontario, or the best talent in Montreal.

HON. MR. WARK—The discussion seems to run on the ground that it is always the first-class men that find their way to the bench. It is over forty years since we got responsible government, and whatever benefit it has been in other respects, it cer-

tainly has not placed the best men at the bar on the bench. The men who reach the bench are generally successful politicians. That is the general rule, and very often the best men at the bar remain at the bar, while men not equal to them find their way to the bench. So far as New Brunswick is concerned, the salaries of our puisne judges were only \$2,400 at Confederation. They are now paid \$4,000, and we certainly have not superior men on the bench to the men who sat on the bench at salaries of £600 a year. In those days the Chief Justice had £700 a year. The salary of the Chief Justice now is \$5,000. He is a very respectable man certainly, but the judges on our bench are not, certainly, superior men to those who filled the office at lower salaries, nor do we expect the best men to reach the bench under our present system.

HON. MR. DEVER—I presume we are all in favour of seeing our public men properly remunerated for their services. That is the general opinion of the people of this country who think on this matter; but certainly to some people it is a marvel that the judges are not satisfied with their present salaries, when we look back and remember that some of the most talented men in this country received salaries, as judges, of only £600 per annum. I have in my mind at present a gentleman who is recognized as one of the superior judges of this country—if not the most superior as to reputation. I remember distinctly when that gentleman was raised to the judiciary in New Brunswick he only received £600 per annum. He was known as one of the greatest lawyers we had, and to-day he is universally looked upon as one of our best judges; and as far as I can learn, his salary is some \$10,000.

HON. MR. ABBOTT—\$5,000.

HON. MR. POWER—\$8,000.

HON. MR. DEVER—He is getting \$10,000, I think. At all events, he is getting a very large salary, and I have not the slightest doubt he is worthy of it and much more, and I hope if the Government take into consideration the advancement of the salaries of judges that that gentleman will be considered according to his merit. With reference to the judge at St. John, referred to as the county judge, deceased within a



short time, that gentleman had been a long time in politics, and from the fact that he was a prominent politician in New Brunswick it was considered he should be raised to the Supreme Court, but instead of that he was placed in the County Court. His salary had been raised from time to time until it reached \$3,000 per annum. The gentleman who succeeds him now is well worthy of the position, and I would be happy to find if the judges of other provinces have their salaries advanced that he is to be considered also. I hope the hon. Premier will not forget it. We must also consider that other people have claims in this respect as well as judges. It is pretty well understood that many of our public men are not properly paid—in fact, it is generally felt by this Parliament that the remuneration should be more than it is at present. It is well known that the cost of living in this county has almost doubled.

HON. MR. DICKEY—That answers the £600 argument.

HON. MR. DEVER—Yes; I believe that when the judges were appointed at £600 they could maintain as good a position in society on that salary as they can to-day on \$5,000. What the reason is I do not know, but I know the general opinion is that judges' salaries are too low, and I hope the Government will see their way to make them more uniform and more satisfactory to public men. I have no particular interest in one judge more than another. I am not fortunate enough to have any relation for whom I speak. I simply speak for the whole judiciary, and I trust that they will be treated in such a manner that they can live comfortably, and not have reason to complain, as many of them do, that their salaries are too small.

HON. MR. ALMON—We are all pleased to see the unanimity with which members meet this question of increased remuneration of the judges. One hon. gentleman said that leading members of the bar would not take judgeships, because they were making much larger sums of money by their profession, and could not afford to accept an appointment at \$6,000 or \$8,000 a year. But have hon. gentlemen considered the number of leading members of the bar that have been detained in Parliament

for five months for a thousand dollars indemnity? Now, these are the men, as remarked by an hon. gentleman opposite, from whom the judges are appointed. It is not the leading men of the bar that are appointed; they are more likely to be leading politicians. A judge requires to have a knowledge of law, of course, but he will also require to be a leading politician in his party. The principle was exemplified in the time of the Mackenzie Government. I appeal to my hon. colleague from Halifax to say if the three judges appointed at Halifax were not the three *ad hoc* judges who were appointed to decide some election petitions during the time of Mr. Mackenzie? Strange to say, they returned the candidates that supported the Government, and were immediately afterwards appointed to the bench. The hon. gentleman is therefore quite right in saying that judges are as frequently appointed because of their political bias as of their knowledge of legal lore. But why confine increase of salaries to judges? Are medical health officers to continue at the same salaries they are receiving, or are we to make fish of one profession and flesh of the other? Medical men, many of them, live from hand to mouth, and are continually exposing themselves and their families to infection from contagious diseases. I can name three myself who have died from diseases contracted while attending to quarantine duties. What is to become of the medical man who is ordered to board a ship that is infected with cholera, or some other infectious disease, that he is liable to take home with him to his family? I say, let us hear no more of lawyers and judges; let us think of the medical men.

HON. MR. ALLAN—I would like to make one protest against what has been said by two hon. gentlemen, as far as Ontario is concerned. I venture to say that the judges in Ontario have not been appointed for political reasons; and I venture to say that you will find very few judges in Ontario who were known as prominent politicians.

HON. MR. ALMON—I mentioned the three appointments in Nova Scotia—the *ad hoc* judges at Halifax.

HON. MR. POIRIER—I am also of the opinion that the judges of the land should

be adequately paid. In New Brunswick the judges of the Supreme Court are not sufficiently paid. They draw \$4,000 a year, I believe, and the chief justice \$5,000. I would not be opposed to an increase in their salaries, but I believe that the salary attached to the position of County Court judge is totally inadequate. The difference in jurisdiction is not very considerable. In criminal matters it is actually the same, except that the County Court judges have no jurisdiction in capital cases—which are of rare occurrence. In civil matters and actions for debt their jurisdiction goes up to \$400 and down to \$200, which comprises most of the cases; therefore, they are really called upon to do as important work almost as the judges of the Supreme Court, while their salary is only \$2,000, as compared with \$4,000 of the judges of the Supreme Court. I believe that after a certain number of years' service their salary is increased to \$2,400. There is too great a discrepancy in the salaries of these two classes of judges. I voice what I believe to be the opinion of the profession in my province; therefore, I respectfully call the attention of the Premier to this matter, so that if an arrangement is to be made the discrepancy between the salaries of the two classes of judges in New Brunswick should be made less than what it is now—that the salaries of the County Court judges should be increased. Two thousand dollars a year is not a sufficient salary for a man where the jurisdiction is so large and the responsibility so great. Two thousand a year is only the earnings of an ordinary lawyer; it is not sufficient for a judge of the County Court. Judges of our County Courts are men of talent, and many of them could with advantage sit on the Supreme Court bench. Most of them were necessarily good lawyers, and if their position has been a political recompense they have a good record at the bar as well.

HON. MR. DEVER—The hon. gentleman does not mean that all the County Court judges in New Brunswick only receive a salary of \$2,000?

HON. MR. POIRIER—They are appointed, I believe, on a salary of \$2,000, which is increased to \$2,400 after three years' service. That may not be correct, but I think it is.

HON. MR. ABBOTT—The subject of this discussion is certainly well worthy of the time that has been taken up, and the Government is very sensible, and has been for some time, of its importance and of the necessity of dealing with it. It has already made a serious effort within the last two or three years to do so, unsuccessfully, in consequence of the great difference of opinion which appears to exist in the representative body as to the position the judges should hold with regard to salary. It appears to me that the discussion which has taken place here affords a very excellent object lesson as to the extent of these difficulties. While almost every hon. gentleman thinks the salary of the judges should be increased, the views as to the extent and nature of that increase are as numerous as the number of gentlemen who spoke on the subject. It is this kind of difference of opinion—and, in fact, there are many kinds of differences of opinion about this subject—which renders it so exceedingly difficult to deal with. In the House of Commons, where a measure was introduced for the purpose of increasing the salaries, the diversity of opinion was so strong, and finally the opposition was so strong, that it was found impossible to proceed with the Bill. Now, to-day my hon. friend on my left thinks evidently that the salaries are large enough, that there were as good judges in his province at \$2,400 a year as there are now at \$4,000 a year, and I think that is very probable. For I remember, at a shorter date probably than my hon. friend himself could remember, when a man could live in this country for one-half the amount he can live on now—when the fortunes which judges, in attempting to maintain their social rank, had to compete with were not one-tenth or one-hundredth part of what they are now. It is not so long ago when the sight of a millionaire would have attracted crowds in the street: now there is not a town in the country where you could not find men who are several times millionaires. The cost of living is greater. Men threaten a change of dynasty, or a reconstruction of society because they do not get the same price for eggs as that which they got last year. But eggs this year were three or four times as costly as they were in those years. And so with regard to other articles of food, and to clothing.

It may be that in some respects the necessaries of life have not increased, but the requisites for maintaining one's social position have increased ten-fold, and it is impossible, as hon. gentlemen concur in saying, for the best men in the country to be induced to take positions on the bench at the rates which we now pay in the larger centres of business and trade. My hon. friend from Ottawa appears to compare to some extent the rate of payment which we give our judges with the salaries paid on the other side of the line. In some respects my hon. friend is quite right. The salaries paid there to judges of the courts in certain centres of business are three or four times as much, in some instances, as those paid to judges in some of the important centres of this country. But there are many reasons for that, not the least of which is the very high rate of living which is rendered necessary on the other side of the line in consequence of the enormous taxation. There, the cost of everything required for living is much greater than it is here; and the other reasons to which I have alluded prevail even more strongly there than here. There the fortunes are enormous, and in the competition for social position there, even with the liberal salaries allowed the judges, they are practically nowhere. However, in a moderate way there is no doubt whatever that an increase in the salaries of our judges is necessary. Whether it shall be particularly in favour of one class of judges or another class of judges, or what the amount of increase shall be, are questions which, of course, will have to be dealt with in detail. It is the intention of this Government next session to attempt to deal with the subject in a manner which they hope will be satisfactory to the country; but I must say this, that without some little compromise of views, and some little sacrifice of personal ideas about judges, we should have difficulty in passing the most admirable measure in the world even in this House, where the easiness of the circumstances of its members and their independant position render them more unlikely to criticize a liberal payment to judges than perhaps members might do in another place. Such a measure as the Government, with the most careful consideration of the question, can prepare, they propose to bring down next session.

### THIRD READING.

Bill (170) "An Act respecting the North Shore Section of the Canadian Pacific Railway." (Mr. Abbott.)

### DOMINION ELECTIONS ACT AMENDMENT BILL.

#### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (146) "An Act further to amend the Dominion Elections Act." He said: I do not know that I can give the House very much useful information as to the details of this Bill at this stage of it. The Bill deals with nearly the whole of the Elections Act as it stands in the Statute-book, making minor amendments and in some instances very important amendments, mainly in the procedure under the Act—as to deposits made, as to the certificates to be granted to returning officers, as to the affidavit, as to ballot boxes, and as to similar portions of the Act. This Bill makes important provisions, but the purpose and object of them I think can only be stated when we take up each clause in detail.

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

The Senate adjourned at 4:40 p.m.

### THE SENATE.

*Ottawa, Friday, September 25th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### TRADE RELATIONS WITH THE EMPIRE.

#### MOTION.

HON. MR. ABBOTT moved:

That an humble Address be presented to Her Most Gracious Majesty the Queen in the following words:—  
To the Queen's Most Excellent Majesty:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, humbly request that Your Majesty may

be graciously pleased to take into consideration the position of Canada in respect of certain important matters affecting its Trade Relations with the Empire and with foreign nations.

Your Memorialists desire, in the first place, to draw attention to certain stipulations in the existing Treaties with Belgium and with the German Zollverein, ordinarily referred to as the "most favoured nation" clauses, which are extended to other countries whose commercial treaties with Great Britain contain a "most favoured nation" clause, and which apply to British Colonies. By Article XV of the Treaty with Belgium, entered into in 1862, Canada is compelled to admit all articles, the produce or manufacture of Belgium, at the same, or at no higher rate of duty than is imposed upon similar articles of British origin. And in the Treaty with the German Zollverein, entered into in 1865, it is stipulated that the produce of those States shall not be subject to any higher or other import duties than the produce of the United Kingdom, or any other country of the like kind; and that the exports to those States shall not be subject to any higher duties than exports to the United Kingdom.

Your Memorialists consider that these provisions in foreign treaties are incompatible with the rights and powers subsequently conferred by the British North America Act upon the Parliament of Canada, for the regulation of the Trade and Commerce of the Dominion; and that their continuance in force tends to produce complications and embarrassments in such an Empire as that under the rule of Your Majesty, wherein the self-governing Colonies are recognized as possessing the right to define their respective fiscal relations to all foreign nations, to the Mother Country, and to each other.

Your Memorialists further believe, that in view of the foreign fiscal policy of increasingly protective and discriminative duties, it is clearly adverse to the interests of the United Kingdom, and of each and all of its possessions, that the Parliament of the United Kingdom, or of any of Your Majesty's self-governing Colonies, should be thus restricted in the power of adopting such modifications of its Tariff arrangements as may be required for the promotion of its trade, or for its defence against aggressive or injurious measures of foreign policy.

You Memorialists desire also to point out that the immense resources of the Dominion in its facilities for the growth of food materials, its fisheries, and its lumber, require for their profitable development the largest practicable extension of its markets, more especially in countries whose native supply of such productions is limited, while its rapidly developing manufacturing industries demand larger and increasing supplies of raw material, to be mainly supplied by countries which are extensive consumers of the productions of Canada. Your Memorialists believe that among the countries with which such an interchange of traffic takes place, the British Empire holds the highest rank in amount, and from its diversity of climate and productions affords the widest prospect of rapid and practically limitless increase, while the trade of the Dominion with the United States is second only to that with the British Empire, and its development and extension are of great importance to us; though, from the similarity of most of the products of the two countries, it is probably not susceptible of so great an expansion as might be effected in the interchange of traffic with the Empire.

That Your Memorialists earnestly desire to foster and extend the trade of the Dominion with the Empire, with its great neighbour, the United States, and with other countries throughout the world, wherever opportunity offers; and believe that by mutual concessions, and the adoption of measures for the re-arrangement of trade relations between the various portions of the British Empire, and between the Em-

pire and foreign nations, important and lasting beneficial results may be attained, and that to the way of the attainment of these great objects, the continuation of the restrictions imposed upon Canada and other portions of the Empire by the so-called favoured nations clause creates an unnecessary and unjustifiable obstruction.

The Senate and House of Commons therefore humbly request Your Majesty to take such steps as may be necessary to denounce and terminate the effect of the provisions referred to, as well in the Treaties with the German Zollverein, and with the Kingdom of Belgium, as with any other nation, in respect of which such provisions are now in force.

He said: I gave notice some days ago of my intention to move an address to Her Majesty on the subject of the most favoured nation clauses and I propose to detain the House a few minutes by a statement of the view with which I propose to ask that address and the object which I hope to attain by it. I presume the House is fully aware of the importance of the subject with reference to the arrangement of our trade relations, and also that it has more than once been attempted to get rid of these favoured nation clauses at different periods during the last ten years. The two treaties which are ordinarily referred to on the subject, are the treaty with Belgium, which was made on the 23rd of July, 1862, and the treaty with what is called the Zollverein—Germany and Prussia—made on 30th May, 1865. It may be well to see what the provisions of those treaties are. The Belgian treaty provides that:

"Articles the produce or manufacture of Belgium shall not be subject in the British Colonies to other or higher duties than those which are or may be imposed upon similar articles of British origin."

This treaty was made for ten years, with a provision that it might be terminated at the end of ten years, or at any period after ten years, by giving a twelve months' notice. The treaty with the Zollverein is a little different in its form, and in fact is more extensive in its terms than that with Belgium. It is there declared that:

"The stipulations of the preceding articles 1 to 6 shall also be applied to the colonies and foreign possessions of Her Britannic Majesty. In those colonies and possessions the produce of the States of the Zollverein shall not be subject to any higher or other import duties than the produce of the United Kingdom of Great Britain and Ireland, or of any other country, of the like kind; nor shall the exportation from those colonies or possessions to the Zollverein be subject to any higher or other duties than the exportation to the United Kingdom of Great Britain and Ireland."

This treaty, as I have said, was made in 1865. It was declared to be terminable at

twelve months' notice, at or after the 30th of June, 1877, so that both these treaties are now in a condition to be terminated, if it should be decided to give the twelve months' notice which is required by their terms. These clauses have been applied by less formal clauses to treaties with a number of other nations, but none of late years. There was a remonstrance on the subject in 1881 from this country. In Lord Kimberly's despatch of 2nd July, 1880, he refers to a draft article which is contained in Lord Carnarvon's despatch of 20th August, 1880, which article has been inserted in all the commercial treaties that England has made since that period. The purport of this article is that these clauses shall not be applicable to the colonies unless the colony shall signify their desire that they shall be, and in most of them there is a schedule detailing the colonies to which the article which might be applied, and in the return which has been recently made to the Imperial Parliament the colonies which have declared their intention to avail themselves of it are indicated. Those which have refused and those to which it is not made to apply are not mentioned. But the point is with reference to these clauses that none of them have been inserted in the last ten years in any commercial treaty binding on the colonies, and in all those treaties there is a clause which gives the colonies the option if they choose of availing themselves of the favoured nation clause inserted for the benefit in the first instance of the mother country. This subject of the favoured nation clause has been brought under the attention of our Government here on several occasions. There was an Order in Council passed about it on the 26th March, 1881. Under the authority of that order the Colonial Office was informed that it was the wish of the Canadian Government to be relieved, as soon as conveniently could be, of the obligations connected with the treaties then in existence, and that it was the desire of the Canadian Government to be informed:

"Of the inception of any new treaty, and that in future no stipulation binding upon the commerce of Canada should be introduced into any treaty without reserving to the Canadian Government the option of acceptance or refusal. And such option has been inserted in the more recent commercial treaties negotiated by Great Britain."

This position of the Canadian Government was acceded to by the Imperial

Government and the option referred to in this Order in Council was the option under which the clause mentioned in Lord Carnarvon's despatch was drafted and the same which was referred to in Lord Kimberly's despatch of 1881 and that option has, as I have just stated, been inserted in all the treaties since that period. Again, in November of the same year, a further application was made to the Imperial Government on this subject by Sir A. T. Galt, who called the attention of the Imperial Government to the request of Canada that she should be relieved from these clauses and he was informed in reply that:

"Her Majesty's Minister at Brussels and Her Majesty's Ambassador at Berlin, had placed themselves informally in communication with the Belgian and German Governments as to the exemption of the Dominion of Canada from the stipulations of the treaties in question and Her Majesty's Minister at Brussels had reported that in the opinion of the Belgian Government the exemption desired by the Dominion of Canada would necessitate the denunciation of the treaty of 1862, and the negotiation of a fresh treaty to replace it, and Her Majesty's Ambassador at Berlin had learnt that in the opinion of the competent German authorities it would not be either convenient or desirable to abrogate single articles of the Treaty of 1865 apart from a general revision of the whole instrument for which there did not appear to be any immediate necessity."

That is the difficulty which has been indicated since that period on more than one occasion, more particularly, I think, in the interview between Lord Salisbury and a deputation that waited on him in June last, when he pointed it out. In 1890 certain gentlemen were appointed in England, I think by the Board of Trade, to consider the approaching expiry of various European commercial treaties. On observing this, on the 11th August, 1890, Sir Charles Tupper wrote to the Colonial Office suggesting that the Committee might take into consideration the treaties with the Zollverein and other nations, and stating that Canada held the same view about those treaties and he asked that we be relieved, continuing as follows:—

"The Dominion Government holds the same opinion as when that correspondence took place (referring to the correspondence of 1881) and I am sure it will be gratified, if it could be relieved from the obligations connected with those treaties, which are regarded as not only limiting the freedom of action of the Dominion Parliament, but tending to interfere with the extension of trade between different parts of the Empire, without corresponding advantages to the colonies."

To that letter Sir Charles Tupper received an acknowledgment; but nothing further,

so far as we know, was done upon it. That is the position of these treaties at the present day, except that I may add that there are quite a number of countries, in the treaties with which these clauses are made applicable to the colonies. There are a number of others in which the colonies are not mentioned at all, and others more recently made, as I have stated, in which the option is given to the colonies to avail themselves of those clauses if they think proper. There seems to be no dispute or difference of opinion here, or in England, respecting the effect of those clauses. Lord Salisbury, in his discussion of the matter in June last, expressed himself most strongly on the subject, declaring in effect that he could not imagine for what reason Lord Palmerston or his Government had agreed to the insertion of these clauses in the treaties to which I have been referring. And he intimates that probably the effect of them was not observed, and perhaps the clauses themselves passed without notice or question, and without the consideration to which they were entitled, and which they recently have received. But, as a matter of fact, there they are, and that is their position. I may add that the communication of Sir Charles Tupper on the subject was laid before the Council here by him, and was approved; and the approbation of the Council was transmitted to the Colonial Office.

As those clauses stand, they place this country in this position, that we are unable to legislate in such a way as to carry out any arrangement we may make with any country, as to favours which we desire to confer upon such country, in return for favours which we expect or desire them to confer upon us, in connection with the trade between us and such country. In respect of that, we are tied hand and foot. We can make no such arrangement. If we are bound by the letter of these clauses, we can make no discrimination of any kind or description, in respect of any trade which we may desire to foster between ourselves and any other country. Of course we should look more particularly, in considering that question, to the mother country and to our neighbours to the south of us. It is quite true that there is a difference of opinion as to how far a reciprocity treaty, in which an equivalent is given for a reduction of duty, falls within the terms of

these favoured nation clauses, or within the prohibition which they contain. The United States have contended that such a treaty is not affected by these favoured nation clauses, and there has been a judgment of the Supreme Court, holding that in a case respecting some sugar imported from a colony of Denmark, the duty usually charged by the United States upon the importation of sugar could not be enforced, because Denmark had a favoured nation clause in its treaty with the United States, and was entitled to trade there on the same terms as the most favoured nation, and because the United States had granted free sugar to Hawaii, in a reciprocity treaty with that country. But the contrary doctrine has been held in England, and it is quite possible that in the treaty between the United States and Denmark which I have not seen, there may be some clause which would take that particular treaty out of the ordinary rule in respect of such matters. At all events, we are open to the objection which these clauses afford, in the event of our attempting to make any provision in our tariff, with respect to importations or exportations. We are exposed to the possibility of difficulty and litigation arising out of these clauses. We have already had to modify our legislation, in a way which we did not ourselves desire to do, in consequence of these clauses—more than once I believe. I remember one instance, particularly, within the last three or four years, where we fixed the rate for duty on goods imported from England, at the rate at which they were purchased—the value of the goods in the market of the country from which they were imported—while goods imported from Germany had to have added to their price the cost of bringing them to the seaboard. And upon that price, with the freight added, the duty was required to be charged. Germany remonstrated, and we had to alter the law, and put England and Germany, in respect of such goods, on the same footing by a statute which stands to this day upon the Statute-book. I mention this case to illustrate to the House the position in which these clauses place us. We have had with us here not long ago, a gentleman who proposed to us a very plausible scheme for improving our trade with the mother country. I do not know that he had any authority from any special body there, to make the suggestions he did, but in theory

they seemed to me, if practicable, very likely to possess the germ of a movement which might become important to us to the last degree. Of course, I have not at present the means of judging whether such an arrangement would be favoured in England, if we should finally, on due consideration, think it desirable that it should be made. The idea of taxing the food of England is one which is repugnant, now at all events, to a very large proportion of its people, and although protection under the name of fair trade has made some little progress in England, I question very much whether it has made a deep or a lasting impression. How far the change may go in the future—how far the competition to which England's manufacturers are subjected by the fact that England alone of all countries in the world—practically alone—admits free to her markets the products and manufactures of other countries; and that in her case, as one of our statesmen lately observed she finds in every quarter of the globe over which her flag does not fly a protective if not a prohibitory tariff opposed to her manufactures, may lead to a radical change in her views, no one can say. Now does any one know how far the progress of events may lead England to consider, whether it may not be worth her while to take steps to improve her trade relations with her 350,000,000 people, and to secure for herself markets, where, independent of hostile tariffs, she may dispose of her surplus products and from whence she may be fed; even at some little sacrifice of the principle which has taken so strong a hold upon the English mind—the principle of free trade? Whether or not that may happen, of course it is impossible to judge. For my own part, I do not think it at all impossible, though perhaps it is not yet probable. The theory which Mr. Vincent presented to us is certainly a most attractive one in its idea of forming a huge commercial community six times the extent of the United States, which is a great commercial world in itself, opening the doors of that huge community to its component provinces and countries freely, or with preferences over outside or alien countries. The picture presents a bold outline, and it is possible that it may be realized by its development by persons skilled in trade and in financial matters, after a careful study of the modes by which such a plan might be made ad-

vantageous to all the component parts of this huge Empire. Again, we may find our neighbours to the south, more tractable than they have been in the past, in the way of trade relations. It may become our interest to make arrangements with them which we are now practically prevented from doing by the terms of these clauses: and I think it would be to our advantage, and to the advantage of the Empire, although with that I do not presume I can have much to do, although I am a humble member of it—still looking at ourselves alone, I think it is to our advantage to be freed from these restrictions; and to have it in our power, should events take such a turn, to make it to our advantage, to make special arrangement with them or either of them as to our tariffs and our trade. With these two countries we have the largest portion of our trade. It is somewhat remarkable that of late the exports to England and the exports to the United States have been changing their respective amounts in an inverse ratio. The exports to England have been increasing, the exports to the United States have been diminishing. I find that in 1889 our exports to England were \$19,900,000 in round figures—that is to say, our exports of the produce of the farm. In 1890 they were \$22,240,000, an increase of two and a half millions while during the same periods, the exports of the produce of the farm to the United States were \$16,000,000 in 1889 and \$13,000,000 in 1890; thus decreasing in rather a greater proportion than their increase with England, while the exports generally from Canada to England were in 1890 \$48,000,000, and to America \$40,000,000. I do think it is generally supposed that the converse of these propositions is the fact, and that our trade is larger with the United States than it is with England. But these figures are official, and I believe are correct, and they show, as I have stated, that our trade with England is increasing in a larger ratio than our trade with the United States, and that it is in itself intrinsically larger than the trade with the United States.

There is, of course, a difficulty in respect of these clauses which Lord Salisbury pointed out, and which we were informed of, when we first made application to the British Government to relieve us from them in 1880. The difficulty is, that Eng-

land cannot denounce one clause of a treaty, but must denounce if at all the whole of it, and it may be inexpedient for England at the moment to put an end to the commercial treaties with those countries, and with others to which the address refers. But Lord Salisbury stated in his reply to the deputation which waited upon him, that inasmuch as England recognized the importance of getting rid of these restrictive clauses as soon as it is possible to do so, the matter would be kept in view; and the first occasion would be seized for relieving the Empire of their effect. I think it, therefore, well that we should place of record, and transmit to the Imperial Government, an Address laying before Her Majesty in the most formal manner possible, the desire of this country to be rid of the restrictions which these clauses impose. It is with that view I have given notice of the Address which I now have the honour to move.

My hon. friend from Manitoba has given notice of some changes in the Address which, I fear, I cannot concur in. Some of them are merely verbal. Some of them actually strike at the whole purpose of the Address, and some of them extend to a subject much larger and broader than I propose to deal with. The Address has for its object solely the request that we be relieved from the favoured nations clauses. Now, the first amendment which my hon. friend proposes purports to indicate to the Government of England the difficulty that exists in the repeal of those clauses—that is, it proposes to say “and that the clauses in those treaties which affect Canada cannot be expunged without denouncing the treaties as a whole.” I do not think it is very appropriate in asking Great Britain to relieve us from these clauses, to take upon ourselves to inform them of the difficulty which they themselves have told us exists, in getting the clauses removed, and I cannot bring myself to think that that would be really an improvement to the draft Address. Then, my hon. friend proposes to strike out the 3rd and 4th clauses of the Address. It seems to me that the 3rd and 4th clauses are of the very essence of the Address. The 3rd clause says :

“Your Memorialists consider that these provisions in foreign treaties are incompatible with the rights and powers subsequently conferred by the British North America Act upon the Parliament of Canada, for the regulation of the Trade and Commerce of the

Dominion; and that their continuance in force tends to produce complications and embarrassments in such an Empire as that under the rule of Your Majesty, wherein the self-governing Colonies are recognized as possessing the right to define their respective fiscal relations to all foreign nations, to the Mother Country, and to each other.”

It seems to me that that is an assertion that we have a right to make, that it is our interest to make, and our duty to ourselves to make; that is, to point out that since these treaties were negotiated we have had power conferred upon us to make the very regulations respecting our trade which these clauses prevent us from making. And, therefore, that they are to the last degree inconsistent with, and incompatible with, the clauses of our own constitution. And it seems to me to be a very appropriate occasion to point this out to the British Government, when we are asking it to relieve us of these clauses. The 4th section which my hon. friend desires to strike out, is that in which we assert that it is clearly adverse to the interests of the Empire, and of ourselves, that we should thus be restricted in the use of our own constitutional powers. That also appears to me to be an assertion which we ought to make. We ought to place it respectfully before Her Majesty, as the position which we hold, that we have a right by the constitution which she and her Parliament have given us, to regulate these matters for ourselves; and respectfully to point out to her, that it is incompatible with our interests and with those rights, that such restrictions should continue, while at the same time we ask her respectfully to endeavour to cause them to cease. There is an addition which my hon. friend would also make to the 5th clause near the end of it.

HON. MR. DICKEY—It is a substitution for the part that is struck out.

HON. MR. ABBOTT—The part to be struck out is also one that ought not to be forgotten, and it is an appropriate occasion on which to emphasize it. I propose to make the point in it, with regard to the similarity of the products of our friends to the south and our own, that the markets of a country which does not produce the same articles as we do, is likely to afford us a greater expansion of our trade than the markets of a country whose products are practically the same as our own; and



which are in competition with our own productions. To the 6th clause my hon. friend would also make an alteration which goes further, I think, than the purport of this Address would justify. It is stated that we believe that by "mutual concessions, and the adoption of measures for the rearrangement of trade relations between the various portions of the British Empire, and between the Empire and foreign nations, important and lasting beneficial results may be attained." My hon. friend would insert there, "and with the view of ultimately establishing universal freedom of trade." That is a pretty broad question. It is a long way beyond the scope or tenor of this Address, and I do not know that I myself would concur in it as a practical object, because as a practical object, I think it is entirely futile and entirely hopeless to dream of it. Probably in theory, if we had universal freedom of trade, it might be the best state of things for the world—that is the theory; but it is a theory which is so thwarted by practice throughout the world, that however good it may be, it is not, and cannot be, permitted its full operation: at least as long as we live, or as the times in which we live seem to indicate, for a long time after we all have disappeared. In the 7th clause my hon. friend would also insert an amendment which raises an entirely new question, foreign at least to this Address, and one which I think is not necessary. I think it would be ungracious to insert it here, even if it were in consonance with the general purport of the Address. He wishes to add after the word "force," in the 7th clause, 6th line: "And that in the negotiations of any new treaties, having for their object the protection of the commercial interests of British subjects, the Government of Canada may have an opportunity of expressing its views."

Now, taking that in one sense it has been in force for ten years. If it is applicable to commercial treaties such as those in which these favoured nations clauses are to be found, we have had the opportunity for ten years past of expressing our views upon them. The Government of England long ago formally recognized our right to be consulted, before any stipulation is inserted in any treaty affecting our interests in this direction, and we have been consulted—that is to say, we have had the option in every instance of accepting these favoured nations clauses,

acceding to them or letting them alone; and in most instances we have taken the latter alternative. If we are to take the amendment in a sense foreign to this Address, and hardly necessary to be discussed to-day, I think Canada has nothing to complain of in the way of being heard as to our views. She has, in every case of late years in which our interests have been concerned, invariably had the opportunity of expressing her views, generally by the presence of some person possessing her confidence, in the negotiation of treaties; and if not to that degree, by full and intimate communication of every step that takes place in the negotiation, as in the case of the Behring Sea. My hon. friend has taken a good deal of trouble in preparing these amendments I am sure, and has so prepared them with the idea of improving the Address. I also have taken a good deal of trouble in preparing the Address, and discussed it with my colleagues with the view that it shall be introduced by them in the Commons. We have studied and revised it, and in the form in which I have the honour of presenting it to the House we think we can support every line and every word of it; and we would like to submit it in the form in which it stands. I hope my hon. friend will not press the amendments to it; but if he should concur in the general principle of the Address that he will also concur in voting it as it stands. With these remarks I beg to move the Address.

HON. MR. SCOTT—The proposal of the Government to bring this question of giving Canada practically a voice in treaty-making with other countries, is a move in the right direction. It has long been part of the policy of the Liberal party that Canada should not only be relieved from the entanglement and embarrassment of being included in the various treaties made by the mother country from a-half to a-quarter of a century ago, but they also have felt that the condition of Canada was such as to entitle her to take the initiative in any treaties which it is proposed to make. I should like it to have gone further than it has and couple with it the proposition that Canada shall make her own treaties. The hon. Premier has very properly drawn the attention of the House to the embarrassment that at present exists in obtaining a release from the conditions

imposed by several treaties. I recognize that to a very great degree, and I very much fear that very little will come of our proposal. Still, I think it is quite wise and proper that this matter should be brought under the notice of the British Government. It is a fact recognized between nations that where a treaty is abrogated, or a particular clause of it, it involves the making of a new treaty, and our proposal to be released from the objectionable clauses of the treaties now in existence, would involve the making of twelve or thirteen new treaties. So far as my notes go, I find the favoured nations clause prevails in almost every treaty—in the treaty with Belgium, with Germany, with Austria, with Colombia, with Costa Rica and France.

HON. MR. ABBOTT—Not with France.

HON. MR. SCOTT—The treaty of 1886 with France, Mecklenburg, Portugal, Russia, Salvador, Sweden and Norway. It would involve the abrogation of the treaties between Great Britain and all those countries, and it would be an exceedingly difficult thing to bring about. It is fortunate for Canada that her interest in the treaties with these particular countries is somewhat limited. If we obtain larger treaty relations with other countries we could very well afford to allow those I have named to come in, even under the favoured nations clause. I do not think it would materially affect the position of any treaties we might make with the countries with which we are likely to get our largest trade. It is important that something should be done. This subject ought really to have been moved at the time of Confederation. Had we in 1866 made a movement similar to this, we probably long before now should have been relieved from any of this entanglement and should be free to make negotiations with other countries. All our public men feel that something ought to be done to increase the trade of Canada, because it has been practically stationary. We have not made anything like the progress in the aggregate trade of this Dominion in the last 10 or 20 years that the great resources of the country would justify one in hoping for. The totals of the trade in the time I have mentioned have really not grown in anything like the proportion of increase in wealth

and population of the Dominion. Our aggregate trade last year was \$218,000,000; in 1877 it was \$194,000,000 and in 1878 it was \$217,000,000, so it is perfectly evident that the trade of Canada, from some cause or other, has not grown in proportion to her wealth and population. We have in natural resources probably an excess over all countries in the world in proportion to our population and yet with all that great natural wealth our trade has not grown. The hon. the Premier has called attention to a point that he thinks is deserving of notice, and if it were really borne out by the figures it might be an important index of the future—that is, that the trade of this country with Great Britain was growing in an inverse ratio to that of the United States, which was diminishing. We cannot take any one year in particular as a criterion. It is quite true that last year the aggregate trade with Great Britain was larger than the aggregate trade with the United States by some nine millions of dollars, but the year before the aggregate trade with the United States was \$14,000,000 more than with Great Britain.

HON. MR. ABBOTT—That is what I have said; it is decreasing.

HON. MR. SCOTT—I have gone over a period of ten years and it is a very singular circumstance that taking that period the aggregate trade between Canada and the United States and Canada and Great Britain has not varied half a million dollars, showing that it just proceeds about *pari passu*. There is no national sentiment in our trade. So far as the United States is concerned we can develop that trade when we like. We can pass an Act to-morrow which will increase it. So far as Great Britain is concerned her markets are open to us. We pay no tolls there; there are no customs laws, and, therefore, there is nothing more to attract us there. We go into the markets of the United States and have to get over a high wall to reach them; therefore, it is perfectly apparent that as our trade with the United States is equal to that with Great Britain, if the high wall were removed our trade with the United States would grow in much greater proportion. So far as the trade with Great Britain is concerned, there is no way of stimulating it except by taking down our tariff. Of course we could select the particular

articles we get from Great Britain and which the United States buy from Great Britain also; we could take down the tariff on such articles and no doubt thereby increase our trade with Great Britain. It depends on ourselves, we can do it by Act of Parliament.

HON. MR. ABBOTT—We cannot do it without letting in the favoured nations on the same terms.

HON. MR. SCOTT—But England can compete with other nations. We would simply improve our trade with Great Britain if we so desired it, there is no question about that.

HON. MR. BOULTON—You cannot do it without abrogating those treaties.

HON. MR. SCOTT—Yes, because while you let in all those nations England can compete with them. There are some kinds of goods that can be purchased in England cheaper than anywhere else—articles which other countries must buy from England. Let us reduce our tariff on those classes of goods and we thereby increase our trade with England most certainly. We do not give them any preferences; they do not require preferences. They can compete with any country in the world on the same basis, and, therefore, it is not necessary for us to consider those favoured nation clauses. If we are to wait until all the treaties that I have enumerated are abrogated before we make a fiscal change, we will find others passing laws in this Chamber, because in my judgment it is a very long way off. I should have been glad had the Government not only proposed this Address, but included in it the application of Canada in the future to make her own treaties. This subject was brought up in another place by the Hon. Mr. Blake on behalf of the Liberal party, and voted down. It has since then been brought up again and voted down. England has been told that Canada does not desire to be in a position to make her own treaties, although our experience has been that not a treaty negotiated by the Colonial Office has been in the interest of Canada—Canada has had her rights sacrificed in all of them. If one will look at the treaties from 1783 down to the last one, it is perfectly obvious that in all of them the rights of this country have been entirely lost sight of.

HON. MR. DICKEY—The Treaty of Washington?

HON. MR. SCOTT—Yes, in the Treaty of Washington, while the *Alabama* claims were recognized, our Fenian raids claims were ignored. There my hon. friend has an illustration at once. Where the questions were exactly similar, the claims of the United States for damages done through the *Alabama* were allowed while the claim of Canada for damages done by an invasion of Fenians from the United States was cast aside. In 1783, when the colonies first separated from the mother country, they were perfectly content to make the Mississippi the western boundary of the United States. We all know what followed afterwards when they came to interpret that treaty; the commissioners of the United States had everything their own way. It is said that a very distinguished Englishman was sent out to the Columbia River to ascertain whether that would not be a proper boundary between the two countries. He reported that the country was worth nothing. It is said that he tried fly-fishing there and finding that the salmon would not rise to the fly he pronounced the country worthless and it was given up to the United States to the present boundary line. We all know that after the revolutionary war Illinois and other western portions of the United States were under British dominion. It is a matter of history that even at Niagara and Detroit and other points now in the United States, British troops were maintained long after the war—until some time in the nineties, showing that at that time the United States did not recognize that they owned the country there. It was simply given away because those at the head of affairs in Great Britain did not consider that the country was worth holding. There was the Jay Treaty, which gave away a large portion of our country, and the Ashburton Treaty by which Maine was allowed to take away a large slice of what ought to be Canada. If any gentleman will look at the division line on the map between Canada and the United States it is very remarkable that wherever it is possible to make an encroachment on Canadian territory it is done without any sort of protest. Anyone going up Lake Huron will notice a large island—Drummond Island—which is entirely on the Canadian side of the lake

but the boundary line is allowed to run in and scoop it out, and the same in Lake Superior in regard to Ile Royale. When those treaties were made they did not know much about the country.

HON. MR. KAULBACH—What about Pelee Island in Lake Erie?

HON. MR. SCOTT—That is a part of our territory. All these treaties show how important it is that Canada should be represented wherever her interests are at stake and represented in such a manner that her voice can be heard. There is nothing derogatory to England in our asking for those rights. Surely, our quasi-independent position here is sufficient to warrant us in asking that in all treaties in which we are interested we shall not only have a voice but where our interests are affected that we shall have the only voice. We know that there is a desire on the part of Englishmen to keep on the best possible terms with the United States, and although they may not desire to sacrifice Canada's interest, yet we know wherever the rights of Canada come up they are made subservient to the interests of Great Britain. England has an immense sum invested in the United States, owning the railways and many of the factories and large enterprises there, and there is always therefore a desire to make things smooth and pleasant between the two nations. It is quite notorious that wherever Canada's interests come into collision with those of the United States our interests have to stand aside. A couple of years ago when the Behring Sea trouble first arose, the Government of this country announced that it would be settled immediately, that England would stand by the rights of Canada—that Canada claimed the right of Canadian vessels to go into the open sea and catch seals, and that Behring Sea could not be treated as a closed sea. That was the consensus of opinion here. When the United States began to talk to Great Britain about it the Imperial authorities saw it in the same light as the United States did, and agreed to send out war ships to assist the United States in protecting the lessees and seizing Canadian vessels. Who would have imagined two years ago that the dispute would end in that way? We all believed we stood on an equal footing with other countries on the open sea,

and that we had a perfect right to catch seals in Behring Sea. That was the view entertained by everyone on both sides of politics here, but the British Government finally agreed to assist the United States in keeping Canadian vessels out of the seal fisheries in Behring Sea.

HON. MR. MACFARLANE—But they kept American vessels out as well.

HON. MR. SCOTT—Of course they did, but they seized Canadian vessels for exercising a right that they supposed they possessed.

HON. MR. KAULBACH—And American vessels too.

HON. MR. SCOTT—Except the vessels of those that held the lease from the United States Government. I am only pointing out this as an illustration of the manner in which Canadian interests are sacrificed where treaties are made in England.

HON. MR. ABBOTT—I hope my hon. friend has got some better illustration than that.

HON. MR. SCOTT—Well, I think that is a pretty strong illustration and I have mentioned others. Certainly, if Great Britain had regarded the interests of Canada in the broad light that they should have been viewed in when the earlier treaties were made, we would own what is now a very large slice of the United States. Had England stood firm, the Colombia River would have been the northern boundary of the United States on the Pacific slope. I do not think it is necessary to quote another illustration. That is sufficiently strong to show that in all the treaty negotiations with the United States we have been over-reached. My hon. friend has devoted a few observations to the advantages of developing trade with England. As I said before, we can develop that trade whenever we choose to take down our tariff, because on the English side there is free trade. I do not think he is warranted in under-estimating the value of the market to the south of us or in saying that it is in any way inferior to the market of Great Britain, because the figures will not sustain that view, if you take the returns for a period of ten years.

As I said before, I took the trouble to add up the columns for ten years, and I find that there is no variation in the aggregate in those ten years. We have the advantage in the two markets no doubt, and it depends entirely on the values on the other side whether our export trade increases or diminishes. There are, however, certain products in which we are deeply interested that must go to the United States under any circumstances. Over three-fourths of the products of our mines go to the United States, and a much larger share would find sale there, no doubt, if the tariff was reduced. The four millions would become eight or ten millions in a short time. Of the products of our fisheries, in which a very large number of the people of this country are interested, more particularly in the Maritime Provinces and on the Pacific coast, over one-half go regularly to the United States. I do not think there is ever a period when Great Britain takes anything like the same proportion of our fish that the United States does. In reference to the products of the forest, the returns are movable figures. Sometimes we send a larger proportion to the United States and sometimes to England. Last year we sent more to Great Britain; the year before we sent more to the United States. Of animals and their products we send a larger portion to Great Britain. Our trade in animals and dairy products to Great Britain is gradually growing, and no doubt it is capable of large expansion. It is in the interests of this country to foster that trade as much as possible, because England is at all times an open market, and there is no possibility of its being closed. No doubt the British market offers unlimited advantages and unlimited scope; but in reference to what is known as agricultural products, I say our true market is in the United States, and the figures bear me out in saying so. Last year our exports to Great Britain amounted to only three millions of dollars, while to the United States they reached seven millions of dollars. In 1889 the proportion was even greater, four millions to Great Britain and ten millions to the United States; so it is perfectly apparent that so far as the great mass of the people are concerned—our fishermen, our miners and our farmers—the attractive market for them is the United States. The figures running over a period of ten years

will bear out that statement, and I think, therefore, that it is the market that ought to attract us. The other market is a free and open one. We have been endeavouring ever since Confederation to extend our markets, and it is a curious and interesting study to look at the number of gentlemen who have been sent out as commissioners to the West Indies and South America for that purpose and nothing whatever has come of it at all, showing that it depends entirely on ourselves. In 1886 three gentlemen were named for a mission of this kind—Hon. Senator Ryan, Hon. Mr. McDougall and Mr. Smith, of the Fisheries Department. They visited several of the West India Islands and made an elaborate report, but nothing came of it. We know that even the Minister of Finance himself has recently visited the West India Islands and nothing has come of it. It is quite impossible. So long as we keep up our own tariff we can get a treaty with any country if we choose to let in the goods of that country at any reasonable figure.

HON. MR. KAULBACH—What is our tariff barrier against the West India Island products?

HON. MR. SCOTT—Our tariff on the sugar. We get the chief supply of sugars from foreign islands. In the West Indies Islands now they manufacture their own sugars, and the United States are letting in their high grades of muscovado, because they admit sugar up to 16 degrees. We have excluded all sugars up to 14. We would not buy any sugar of 14 or under in any of the groceries in Ontario or Quebec, or the Maritime Provinces, and we cannot import the other profitably. We have a trade with South America and the West Indies which is very considerable. It runs up to seven or nine millions of dollars, and we are now in danger of losing that, which is a very serious matter, and which will affect the Maritime Provinces more than any other portion of the Dominion, because under the treaty that the United States is now making with Cuba and other islands, they will adopt a discriminating tariff as against other countries and allow the sugars and other products of those islands to come in free on the condition that the goods of the United States are allowed to go into these particular islands free, which necessarily

cuts off our trade with the West Indies, and another year it may be entirely destroyed. Of course it is no fault of ours. We cannot help ourselves. Remonstrances have gone forward to Spain more particularly that under the favoured nations clause Great Britain and her colonies ought not to be excluded; that she ought to come in under as good terms as the United States. But the United States have generally had their way in all these treaties, and they will have their way in the future. It is generally conceded that where two nations agree absolutely to exchange products, the favoured nations clause will not apply, as a *quid pro quo* has been given. If this is the interpretation to be put on it, after the first of July next, you will find that our trade with the West India Islands will be sorely crippled. It is a trade exceedingly favourable, more particularly to the Maritime Provinces. These illustrations only show how extremely important it is for Canada to adopt some policy at the present moment to develop her trade. I do not know that the proposition of my hon. friend from Shell River with reference to free trade in his motion, which has been somewhat sneered at, would be so much out of place, because until we adopt some measure of free trade, we are likely to have our trade year by year more and more restricted. Every gentleman must admit that our trade is not growing in proportion to our wealth and resources. It has stood still practically for ten years. This is a condition of things which we ought to be ashamed of, and should look upon with regret. As to the question of fair trade in Great Britain it is a myth. No man in his senses can believe that the people who have to buy nearly 200,000,000 bushels of feed are going to put a tax on that food, in order that Canada may get on 30,000,000, and the Australian colonies on somewhat more, a slight advantage at the expense of the poor operatives. That is not the spirit of patriotism we would like to encourage. There is not a man of any standing in Great Britain to-day who will tell you that there is any possibility of the fair trade movement being adopted. I would like to refer my hon. friend to what Lord Salisbury, the leader of the Conservative party, said on that question. He had the candour and frankness to tell the deputation that waited on him only a few

months ago, that it was perfectly hopeless to expect that England could afford to make any such retrograde movement. No leading statesman that I have heard of on the Conservative side would entertain such a proposition for one moment. There is the fact that this large importation of food has to be made. Would it not be monstrous that English operatives should be required to pay a tax on this large importation, in order to give Canada an advantage in that market? England has been able to compete with the world in manufactures, simply because she gets her food and raw material free. It is on that account she can defy competition and can send her manufactures even into the United States against the 60 per cent. tariff successfully. It is because her people have cheap food that they have been able to stand the competition of other countries for so many years. Every person who has looked at this question from a common sense standpoint most feel that the confederation of the Empire is impossible, based on any proposition that would impose a tax on the operatives of Great Britain. The manufacturers there can compete with foreign made goods, simply because they have the raw material free. They can buy breadstuffs at Liverpool to-day nearly as cheap as they can be bought on this side of the Atlantic, because freights are so low. They can buy raw cotton from the Americans, take it across the Atlantic, manufacture it, send it back and sell it to advantage against a tariff varying from 40 to 60 per cent. in the American market. That could not be done under any other condition of things, and you do not suppose that the English people are going back on the policy that has brought about such wonderful results.

I hope that the proposition of the Government will meet with the success we all desire. We all recognize how difficult it is to obtain a proper hearing for a proposition of this kind. We know that diplomatic men move slowly, more particularly where nations are concerned. It takes years and years to bring about an arrangement, and when we recognize the fact that a change of the clauses in the treaty means the making of a new treaty, and that nations are unwilling to disturb existing treaties, fearing they cannot accomplish as good results in new treaties, I fear it is very much complicated. However, it is a declar-

ation on our part of the stand we ought to take, and is an intimation to the people of England that Canada is feeling her way to the time that she will have control of her own trade. We will have to consider, however, whether we cannot bring about similar results by the alteration of our own tariff. With regard to the nations who enjoy the advantage of the "favoured nations" clause, it is fortunate for us that they are not the nations with which we do our largest trade. Running carelessly over it, it would probably involve a trade of twelve or thirteen millions of dollars. Of course, it is a question of very considerable importance, but I think by a reduction in our tariff we could obtain very much the same results, because nations that would trade with us would be developed and stimulated, and would be able to more than compete with the countries I have named, in whose treaties these "favoured nation" clauses exist. So that on the whole I do not think we have anything special to fear so long as we ourselves can see our way to such a reduction of our tariff as will enable other nations to trade with us.

HON. MR. MCCALLUM—I will not occupy the time of the House but for a few moments in discussing this question. I was somewhat amazed at the remarks of the hon. gentleman from Ottawa. When he makes the assertion that we should have the power to make our own treaties, does he consider for a moment where we should stand if we had such power? Where are the army and navy to enforce a treaty made by ourselves? Could we stand the expense? The hon. gentleman also finds fault with the arrangement made under the Treaty of Washington. I ask him would this country be in a better position if we had not Great Britain at our back when that treaty was being negotiated? It is a question to me if we would not now be in the arms of the great republic. It is all very well to trade with people if we can make that trade profitable. My hon. friend said in his remarks that our trade did not keep pace with our wealth and our resources. It is wealth we are after. There is no use in trade if we get no advantage. I am very much pleased with the motion before the House, because I think it is about time we should look somewhere else than the United States for markets in which to exchange our products. We have

been going to Washington for a long time and knocking at the doors there, and it is about time we should turn our attention to Great Britain. We can get nothing worse there than a refusal. It is true we can cut down our tariff, but can we cut down the tariff of the United States? When the hon. gentleman from Ottawa tells us that the United States is the natural market for our agricultural products I think he makes a very great mistake. We are told that if we get a reciprocity treaty with the United States we will obtain a market of 65,000,000 people, but we are not told that that market is already full to overflowing with agricultural produce. If the hon. gentleman looks at the latest returns of the United States he will see that they exported \$173,000,000 of agricultural produce alone to Great Britain, and when an hon. gentleman gets up in this House and shows that the United States is the market for the products of this country I am not going to credit it, for I know better. I should be very glad, indeed, if we could trade with the Americans on reasonable terms. I have lived in this country during the existence of the Elgin Treaty, from 1854 to 1865. I know that the country was prosperous for part of that period. I know that at the beginning of that treaty we had the Russian war going on, and wheat was selling in Canada for \$2.50 a bushel. I know that in 1857 there was a terrible crisis in this country—and I know that after that we were prosperous because the Americans had each other by the throat. They had a civil war going on, while we in Canada were raising food for them and getting their money. I live within 32 miles of the City of Buffalo, and I speak as an agriculturist. I farm 1,000 acres of land, and my opinion is, that even the Treaty of 1854 would be a curse to the people of this country if we had it to-day. We must look to Great Britain or somewhere else for a market. There is no use in looking to the United States. People think that because we were prosperous at a time when the Americans were engaged in destroying each other, we would be prosperous to-day under the same fiscal policy that we then had. But the Americans to-day produce a great deal more agricultural products than they can consume themselves. That is the market that is offered to us. I do not think so much of it all the same; if they will give us fair trade we are prepared to deal with them.

We do not want the power of making our own treaties. I wish Canada to remain part and parcel of the British Empire, and I think we should make every movement possible to increase our trade with Great Britain. Some people speak in this country as if we could not live if it were not for the United States. Supposing they were 1,000 miles away from us could the Canadians live in this country? I think they could. I think we could get along as well without American products as they can get along without ours. As long as they labour under the delusion that Canada is dying to get into their arms we can make no fair trade arrangements with them. I know them very well. I have been back and forward through their country for the last 50 years and I know that the moment they think you are anxious to get anything from them that is the time they will withhold it. I am very much pleased to see this motion before the House. I would wish it to go a little further, but we had better take one step at a time and the rest must follow, because Great Britain and her colonies have the population and the resources and we ought to be able to trade with one another advantageously. I would like to see Great Britain and her colonies against the world on the trade question. I have not a doubt at all but she can live comfortably and prosper and go forward as the bulwark of liberty for the whole world for all time to come. There has been a great deal of finding fault with the Treaty of Washington on the part of the hon. gentleman from Ottawa. I know that there was a great cry raised in this country about it at the time; still we got \$5,000,000 by it. The Americans said they paid too much money. They were playing a game of bluff then and they want to play bluff now. My hon. friend has called attention to the Behring Sea difficulty, but he has found out that Great Britain only took a back seat because it was in the interests of peace and good neighbourhood, and in order that the question may be thoroughly investigated. Does my hon. friend think for a moment that Great Britain has given way on any point which she thinks is her right? No, never. She might give way a good deal in the interests of peace and good neighbourhood, but if she knows she is right she will never budge an inch. I feel satisfied to stand here as a British subject, with Great

Britain at my back, no matter where I go—no matter in what clime or on what sea I have the protection of that flag. Britain always looks after her own interests and in looking after her own interests she looks after ours. I do not want Canada to have the power to negotiate her own treaties without the assistance of Great Britain, for the very reason that we could not stand the expense—we have not even got an army and navy to enforce the conditions of a treaty, and we would be treated with contempt if we undertook to enforce treaty rights. We know that the Americans exported last year \$173,000,000 worth of agricultural produce to England alone, after supplying their own people and although we are told that if we had reciprocity with the United States, we would have a market of \$55,000,000, we are not told how many of them would be direct competitors with ourselves, and how many of them are negroes who raise pork and corn to feed themselves; and buy nothing.

HON. MR. HOWLAN—We are often told that free trade would be of paramount importance to Canada, but we have never yet been informed by the gentlemen who advanced this theory how we are to provide for the loss of revenue—some \$13,000,000—that would be involved in such a policy. Sometimes we have been told that it would be made up by a tax upon property; others say by a poll tax, and others have informed us that we could save it in the expenditure of the country; but I have never yet heard any practical man submit a proposition by which this \$13,000,000 would be saved. I have heard in my time some wild statements made in this House, but I never heard a more absurd statement of the exports and imports of this country than was given by the hon. gentleman from Ottawa to-day. To listen to his statements and quotations one would suppose that Canada had stood still during the last 20 years—that there had been no advancement. How careful he has been to quote ten years, so that anyone who is unfamiliar with the Trade and Navigation Returns of this country for the last 10 or 20 years would certainly come to the conclusion that the people of Canada had stood still during that period, and that the exports of our manufactures and of the products of our mines and forests and farms are no more now than they were



ten years ago. Does the hon. gentleman believe that himself?

HON. MR. SCOTT—The blue-book is misleading if it is not the case.

HON. MR. HOWLAN—Does the hon. gentleman believe it himself? He does not; still he would make the people of this country believe that Canada had slept, as it were, for the last ten years—even in the face of the fact that in the last two years \$14,000,000 has been the combined volume of increase of our trade one year over the other. But take the whole history of this country from the time we entered the Confederation until now, and look at the combined exports and imports, and you will find it difficult to reach the conclusions which the hon. gentleman from Ottawa has tried to impose on the people of this country to-day. Does he not know that we have increased our trade steadily? There has been a break in the increase in one or two years, but that will happen in any country occasionally through the decrease of consumption in countries with which they trade. The aggregate trade of Canada, imports and exports, outside of the United States and Great Britain, is only about nineteen millions of dollars. It is easy for us to draw the conclusions which the returns show. In 1889-90 the aggregate trade of Canada was \$218,000,000, an increase of fourteen millions of dollars compared with the previous year. It has, however, been exceeded in 1881 and 1882. If we take the duty which has been paid it will show the increase of our manufactures. In the export of animals to the United States there has been a decrease of about a million of dollars compared with the preceding year. The decrease has been chiefly in horses, sheep, poultry, eggs and other products of the farm. The principal articles of export to the United States are barley, hay and vegetables. Now, let us see what the exports to the United Kingdom amount to. They show that the current of trade in agricultural products with England is increasing, yet we are told that we are standing still. The hon. gentleman spoke of the exports of fish. It is true that one-half of the products of our fisheries goes to the United States, but they are not consumed there. They are merely taken there to be distributed to the West Indies,

China and Japan. We know that the American people are a mackerel-eating people and do not consume codfish. There is very little codfish used in the United States. We know that the same remark applies to some of our agricultural products. We know that in many instances the manufacturers of cheese in the United States mark their products with the Canadian brand, because the character of Canadian cheese is much better than theirs. Here is a market which is almost endless in Europe. I was quite surprised to hear the hon. member from Ottawa say that if we would only throw down the barriers we would make great advances. If that doctrine is correct, how are we going to increase our trade if, as the hon. gentleman says, we are deficient in energy and enterprise? Statements like these sent broadcast over the country have raised a question in the minds of some whether Canada is a fit country to live in. The hon. gentleman says "hear, hear"; we heard the same "hear, hear" when we undertook to build the Canadian Pacific Railway. He said it was midsummer madness to undertake it. And if it was a mistake to build the Canadian Pacific Railway, it is also a mistake, in his opinion, to try to settle in our North-West. I have no doubt that others who will follow me will give him some idea of the views held on that subject by people in the North-West. Canada may be proud of the advancement she has made during the last ten years, not only in her trade but in her credit. She now stands higher than any portion of the colonial empire in her credit. Can all that be done without progress? Do the people of Europe lend their money to nations that are not prosperous? No; they draw different conclusions from those which the hon. gentleman has been trying to impress on the people of this country. If we all entertained such opinions and ideas prosperity would never dawn on this country; we would never have the courage to construct railways or enlarge our canals, to extend our trade and build up our manufactures. All such enterprises would be useless and worthless if there is something inherent in Canada that prevents us taking a step forward in ten years. Does any reader of the press, who has any knowledge of this country, believe that the building of the Canadian Pacific Railway has not promoted the prosperity

of this country? He must be a very despondent man and a very careless leader if he thinks so. Ask our bankers whether there is not more accommodation required to-day for carrying on the commerce of the country than was needed ten years ago? Ask the manufacturer if there is not a greater demand for what he produces. Ask the steamship owners and the railway companies; and they all will tell you that for ten years progress has been made in this country. Ten years ago we were quite satisfied to go across the Atlantic in twelve or fourteen days; I have been sixteen days crossing it myself. Now, we want a faster trip for the purpose of bringing closer to the people of the older country the productions which this generous Canada of ours produces for export. That is what we are trying to do, to bring the producer and the consumer closer together. I am glad to see that trade with the empire is a subject that has been brought into this debate, although it is not properly a portion of it. The spirit of union is abroad. It has united the States of the neighbouring Union. It has combined the German states, and the same spirit is growing throughout the British empire. It is apparent in newspaper editorials, in quarterlies and reviews, and in magazine articles, and it is permeating the minds of those who govern the dependencies of the great empire. Sooner or later it will come into shape, and is there any reason why it should not? China and Japan are as near to us now as Liverpool and London were thirty years ago. In a very short time we will have England brought as near to us as was Prince Edward Island or Nova Scotia a very few years ago. In fact, eighteen years ago, when I first took a seat in this Chamber, it was more difficult and took longer to travel from Ottawa to Prince Edward Island than it does now to go from Ottawa to Liverpool. Shall we stand still as portion of the great empire? Is that the impression which is to prevail in these days, when the great minds of the empire are considering how to unite us together? The hon. gentleman who is now leader of the Opposition and who was once a member of the Canadian Government, states in his place that for ten years we have made no progress.

HON. MR. SCOTT—No progress in our foreign trade, I said, and I gave the figures. I was simply reading from the blue-book.

HON. MR. HOWLAN—What is foreign trade?

HON. MR. SCOTT—Trade with Great Britain the United States and other countries.

HON. MR. HOWLAN—Does the hon. gentleman mean to say that for ten years the trade has not increased?

HON. MR. SCOTT—I do.

HON. MR. HOWLAN—Then I say the statement is not borne out by the blue-books.

HON. MR. SCOTT—Then we cannot rely on our blue-books. There is one export which has increased—I forgot to mention it—the export of Canadians. We exported considerably over half a million in the decade.

HON. MR. HOWLAN—With all due deference to my hon. friend, I think it is a great pity that we did not export a few more Canadians. The hon. gentleman stated that our foreign trade had not increased in the past ten years. I say that statement is not borne out by the official returns.

HON. MR. SCOTT—In 1873 or 1874 the foreign trade of Canada was more than it was last year. There must be something radically wrong.

HON. MR. HOWLAN—Here are the figures.

HON. MR. SCOTT—I am quoting from the blue-book.

HON. MR. HOWLAN—So am I.

HON. MR. SCOTT—The trade is fluctuating very much.

HON. MR. HOWLAN—I say, and I state it advisedly, that my hon. friend cannot prove from the blue-books the statement that he has made.

HON. MR. SCOTT—Here is the blue-book.

HON. MR. HOWLAN—The hon. gentleman knows that this country has made steady progress in the last ten years.

HON. MR. SCOTT—The foreign trade has not progressed.

HON. MR. HOWLAN—I can furnish figures.

HON. MR. DEVER—Give the figures. I want to get some information. The House and the country want facts. Declamation does not amount to a row of pins. Let us have an argument based on figures and then we can stand by it.

HON. MR. HOWLAN—I am much obliged to the hon. gentleman, and I shall never forget the day of my life when I shall have to be advised and assisted by him. I have already shown that the trade of this country last year was fourteen millions of dollars more than the year before. Does that show that we have been standing still for ten years?

HON. MR. SCOTT—The trade of the country last year was less than it was ten years ago, showing that we have not increased it in ten years.

HON. MR. HOWLAN—We send out minerals to Great Britain \$630,815 as against \$3,963,257 in the case of the United States. The fishery exports to the two countries were respectively \$2,707,422 and \$2,850,528; the products of the forest \$14,098,865 and \$10,247,640; animals and their products, \$18,578,722 and \$5,966,474; agricultural products, \$3,661,826 and \$7,519,253; and manufactures, \$1,816,147 and \$2,667,282. The exports of Canadian produce to the United States in the year represented \$33,291,207 and \$41,499,149 in the case of Great Britain. The total exports to Great Britain for the year show an increase over 1889 of more than \$10,000,000, while there is a decrease of \$3,000,000 in the exports to the United States. Leaving out the two countries in question, the balance of the export trade amounted to \$7,545,158, the principal countries concerned being the West Indies, South America, Newfoundland, Germany, Australia, &c. The items that I have quoted are taken from the blue-book. Now, with regard to the making of our own treaties, in my opinion as long as we remain a dependency of Great Britain we can never possess that power. If we had an army and navy to back us up we might undertake it, but until we have, what would be the good of possessing the treaty-making power? History shows that the power of making a treaty without being

able to back it up is of little value. We have been told also that if we had possessed the power of making treaties we would not have lost the territory which has been given to the United States under different treaties. It is a question whether we would or would not, but I think it is not going too far to say that Canada has enough land, if we only take proper care of it—enough to make our people comfortable and independent. We must settle our vacant lands; no country can be great until it has population. I am far from believing that Canada has come to a standstill; on the contrary, I believe that we will be prosperous and progressive in the future as we have been in the past. We have our avenues of trade and commerce opened, and are securing the traffic of other countries, and in the next ten years we will be able to show as great advancement as at any period in our history.

HON. MR. BOULTON—In placing the amendments on the Notice Paper to which reference has been made by the hon. leader of this House, I observe that one of the leading newspapers has spoken of my prentice work in taking a hand in framing a document of this kind. I have just this to say, that a man must be a prentice before he is a master workman, and that is my justification for bringing forward these amendments. The leader of the Government has expressed a desire that I should not press these amendments. I have so much respect for him as the leader of the Conservative party and so much respect for his years that I will accede to his request; but I desire to give the reasons why I put these amendments on the Notice Paper and to justify the course that I have taken. I am astonished at the position taken by the leader of the Opposition in this debate. With his long political career as a member of a Government and leader of an Opposition and as a lawyer I am surprised that he should state in this House that we have the power if we choose to discriminate in favour of England.

HON. MR. SCOTT—I never said anything of the kind; my hon. friend must have misunderstood me.

HON. MR. BOULTON—I understood the hon. gentleman to say so.

HON. MR. SCOTT—I stated that if we took down our tariff the effect would be to increase the imports from England.

HON. MR. BOULTON—I understood the hon. gentleman to say that we could discriminate in favour of England, and I made the remark that we have no such power and the hon. gentleman said we had.

HON. MR. SCOTT—I stated that we could obtain the same result by reducing the tariff on articles that we get from England—that although we would have to receive the exports of other countries on the same basis, yet England could compete with them and in that way we would buy from England.

HON. MR. BOULTON—I said that we had no power under those treaties to discriminate in favour of England, and the hon. gentleman said we had.

HON. MR. SCOTT—The hon. gentleman misunderstood me.

HON. MR. BOULTON—And the hon. gentleman misunderstood the word “discrimination.” The particular phrase in this address with regard to the most favoured nation clause is incorrectly stated, because it is not the most favoured nation clause we are discussing, not the clause of the treaties which give favoured national treatment. It is the privilege that the treaties of 1862 and 1865 give Belgium and Germany, that whatever national advantages we may give to one another as possessions of the British empire, they should come in on the same terms. That is the position in which these two particular treaties stand, quite different from any other treaty on the Statute-book; quite different from the twenty-four treaties which we are subject to under the most favoured nation clause: it is that we have no power to discriminate in favour of the West Indies, or Great Britain, or British Guiana, or any other colony, unless all the other nations that have treaties containing the most favoured nations clause can come in. That is the position in which those two treaties are, and it is those particular treaties that I understand we are appealing to the Imperial Government to release us from, not that we wish to be released from all the treaties that contain the most

favoured nations clause, because I think they contain valuable clauses for the benefit of British subjects; but while we occupy the position that the treaties of 1862 and 1865 place us in, so far as that, those two nations are entitled to the same benefits that we may give to one another under the most favoured national treatment, we would also be bound to give to the twenty-four nations whose treaties we are parties to, the same benefits, and, therefore, if we get released from that obligation in regard to the two treaties then we have the power to discriminate in favour of the West Indies or Great Britain if we wish to. As I understand it to be, and I hope it is, the policy of the Government, the object of presenting this address is for the purpose of placing us in a position that we may promote our trade with the British Empire and not be forced into any position through the hostile legislation of the United States in promoting our commercial welfare on our own lines. I read from a return called for in the Imperial Parliament and brought down as a memorandum by Sir Edward Hertslet entitled:—

“Returns of the Treaties of commerce in force between the United Kingdom and foreign nations, which preclude preferential fiscal treatment of British goods in the colonies and dependencies of the British Crown, showing when such Treaties were concluded, what notice is necessary for their termination, and if the clauses placing the export trade of Great Britain and Ireland within the Empire, upon the same conditions as the export trade to British Colonies of foreign countries which deny a like advantage to the production of British industry, can be abrogated without prejudice to the rest of the Treaties in question, and what advantage such treaties secure to British trade.”

“The following treaties between this country and foreign powers expressly preclude preferential fiscal treatment of British goods in the colonies and dependencies of the British Crown:—

“Treaty with Belgium, 23rd July, 1862, article XV.”

“Treaty with the Zollverein, 30th May, 1863, article VII.”

“The Treaty with Belgium contains this stipulation:—

“Article VII. Articles, the produce or manufacture of Belgium shall not be subject in the British Colonies to other or higher duties than those which are or may be imposed upon similar articles of British origin.”

“This Treaty is terminable after twelve months’ notice.

“The Treaty with the Zollverein of 1863 contains this stipulation:—

“Article VII.—The stipulation of the preceding Articles I to VI shall also be applied to the colonies and foreign possessions of Her Britannic Majesty. In those colonies and possessions the produce of the States of the Zollverein shall not be subject to any higher or other import duties than the produce of the United Kingdom of Great Britain and Ireland, or of any other country of the like kind; nor shall the exportation from those colonies or possessions to the

Zollverein be subject to any higher or other duties than the exportation to the United Kingdom of Great Britain and Ireland."

"This Treaty is also terminable after twelve months' notice.

"While these two treaties remain in force the express stipulations above quoted are extended to all countries whose commercial treaties with Great Britain contain a most favoured nation clause, and apply to British Colonies."

That is the position in which these two particular treaties are, and in reply to the inquiry whether one of the contracting parties to the treaty can abrogate one of its articles without prejudicing the remainder of the treaty, Sir Edward Hertslert said:

"In reply to the enquiry whether one of the contracting parties to the treaty can abrogate one of its articles without prejudicing the remainder of the treaty, it may be stated that it would not only be contrary to diplomatic usage, but opposed to international law, for one of the contracting parties to abrogate one or more of its articles without the consent of the other contracting party, as all treaties stand as a whole, unless a stipulation be made to the contrary in the treaty itself."

In presenting my first amendment, I thought that it was desirable to insert at the end of the 2nd clause of the address that the clauses in those treaties which affect Canada cannot be expunged without denouncing the treaties as a whole. It might be considered unnecessary, as the hon. leader of the House has said, to put that in, as it is a well known fact; but I put it in lest we should make it appear as if England refused or had refused at some previous time to take out those clauses. Now, hon. gentlemen, application was made on the 1st of March, 1882, by Sir Alexander Galt (and it is contained in a copy of a report of the hon. Privy Council approved by His Excellency the Governor General on the 26th March, 1881.) That report contains the following words:

"Sir A. T. Galt also suggested that as occasion can conveniently be found, the Government of Canada desire to be relieved of the obligation of the treaties—that in future, no stipulations binding upon the commerce of Canada shall be introduced into any treaty, without reserving to the Dominion the option of acceptance or refusal, and that the Canadian Government should be informed of the inception of any treaty negotiations with foreign countries, with the view of permitting them to submit such suggestions connected with the trade of the Dominion as may appear desirable.

"The Minister states that he concurs in the views of the High Commissioner, and recommends that a despatch be prepared and sent to the Right Hon. the Secretary of State for the Colonies, to the effect that it is the wish of the Canadian Government to be relieved as soon as conveniently can be of the obligations connected with any treaties now in existence,—that it is the desire of the Canadian Government to

be informed of the inception of any new treaty, and that in future no stipulation binding upon the commerce of Canada be introduced into any treaty without reserving to the Canadian Government the option of acceptance or refusal.

"The Committee concur in the foregoing recommendations, and submit the same for Your Excellency's approval.

"Certified,

"J. O. COTÉ,  
"Clerk of Privy Council."

You will see that that report asks that we may be relieved as soon as conveniently can be. It does not say absolutely that we must be relieved, but as soon as conveniently can be. At the time that that was done it was thought we might apply to Germany and Belgium, and get relief from the clause of the treaty without breaking the treaty. That was evidently the position we thought it was in from the tenor of the correspondence, and no application was made to denounce the treaty as a whole. The correspondence goes on further, and Sir Alexander Galt as High Commissioner concludes a request to the Imperial Government carrying out the wishes of the Government by saying:

"BELGIUM AND GERMANY.

"9, VICTORIA CHAMBERS,  
"LONDON, S.W., 12th Nov., 1881.

"MY LORD,—I have the honour, under instructions from the Governor of Canada, to recall to Your Lordships attention the request conveyed by them in their Order in Council of the 26th March last to be relieved as soon as convenient from the obligations connected with any treaties of commerce now in existence with foreign countries, so far as such treaties limit the freedom of action of the Dominion Parliament.

"I am instructed to state that the treaties more particularly referred to are those with Belgium and with the German Zollverein, which both contain a clause stipulating that neither Great Britain nor any of her possessions shall admit their respective productions at lower rates of duty than those imposed upon the goods of the countries named.

"The stipulations referred to acquire additional importance from the circumstances that under the most favoured nations clause they seem to be imported into every commercial existing treaty—the treaties in question having subsisted for their full term are now liable to be denounced upon one year's notice, but it is not doubted that Her Majesty's Government can readily procure the cancellation of the clauses objected to, without proceeding to a course that might be inconvenient.

"I am further instructed to request that Your Lordship will move the Secretary of State for Foreign Affairs to take such action as may be deemed necessary to meet the wishes of the Canadian Government.

"I have, &c.,

"A. T. GALT,  
"High Commissioner.

"Rt. Hon. Earl of KIMBERLEY,  
"Secretary of State for the Colonies."

You see that when our Government applied in 1881 to have that clause abrogated it was with the idea of having the

clause taken out, not of having the treaty denounced, and if it was inconvenient it was a hint that it was not necessary to go any further. Sir Alexander Galt takes the same ground in his letter to the Imperial Government on the same question, and a reply came as follows:—

“DOWNING STREET, 27th February, 1882.

“SIR,—With reference to my letter of the 7th January last, I am directed by the Earl of Kimberley to acquaint you that His Lordship is informed by the Secretary of State for Foreign Affairs that Her Majesty's Minister at Brussels and Her Majesty's Ambassador at Berlin, in accordance with their instructions, placed themselves informally in communication with the Belgian and German Governments as to the exemption of the Dominion of Canada from the stipulations of Article XV of the Anglo-Belgian Treaty of 1862, and of Article 7 of the Commercial Treaty of 1865 with Germany.

“Her Majesty's Minister at Brussels has now reported that in the opinion of the Belgian Government the exemption desired by the Dominion of Canada would necessitate the denunciation of the Treaty of 1862, and the negotiation of a fresh treaty to replace it, and Her Majesty's Ambassador at Berlin has learnt that in the opinion of the competent German authorities it would not be either convenient or desirable to abrogate single articles of the Treaty of 1865 apart from a general revision of the whole instrument, for which, however, there did not appear to be any immediate necessity.

“I am, &c.,

“R. G. W. HERBERT.”

The ground that I have taken in regard to that matter was that we did not apply to have the treaty denounced as a whole; we had only applied to have one clause of it abrogated. It was found that that clause could not be abrogated without denouncing it as a whole, and, therefore, the matter was dropped until, as the hon. leader of the House says, Sir Charles Tupper last year revived the question, and it is being again revived by this Address. Now, we wish to be placed in a position that will free us from the obligations contained in these two treaties. My idea was that it was not out of place to state the fact that the reason we wanted to have the treaty denounced as a whole was because the clause which affected us, and which we wished to get rid of, could not be eliminated without denouncing the treaty as a whole. That was my object in proposing that amendment. The following extract from a letter from Earl Kimberley to the officer administering the Government of Canada shows how quickly the British Government responded to our expressed desire of being consulted:—

“EGYPT.

“DOWNING STREET, 20th August, 1881.

“SIR,—I have the honour to transmit to you a copy of a letter from the Foreign Office, stating that negotiations will probably be opened shortly with the Egyptian Government, for the conclusion of a commercial treaty with Egypt; and I have to request that you will inform me, at your earliest convenience, whether there are any matters in respect of which your Government would desire to make any special proposals. In the absence of any stronger pressure no action was taken towards the denouncing of the two treaties under discussion to leave us unfettered in our intercolonial negotiations.”

The following extract from a report of the Privy Council, dated 26th October, 1882, shows how our negotiations with the West Indies were hampered:

“That the despatch states that the Governor of Jamaica understands that the Canadian Government are willing to reduce the duties on rum, sugar and fruit, in return for which Jamaica would make adequate reduction, particularly on flour, fish and lumber. Upon this the Minister desires to remark that the duties on rum are so intimately connected with the Excise system of the Dominion that any interference with them would be attended with great difficulty. As regards sugar and fruit, they might certainly form the subject of future negotiation if it were desired. But it is understood to be doubtful whether the finances of Jamaica would permit any material reduction of duties upon flour, fish and lumber, thereby rendering it absolutely necessary that the form of compensation to Canada should be through an augmentation of duty upon these articles when imported into Jamaica from the United States or other foreign countries.

“This view seems to have been present in the mind of Sir A. Musgrave, and his assumption that Her Majesty's Government could not sanction any arrangements which would involve the creation of differential duties in favour of Canada, is stated by Lord Kimberley to be entirely right.

“The Minister observed that although the Canadian Government are not at present prepared to propose any plan for a commercial convention with Jamaica or the West Indies generally, they feel it necessary to record their dissent from the principle hereby laid down, that as between portions of the said empire no duties discriminating in favour of British as against foreign industry can be sanctioned by Her Majesty Government.

“The Minister further observes that this principle forms the subject of a protracted discussion with Her Majesty Government in 1860-61, upon the proposal made by Canada prior to Confederation, to have free interchange of products with the Maritime Provinces of Nova Scotia and New Brunswick, maintaining duties on the same articles against the rest of the world. A reference to this correspondence will show that the point was finally conceded by Her Majesty's Government, and the policy desired by Canada acquiesced in.

“That in accordance with this precedent the Canadian Government claim that it is competent for any of the colonies possessing representative and responsible governments to enter into mutual agreements for either partial or absolute free trade with the mother country or with each other, or with both, discriminating against other countries.

“The same principle should also apply to the Crown colonies—but as their action must be through Her Majesty's Government it is evident that their wishes cannot be carried into effect without the sanction of

the Imperial Executive. Negotiations with such colonies do not seem to promise any beneficial results until this principle be conceded—that trade should be rendered as free as practicable between the various portions of the empire, having regard solely to their own interests and unfettered by any obligations to treat others with equal favour.”

### The 3rd clause of the Address states :

“Your memorialists consider that these provisions in foreign treaties are incompatible with the rights and powers subsequently conferred by the British North America Act upon the Parliament of Canada, for the regulation of the trade and commerce of the Dominion; and that their continuance in force tends to produce complications and embarrassments in such an empire as that under the rule of Your Majesty, wherein the self-governing colonies are recognized as possessing the right to define their respective fiscal relations to all foreign nations, to the mother country, and to each other.”

I thought that this clause might properly be left out. This clause seems to imply that the Imperial Government had not recognized our right which we acquired under the British North America Act. It seems as if we were making some complaint against the Imperial Government, when I do not think there is any cause for complaint. These treaties were made in 1862 and 1865, before the Dominion of Canada was formed, and therefore the clause was inserted before we had acquired those rights; and in looking at the correspondence I do not feel that any injustice has been done or intended on the part of the Imperial Government, and therefore it was unnecessary in my opinion to assert that such was the case. Now, hon. gentlemen, I wish to show you by reference to the other correspondence in regard to the negotiation of the treaty between Spain and Great Britain in 1886, how far Great Britain continued to recognize our right to be consulted, and our right to decide for ourselves, how far we were prepared to be included in the treaties which the British Government was negotiating and which would affect us, and how far she sacrificed her interests in order to protect the interests of the colonies and give them the benefits of her markets in order to exact better terms from Spain, than Spain was willing to give in order that British subjects, without respect to locality in Canada and the colonies, might be benefited thereby. I will read that portion of the correspondence which refers to that particular point. On of the first letters in the correspondence says :

(Extract.)

“*Sir Clare Ford to the Earl of Roseberry.*

“MADRID, 12th February, 1886.

“I have the honour to inform Your Lordship that I have, within the last few days, been discussing with

Senor Moret, the Spanish Minister of State, the present position of the commercial relations between Great Britain and Spain.

“I reminded His Excellency of the despatch, which had been addressed by Earl Granville to Sir Robert Morier on the 15th June, 1885, in which His Lordship stated that the grounds on which Her Majesty's Government held that the Spanish Government had withdrawn from the declaration had arisen, not from a difference connected with the Spanish Antilles, but from the refusal of the Spanish Government to include within the provisions of the declaration the Spanish colonies other than the Antilles, and to the exclusion by them from its benefits of British colonies and foreign possessions. I inquired of His Excellency how this matter would stand were we to sign the proposed declaration. Senor Moret replied by giving me the most formal assurance that the only exclusion applied to the Spanish Antilles, namely, Cuba and Porto Rico, and that under the arrangement he proposed to sign with me, not only British commerce, but also that of the British colonies and foreign possessions would be admitted into Spain, and into all the Spanish colonies (except the Spanish Antilles) on a footing of most favoured nation treatment.”

You see at the outset of the negotiation of that treaty between Spain and Great Britain, the Spanish Government refused to give Canada the benefit of trading with Cuba and Porto Rico under the “most favoured nation” clause, and the question for Her Majesty's plenipotentiary to consider was whether to proceed without that, and he writes to the Earl of Roseberry :

“The question then for the consideration of Her Majesty's Government is whether it would be expedient to seize the present opportunity of signing, with a Spanish Minister whose friendly sentiments towards England are proverbial, and who is one of the prominent members of the Free Trade party in this country, an arrangement by which Great Britain will obtain important commercial advantages in return for raising the *ls. duty* on wine from 26 to 30 degrees of alcoholic scale.

“Moreover, the fact should be borne in mind that in the event of the Cortes being applied to again to authorize any declaration having in view the improvement of the commercial relations between this country and Great Britain, such declaration will be certain to meet with the strenuous opposition of the Deputies from Catalonia, who represent the interests of the manufacturing classes in that part of Spain.”

You will observe by this that Sir Clare Ford, who was negotiating the treaty, was willing to forego that benefit—that the Imperial Government had instructed him to obtain for Canada and for the British possessions. He to whom the negotiation of the treaty was entrusted thought it wise to sign it without including Cuba and Porto Rico because it was a great benefit to Great Britain and it was unwise to throw the treaty over. Therefore the treaty was drawn up by Sir Clare Ford and the Spanish Government, and in Article I they set

forth the principles of the treaty excluding Porto Rico and Cuba from its operations. It says :

“ARTICLE I.

“The Government of Her Majesty the Queen Regent of Spain will grant to the United Kingdom of Great Britain and Ireland and Her Britannic Majesty's colonies and foreign possessions most favoured nation treatment in all that concerns commerce, navigation and consular rights and privileges.

“The said grant of most favoured nation treatment shall, however, not be applicable to the Spanish Antilles.

“The provisions of his declaration shall come into operation on the 1st May, 1886, provided that Parliament shall have authorized the Government of Her Britannic Majesty to alter the alcoholic scale as proposed under the second paragraph of article II.”

That was the treaty that Sir Clare Ford negotiated and was prepared to sign, and send it to the Imperial Government to have it concluded on that basis excluding Canada from trade under the most favoured nations clauses with the Spanish West Indies. That is the treaty, notice of the abrogation of which has been given by Spain to take effect in July, 1892, and the two nations have been enjoying the benefits of that treaty ever since, now, however being annulled through the negotiation of the reciprocity clauses forced upon Cuba and Porto Rico by the McKinley Bill. The Earl of Roseberry however wrote as follows:—

“The Earl of Roseberry to Sir Clare Ford.

“FOREIGN OFFICE, March 22, 1886.

“Extract.

“The instruction which have been given to your predecessor and yourself have placed you in possession of the views which are held in this country with regard to the requirements of British commerce, and have shown the bases on which alone Her Majesty's Government would be enabled to negotiate for the conclusion of a commercial agreement with Spain. In return for any concession which may be granted to Spain as regards the wine duties, it is necessary that Her Majesty's Government should obtain for British subjects in matter of trade and navigation a treatment in Spain and the Spanish colonies co-extensive both in amount of benefit and in duration with that accorded to France and Germany.

“These considerations to which in the interest not merely of the revenue but also of British trade much weight must be attached, deter Her Majesty's Government from granting you authority to sign the declaration which you have submitted for their sanction. They have however arrived at this conclusion with much regret and they trust that the time is not distant when a more successful effort may be made to claim the objects which they have in view. It is therefore the wish of Her Majesty's Government that in the event of the Spanish Government being willing to pursue them, the negotiations should be continued by you on the wider basis which the foregoing remarks indicate, but having regard to the opinion expressed in your despatch that owing to the necessity which would arise of a readjustment of valuation and of a

reduction of duties in the Spanish tariff, the present moment is not opportune for negotiating a definitive treaty such as the commercial classes would desire, Her Majesty's Government leave to your discretion the particular action which it may be desirable now to take.

The Earl of Roseberry thus replies and tells Sir Clare Ford to drop the treaty—that if this is insisted upon they will not enter upon the treaty, but if the Spanish Government is willing to entertain it and open the negotiations again the British Government are willing to conclude a treaty if the British colonies are permitted to have the privilege of trading under the most favoured nation clause with Cuba and Porto Rica. Then Sir Clare Ford communicates in reply to that :

Sir Clare Ford to the Earl of Roseberry.

MADRID, 27th March, 1886.

“MY LORD,—In conformity with the instructions contained in Your Lordship's despatch of the 22nd inst., I address this day a note to Senator Moret, the Spanish Minister of State, in the sense of the despatch which Your Lordship has addressed to me.”

“In the course of the afternoon I had an opportunity of seeing the Minister, who expressed to me the regret he felt on learning that Her Majesty's Government were unable to grant me authority to sign a declaration which I had submitted to them.”

“He was prepared, he said, to frame a Bill which he would present to the Cortes as soon as they met in the month of May, to grant to Great Britain the most favoured nation treatment in Spain and the Spanish colonies, without any exception whatever, co-extensive both in the amount of benefit and in duration with that accorded to France and Germany.”

So hon. gentlemen will see that by the firmness of Great Britain the benefits of her commercial treaties were extended to Canada. Sir Clare Ford, on the 6th April writes to Earl Roseberry as follows, and sending the draft of a new treaty:—

“MADRID, 6th April, 1886.

“MY LORD,—I saw Senor Moret, Spanish Minister of State, this afternoon. I enquired of His Excellency whether under the proposed convention British colonial produce would receive complete most favoured nation treatment and would Newfoundland fish be charged same duty as Norwegian. ‘Most undoubtedly,’ he said, ‘and no examples are necessary, for the principle of most favoured nation treatment covers everything.’

“Article I.

“The Government of Her Majesty the Queen Regent of Spain will grant to the United Kingdom of Great Britain and Ireland and to Her Britannic Majesty's colonies and foreign possessions, most favoured nations treatment in all that concerns commerce, navigation, and consular rights and privileges in Spain and in the Spanish colonies and foreign possessions, co-extensive in amount of benefit with that accorded to France and Germany under the treaties of the 6th February, 1882, and the 12th July, 1883.”



On the 18th April, 1886, the Spanish Government objected to that portion of it which gave the colony a year to decide, and the extracts from the following correspondence again show the care that was bestowed upon points that affected our own interests :

*“ (Extract from letter of Sir Clare Ford, April 18th, 1886.)*

On receipt of Your Lordships telegram last evening, I called on Sonor Moret and communicated to him the substance of it. With regard to the subject of power being reserved for any colony to withdraw within a year from the provisions of the present arrangement, I explained to His Excellency that it was a precept of Imperial policy to confer upon the British self-governing colonies, subject to certain limitations, the right of making entire provision for the management and regulation of their customs, trade and navigations.”

“I also stated that within late years it had been the practice of Great Britain, in concluding commercial treaties with foreign powers to adopt a formal article, such as the one—Article XIX of the treaty—between Great Britain and Italy, of the 15th June, 1883, a copy of which I showed to His Excellency.”

*(The Earl of Rosberry to Sir Clare Ford.)*

“FOREIGN OFFICE, 21st April, 1886.

“SIR,—Her Majesty’s Government have had under their consideration their despatches—

“In the opinion of Her Majesty’s Government the draft in question offered a fair basis for negotiation although there were certain points on which it was necessary that further explanation should be sought. The fact, however, that Senor Moret has agreed to the extension to Great Britain and her colonies of all such benefits as have been specifically granted to France and Germany, and the satisfactory assurances which, in compliance with my instruction, you have obtained from His Excellency with regard to the new division of the alcoholic scale the exclusion of sparkling and bottled wines from the proposed arrangement, the inclusion of the produce of the British colonies and the possible sub-division of the lower half of the scale, enable Her Majesty’s Government to accept the substance of the proposals which have been placed before them.”

Sir Clare Ford suggested that points not mentioned in the treaty should be confirmed by exchanging notes, which led to the following extract.

*(Extract of letter from Senor Moret to Sir Clare Ford.)*

“With regard to Her Britannic Majesty’s colonies, it is understood that if within a year after the date of this convention, and reckoned from the day on which it is signed any of the said, colonies declare their intention to withdraw from the present convention the said colony will be excluded from the stipulations contained therein.”

Now, hon. gentlemen, those are some of the chief points in regard to the negotiation of the treaty between Spain and Great Britain, and the object of my bringing it before this honourable House is to show that the Imperial Government had due regard to our rights and interests in the negotiation

of that treaty and other treaties. It was the pronounced and determined policy on her part to give us the benefit of it if we wished to accept it, and there was no force in the matter at all. But not only that, it was the value of the English markets that gave Canada that valuable privilege. It was not any markets that we had and were able to offer to the Spanish Government, but the Spanish Government wanted to get some concessions from Great Britain with regard to the wine duties, and in consequence of England’s firm attitude and the value of the British market to them, they found it to their interests to give us that advantage, an advantage which we have been enjoying, and that I believe the Spanish West Indies have been enjoying from that day to this, and we would continue enjoying it but for the reciprocity clauses in the American legislation ; and the most favoured nations clause, which was inserted in the treaty of 1886 has been found to be so effective that we have the privilege of trading in Cuba and Porto Rica on the same terms that the people of the United States are able to trade until the treaty is abrogated, and of which it has been found necessary to give notice, in order to give effect to the reciprocity with the United States. I wish to point out one fact, and that is the value of the British markets in helping us to get advantages of trade with the outside world, and also that Great Britain has kept her faith firmly and loyally in giving us all the advantages which we wish to enjoy and are able to enjoy in any commercial treaty that she negotiates, without any compulsion on our part to accept or refuse it. For that reason, I thought, although I feel sure not purposely intended, that the 2nd clause of this Address was unjust to the British Government in view of the position it had taken—that Great Britain perfectly acknowledged our right to conclude a treaty, or rather to take advantage of whatever treaty she concluded with the outside world. The 4th clause, which, with a portion of the 5th clause, my amendments also suggested should be left out, reads as follows:—

“Your memorialists further believe, that in view of the foreign fiscal policy of increasingly protective and discriminative duties, it is clearly adverse to the interests of the United Kingdom, and of each and all of its possessions, that the Parliament of the United Kingdom, or of any of Your Majesty’s self-governing

colonies, should be thus restricted in the power of adopting such modifications of its tariff arrangements as may be required for the promotion of its trade, or for its defence against aggressive or injurious measures of foreign policy; though, from the similarity of most of the products of the two countries, it is probably not susceptible of so great an expansion as might be effected in the interchange of traffic with the Empire."

That is an expression of opinion on our part, that the people of England will be benefited by doing away with this treaty. Now, I think that if the Government of Great Britain was to send an Address to Canada, saying that she thinks if we adopted the principles of free trade that it would be a great deal better for us, we would feel that there was an interference and it is on those grounds that I thought this clause sounded like an interference, by giving advice and saying that we believe it is good for the people of England. We have a perfect right to express what we think is good for ourselves, but I do not think it is wise for us to express an opinion as to what is good for the other possessions or what is good for the people of Great Britain themselves. It is that idea that prompted me to offer this amendment, in order to make the Address, which is one of great value, the purport of which I heartily approve of and sympathize with, and it was only in a spirit of friendliness to the Government that in the discussion of such an important question we might make the tone of the Address better in order to gain the point that we wished to attain that I proposed my amendments. That was the sole object I had in view in leaving out those two clauses and the concluding lines of the 5th clause, and inserting the words: "Your memorialists desire to express their appreciation of the value of the markets of Great Britain, and the advantage of co-operation for the purpose of protecting the commercial interests of British subjects." I think it is desirable that we should take the opportunity to point out to Great Britain how far the advantages of co-operation exist. I have shown you by the treaty that was concluded between Spain and Great Britain in 1886 that the value of co-operation was very great to Canada, because it was the value of the markets of Great Britain that enabled us to secure those advantages; and I am one of those who thoroughly believe with hon. gentlemen who have spoken before me that we have great possibilities before us in developing trade to increase

the purchasing power of the people of Canada and of the British Empire by a judicious system of treaties with one another which will benefit us all. Now, let us look at the facts of the case as they exist to-day. There is the McKinley Bill facing us. There is a population of sixty million of people, who value their markets very highly, who think their markets are so valuable that they can, by putting on a high tariff and excluding other nations, thereby force other nations to trade with them on their own terms, and according to their own tariff, and they have introduced a reciprocity clause in the McKinley Bill as a result of that policy, which compels the President to close the markets for certain articles of consumption except a reciprocity treaty is negotiated. That reciprocity clause has been so worded that it has deprived us of the benefits of the markets of Cuba and Porto Rico, which we enjoyed under the treaty with Great Britain; because, in order to give effect to it, Spain has given notice of the abrogation of the treaty that protected our trade. Now, are we willing to yield to that position and say to the people of the United States: We believe your markets are valuable; you are excluding us in order to make us appreciate the value of it, and we must appeal to you and get you to take us in on your own terms. That is the position that they take. That is the position taken by the press of our neighbours. I have never heard anything authoritative that would lead us to suppose anything else. We have to accept that position and discriminate against our friends in the British Empire, or else go without the American market. That is the position taken by our friends to the south of us. Now, when we want to negotiate a treaty with our friends in the West Indies, as the leader of this House said the other day in response to a question from an hon. member, that he could not see anything more that could be done to advance trade between the West Indies and Canada. I agree with him that that is the case in the position in which we stand—that we, as compared with the United States, have very little to offer to the West Indies in the way of markets. We are only a population of 5,000,000, and the United States are 60,000,000, and when it becomes a question of negotiating a treaty with Canada, or negotiating a treaty with the

United States, who is going to the wall? I say that Canada will have to go the wall, unless we get strength from some other source that will fortify our position, and that strength we can get from British markets. The West Indies is a sugar-producing country, and that is the export trade they are interested in. The reciprocity clause of the McKinley Bill has struck particularly at the sugar interests of this continent, because they know the value of the sugar trade. The sugar trade has been for the last 20 years, ever since the two treaties that are under discussion to-day were negotiated, been undergoing a revolution. The continental countries—Germany, Belgium, France, Prussia, Russia, &c.—have instituted a system by which they induced the manufacture of sugar from the beet root by paying heavy export bounties, and in consequence of the paying of heavy export bounties they have destroyed the sugar interests of those countries where the sugar cane is naturally produced. In 1862 the amount of sugar that was produced from beet-root in proportion to the sugar industry of the world was 20 per cent. A year ago the proportion of beet-root sugar to the sugar production of the world was upwards of 50 per cent., that is to say, beet-root sugar supplied more than one-half the sugar requirements of the world to the displacement of cane sugar. But the beet-root sugar industry was only worked up to that point by great sacrifices on the part of continental countries, who were expending enormous amounts and burdening their people in order to create this export. France taxed herself to the extent of \$18,000,000 in one year; Germany to the extent of \$7,000,000 in one year; Belgium to the extent of \$4,000,000, which was paid to induce the export of beet-root sugar, and it was done in order to provide employment for the people of their countries, and to bolster up industries that had become demoralized through internal competition. The effect of that was that they nearly ruined the West India Islands and other countries that were dependent upon that particular class of industry for their support and livelihood, and England has for years, and up to the present, permitted the importation of that bounty-fed sugar from the continent perfectly free. She has been appealed to by her own people, by her own

trade unions, time and again, to adopt a different policy, and in 1887 pressure was brought from British workmen and from people of all classes in Great Britain and the West India Islands to counteract the effect of those bounties, and an international conference was held for the purpose of adopting measures to prevent such unfair competition. The members of that conference agreed that bounty-fed sugar was injurious to the trade of the countries maintaining it, and that such a system should be abolished, and a convention was signed agreeing to that policy; but up to the present time that policy has not gone into effect, although I believe it has been modified. Without entering into any free trade question, or into any question that would lead us to ask England to discriminate in our favour, in regard to food products, which the leader of the Opposition has described as chimerical, without agreeing with him, it would not be necessary for us to ask England to do that in regard to the sugar question; but it would not be unreasonable to ask England to prevent importation, and her markets to be made available for this enormous amount of sugar that was sent into her country to the detriment of her colonial possessions, and through their injury to the detriment of herself. I find on looking through the British trade returns of imports and exports for 1890 that Germany sends to England every year four million pounds worth of unrefined sugar; she also sends four million pounds worth of refined sugar. There is \$40,000,000 worth of sugar sent into the English market from Germany alone, and that importation is only stimulated by the payment of heavy bounties in the countries where it is produced. That is done at the expense of the West India Islands. Supposing Great Britain said to Germany: We wish to abrogate this treaty; we wish to give our colonies the privilege of trading with one another upon more favoured terms than other nations are permitted to trade with them, and in order to do that we wish to abrogate this treaty, and in the renewal of a treaty or in the negotiation of another treaty that stand might be taken, and England might say: We will refuse in future to receive into our market any sugar that is supported by the bounty export system. That would be a matter of justice. It is carrying free trade prin-

principles to an extreme length when you not only admit free into your country the products and industries of other nations, but when you admit the product of a manufacture which is not incident to the country itself and is only supported by large bounties, to the detriment of one of her own possessions, or rather a number of her own possessions that are suffering in consequence of it by the destruction of their trade. If that was done, Germany would not be able to send to Great Britain forty millions of dollars worth of sugar; her soil and her labour would be employed in producing that which would be more profitable, and our trade in sugar would be distributed between the West India Islands and India, Australia, the Cape of Good Hope, South Africa and those portions of the British territories in which the sugar cane is indigenous. Now what I contend is, and I think it is not an unreasonable position to take, even if the British Government did not go to the length of entering into a treaty policy that would require them to co-operate any further than that, if the Imperial Government would co-operate to that extent it would build up the West India Islands—and by our co-operation in the same way it would increase our trade with the West India Islands, and they would not have to bow down to the power of the United States, and take advantage of that reciprocity clause in order to put themselves on a par with the islands of Cuba and Porto Rico. Spain also would be more disposed to negotiate a fresh treaty. We could preserve the markets of the West India Islands to Canada and Great Britain, instead of allowing them to be gobbled up and captured under the policy that has been inaugurated by the McKinley Bill of our neighbours. I think if we took that ground in presenting an Address to Her Majesty to initiate a policy that would increase her trade with her colonies by co-operation, and save ourselves from the absorption which we may one and all have to succumb to, disunited as we are to-day commercially—if we were united under a policy such as that, our markets would be open to each other, and we might save ourselves and the smaller and weaker states, such as the West India Islands, and other outlying possessions, from being gobbled up one after the other. If we took a stand together and preserved the markets of the British Empire for one another by an

enlightened and progressive policy on the part of the Imperial Government the markets of Great Britain, which are the largest national markets in the world, and in conjunction with colonial markets amount to nearly six thousand million of dollars a year in their foreign trade, would insure the most powerful trade organization in the world, and it should be our desire to foster that policy and build it up, rather than allow ourselves to lose our trade, and lose the trade of one neighbouring colony after another, which would be absorbed under the attraction of a sixty million market. Especially when that market may easily become glutted as long as it is held as a close preserve.

I think that now is the time, when we are discussing an Address of this importance, to give the Imperial Government an idea of what the opinions of individual gentlemen are in regard to the trade questions we are dealing with. There is another point which I desire to make in regard to our trade relations of a domestic nature. What position are we in at the present moment with regard to our lumber and our logs? The United States have got under the McKinley Bill, in addition to the reciprocity clause, a policy of drawbacks—that is to say, if we send our lumber into the United States; they charge a duty of \$1 per thousand on it, if that lumber is manufactured into doors or sashes, or articles of any kind, and exported to South America, the West Indies, or any other point, they get a drawback to the amount of the duty paid on that lumber. In that way our forests are being used up, without our getting the full value for our raw products. I consider that our forests are part of our capital. They are not like our wheat, or our cattle, or our manufactures, that we can go on producing annually; they are part of the capital of the country. It takes a century to grow a pine tree. Once it is cut down and carried off we are deprived of the value of it. In the same way, the timber that is cut for the purpose of being manufactured into paper pulp, which is a large industry, goes free to the United States manufacturers, but if we manufacture that timber into pulp ourselves it is subject to a heavy duty, and upon re-exportation of that pulp from the United States it goes free into foreign markets, by reason of the drawback, to enter into competition with our own manu-

facture of that particular article in the same markets, while being denied access to their markets. In the same way, our nickle mines are subject to discriminatory duties against us under the operation of the clauses of the McKinley Bill. Other articles of our raw products might be enumerated, but I have enumerated a sufficient number to show in what way the McKinley Bill operates to our disadvantage in the manufacture of our own raw material. If we pursue a policy that permits our logs and our lumber to go over to the United States to be manufactured and re-exported under a drawback, our labour must follow it. That is one cause of a good deal of the exodus that has taken place. We do not protect ourselves, and we allow ourselves to be injured by a very intelligent, shrewd and business-like people on the other side of the line. Personally, I have a warm feeling for the United States. I have friends of my own there, and it is not in any feeling of enmity that I speak as I do; but I tell hon. gentlemen that we who live in Canada will have to protect ourselves, and will have to initiate a policy of our own that will improve the value of our markets, and consequently the value of our resources, and we will have to choose between the markets of the United States and those of the British Empire; we cannot hunt with the hare and run with the hounds. For my own part, I wish to range myself on an occasion of this kind on the side of British commerce and lend my humble assistance in initiating a policy which will in the future be not only of great value to British subjects, but great value in promoting that freedom of trade which is the initial principle of the British race. In that connection I thought it advisable to insert in the 6th clause, after the words "foreign nations," the following: "with the view of ultimately establishing greater freedom of trade." We all know how the principles of free trade are ingrained in the commercial policy of the people of Great Britain, and how averse they are to any policy that has the effect of protection or building up class interests, and it is desirable to allay the minds of British statesmen, and show that our object is for the purpose of ultimately establishing greater freedom of trade in the world. Carlisle in his "Past and Present Book," IV, cap. 3, written in 1843 on the trade relations between Eng-

land and her colonies, was endowed with the foresight accorded to genius when he says, half a century ago: "Englands sure market will be among new colonies of Englishmen in all quarters of the Globe. Hostile tariffs will arise to shut us out; and then again will fall to let us in; but the sons of England, speakers of the English language, even if nothing more, will in all times have the ineradicable predisposition to trade with England." No policy should be inaugurated that will hamper our trade with England or that will have the effect of reducing the purchasing power of the English population, which affords such an excellent market for Canadian produce. If the people of England find themselves too sorely pressed by hostile tariffs they may consent to a policy that will have the effect of more fully developing the possessions of the British Empire, but as long as they can hold their own on the free trade policy under which they flourish they are likely to do so, and that policy should receive the support of Canadians. If the principle of free trade could be extended to the United States and to the British Empire, and to other countries who were willing to operate on those principles, that policy which England has stuck so persistently to for the past half century would become a success, and I feel confident that Canadians need have no fear in promoting that policy; and we have already gone as close to that policy as we can, with due regard to our own interests. With regard to the amendment that I offered in the last clause by adding the words "and that in the negotiations of any new treaties having for their object the protection of the commercial interests of British subjects the Government of Canada may have the opportunity of expressing its views." That is reiterating the sentiments already expressed by the Government of Canada in a report already quoted in my previous remarks, and therefore it is not out of place in this Address; but the special object that I had in placing them there was to suggest that a better opportunity might be given to Canada to express its views upon the many important trade and other questions that continually arise affecting Canadian interests, than by the formal methods of communication through the High Commissioner, and that a higher position might with advantage be accorded

to the Canadian Government, or to a member of the Canadian Government, in the inner councils of the Imperial Government. This point was the subject matter of a resolution I introduced last session, upon the question of Imperial representation, with the view of gradually drawing the bonds that unite British subjects closer; and I wish to take the opportunity afforded by this Address to again urge it upon the consideration of the Government. In concluding, I desire to say that I am in most hearty sympathy with the object of the Address under discussion, and I believe it is a document pregnant with great results in the future. So far as the amendments I have suggested are concerned, since I have had the opportunity of explaining why I gave notice of them. I have great pleasure in acceding to the wish of the hon. leader of the Government, and with the consent of the hon. Speaker I beg leave to withdraw them.

At 6 p.m., the Speaker left the Chair.

#### After Recess.

HON. MR. POWER—I thought that we had to-day before us one of those motions that we could deal with from a truly business standpoint without importing into the discussion anything in the nature of politics. I regret to say that the experience of the afternoon has shown that I was mistaken. I am not going to blame anyone in particular. I think the blame might be distributed. It must be remembered, in dealing with the trade question, that it is a very extensive one and has ramifications in a great many directions, and one has to treat it very gingerly or some one whose views differ from those of the speaker is likely to think that he is assuming an attitude of hostility to those of that particular listener. I remember that one of the points which the hon. leader of the Government made was that England stood alone as a free trader; and I could not, as far as I was individually concerned, find any fault—if I may be excused for talking that way—with the tone in which the hon. gentleman said that, because I think he simply stated the facts, and he did not indicate that he thought free trade was a mistake, which some gentlemen might have done. The hon. gentleman did refer to the fact

that our trade with England had been increasing more rapidly than our trade with the United States. That was true of the last fiscal year, 1890. I think that both the hon. gentleman himself and the gentlemen who followed him left out of sight the fact that the McKinley Bill has been affecting us during the past year; but probably it had not affected us during the fiscal year ending the 30th June, 1890. I do not propose to discuss these questions at all or to make any speech. There were, however, just one or two statements made by hon. gentlemen which I think call for a very brief mention. One was the statement made by my hon. friend from Monck, to the effect that it was clear from the fact that the products of this country were very similar to those of the United States, that we could not expect to export very much to that country. Fortunately or unfortunately, fortunately for us and unfortunately perhaps for the hon. gentleman from Monck, we have such things as trade returns, and those trade returns show that notwithstanding the remarkable similarity between our products and those of the United States, we export a large amount to that country, more than to any other country excepting England; so that this argument about similarity of products is not sound. It looks very well, but when tried by the facts it is found wanting. Then the hon. gentleman from Alberton spoke of the great increase, as I understood, in the trade of the country, and pictured the Dominion as being in an exceedingly prosperous condition. On former occasions when statements of that kind were made, we, perhaps, were not in as good a position to answer them as we are to-day. The hon. gentleman laid particular stress upon a statement made by the hon. gentleman from Ottawa, that taking a period of ten years our trade had not increased, and generally the hon. gentleman from Ottawa took the ground, which I think was right enough in itself, that there had been no substantial increase in our foreign trade—I do not think, perhaps, that was just the subject we should have been discussing in connection with this Address—but still the matter came up, and it is as well that the statement of the hon. gentleman from Ottawa, being correct, should be sustained. I take the trade returns and look at the grand total of our trade, and I

find that in 1873 it amounted to \$217,801,203; that in 1874 the amount was practically the same, \$217,565,000. That shows that going back 18 years we find that our aggregate trade was about the same as it was last year. I go back 9 years, to 1882, and I find that our aggregate trade was \$221,556,000, that is three millions greater than it was during the past year. In 1883 the aggregate trade was \$230,000,000, that is twelve millions more than it was during the past year. I think those figures alone quite justify the language of the hon. gentleman from Ottawa.

HON. MR. HOWLAN—I understood the hon. gentleman from Ottawa to say that in the ten years from 1879 to 1889 our trade had not increased. Now, in 1879 the trade amounted to \$157,000,000, and in 1889 it had reached to \$204,000,000.

HON. MR. POWER—I did not understand the hon. gentleman from Ottawa to select any two years. His argument was this, that our trade was not advancing as it should; and, when one considers that Canada is a young country, with great resources, one naturally expects a great increase of trade, whereas, as a matter of fact, our trade last year was the same as it was in 1873 and 1874. Now, I think that is a very discouraging fact. I am not going to say what it is due to, but there is the fact. In former years we saw that our foreign trade was not increasing, and then we were told that our internal trade was growing; but I think the explanation of the fact has been furnished by the census, because we find now that not only has our foreign trade not increased, but our population has not grown in any such ratio as we should have expected. The hon. gentleman from Alberton was particularly strong in advocating the promotion of immigration. The returns made by the Department of Agriculture show that during the past ten years we brought into this country something like 800,000 immigrants. Where are those people now? They are not in Canada now, or, if they are, we have lost a great many more Canadians than have been born in the country in the ten years. My theory is that we should not spend money bringing in immigrants, but should adopt such a policy as would keep our people at home. The hon. gentleman was

particularly emphatic as to the increase of trade in the country and its prosperity, and I could not help thinking that although the hon. gentleman himself had a fairly prosperous and comfortable appearance, the census and trade returns show that the Island which he represents has nothing to boast of in that way. Her trade has fallen off, and her population is stationary. The House will excuse me, perhaps, for having followed gentlemen who have preceded me in going away from the matter more particularly before the House. The hon. gentleman from Shell River confined his speech pretty much to the matter before the Senate, and I think he gave us some very valuable information. I presume most of the members were aware of the fact before, but the information that he gave with respect to the attitude assumed by the British Government in connection with the Spanish treaty was quite new to me. It was very important and valuable information, and shows, I think, in a very clear and emphatic way how careful the Imperial Government has been of late of the interests of her colonies. We, in Canada, at any rate, have every reason to be satisfied. As to the question of the treaty-making power: although there has been something said of that, I do not feel inclined to deal with it now. If this matter had come up some days ago, and we had plenty of time at our disposal, it might have been interesting to discuss all these questions which are cognate to this resolution, but I think under the circumstances the House will be better pleased if I confine myself to the resolution. I may express my own entire concurrence in the Address; and I am glad to think that this is a sort of measure upon which we can all agree. I hope that the leader of the Government will not think, if I call attention to two or three passages in the Address which, in my humble opinion, are susceptible of improvement, that the criticism is in any unfriendly spirit. I may be quite mistaken, but I think there are two or three passages in the Address which are capable of improvement. In the first place, I refer to the words, in the beginning of the Address which the hon. gentleman from Shell River also said something about. There is a certain want of clearness in this first sentence of the second paragraph, "your memorialists desire in

the first place to draw attention to certain stipulations in the existing treaties with Belgium and with the German Zollverein ordinarily referred to as the most favoured nation clauses, &c." I think the meaning of that is not quite as clear as it might be. There is just one expression at the beginning of the next paragraph: "Your memorialists consider that these provisions in foreign treaties." In my humble opinion the treaties are, not so much foreign treaties as treaties with foreign powers. In the next paragraph I find: "Your memorialists further believe that in view of the foreign fiscal policy, &c"—that is the fiscal policy of other nations than England. I do not mean to say that there is any doubt as to the meaning; but it strikes me that we refer to the policy of foreign powers in the second place, and in the first place we are speaking of the treaties made with foreign powers by the mother country. I presume it is the wish of the Government—and I think it ought to be—that this Address should be carried without any dissenting voice. Naturally, an Address which is carried unanimously through both branches of the Canadian Parliament would be regarded in the place to which it is sent as having more weight than if there was any dissenting voice, and I would respectfully suggest to the leader of the Government that, looking to that fact, it might be desirable to omit the last three and a half lines of the 5th paragraph: „ though from the similarity of most of the products of the two countries, it is probably not susceptible of so great an expansion as might be effected in the interchange of traffic with the Empire." The hon. gentleman will see that that is a debatable proposition, and is sure to be debated in another place. It has already been discussed somewhat here, and I do not think it really adds anything to the strength or force of the paragraph. I think it is questionable as a matter of fact; and I humbly submit that it would be better in the interest of the Address that those lines should be omitted. Then, there is just a verbal criticism while the first five paragraphs begin with a direct statement, the 6th paragraph begins with a "that," which I think should not be there. That is all I have to say. In conclusion, I cordially concur in the Address, and I hope it may have the beneficial effect that is to a certain extent looked forward to.

HON. MR. KAULBACH—I generally like to follow my hon. friend from Halifax; he affords me food for reflection and expression of thought. This evening he has utterly disappointed me and left me with almost nothing to say, as far as he is concerned. He says my hon. friend from Prince Edward Island is not exactly sound in saying that we cannot have trade with the United States because of similarity of products. I think my hon. friend from Alberton is right in the view that he takes, because the surplus products in the United States are the same as ours, and both find the same market—England. That cannot be denied. It is obvious, therefore, that England and not the United States is the best market for such products. My hon. friend from Ottawa says that this country is not particularly prosperous. I do not know a country in the world that has enjoyed greater prosperity than Canada since the adoption of the National Policy. No nation has succeeded as Canada has since the end of the era of depression and soup kitchens which prevailed while the hon. gentleman from Ottawa and his friends were in power. My hon. friend quotes from the returns for 1873—that was the last year of the Conservative Administration. Up to the change of Government in 1873 the country was prosperous, and the falling off in our trade was in the gloomy days when the Mackenzie Administration held office. But the hon. gentleman thinks he has made a great point by his reference to the census returns. I do not look upon it in the same light. We are now in a position, notwithstanding all the efforts made by the Opposition and their press who would deride the country in their efforts to gain the ascendancy, to encourage immigration into the country. The Opposition have been drawing comparisons between this country and the United States to the disadvantage of the Dominion, and have practically been advising people to settle in the neighbouring republic, which they represent as a more prosperous country than ours. It would be no wonder if this country had not increased in population even to a less extent than it has. But my hon. friend must not forget that the census taken in the previous decade was taken on a different principle altogether. I know that in Nova Scotia, and I speak from my own



knowledge, the census was taken quite differently this year from the way it was taken in the previous census. In the previous census every man who was born as a British subject was included. I know some relatives of my own who, because they were absent from the country this year, were not put down in the census. No man with his eyes open, who travels through Canada to-day, and notes the prosperous towns and villages and the improved condition of the country can fail to observe that there has been a large increase in population beyond what is declared in the census returns. My hon. friend from Shell Lake has apologized for proposing his amendments to the Address, and refers to some remarks that appear in the press, to the effect that he is trying his prentice hand in diplomacy in endeavouring to amend this Address. I think my hon. friend has shown himself, during the short time he has been in this House, as a masterhand and not a prentice; and every time he rises to address this House he does so with a knowledge of the subjects before us, and he has treated the subject of this Address in a way far beyond anything that I expected of him. He has done credit to himself and to this House in his masterly discussion of the subject. I do not doubt that if he had been at the elbow of the hon. gentleman who framed this Address he would have been able to make suggestions which might with advantage have been incorporated in it. I refer particularly to the amendment which suggests that we desire to express our appreciation of the value of the markets of Great Britain, and the advantage of co-operation for the purpose of protecting the commercial interests of British subjects. For my part, I think that that could well have been incorporated in it. I think there should be a community of interests between the mother country and her colonies. I believe it is a loyal and practical idea, and I am sure every one of us must feel that it is to our advantage to adopt such a policy, as far as possible. We want a large population in this country in our North-West, and where should we draw it from? We must go to England, Ireland and Scotland, and let those people understand that the British Empire, in every part of it, gives a preference to her British subjects; and you will then find British subjects flowing

into the colonies, instead of allowing their energies and their wealth to be so diverted as to build up and enrich foreign countries. I do not know any greater incentive to trade than the fostering of a paternal feeling throughout the British Empire by so framing our tariffs as to discriminate as far as we can in favour of the colonies trading with each other and with Great Britain. I believe that the Government has been very watchful and anxious, as Conservative Governments have always been while in power, to foster the trade of the country. They have shown it as usual in the Address before us, and had this Address not come before us at this time, and an effort had been made to encourage our trade with the United States, we might have been open to the reproach afterwards that we might have known very well we could not increase our trade relations there under the restrictions that exist now in the favoured nations clauses in the treaties with Belgium and other countries. We all feel that the Government have taken a wise course in this matter, and I am glad to find that the Address recommends itself to the appreciation of both sides of the House. I would now make a few remarks on the observations that fell from the leader of the Opposition, because it seems to me he never addresses this House but he shows that he is so imbued with the desire for more intimate commercial relations with the United States in preference to every other country in the world that he belittles every enterprise and every policy that does not point to the republic as being the source of all our future prosperity and greatness. He goes away back to the time when we lost the twelve British colonies, and to the Ashburton Treaty, to show that England at that time thought very little of Canada. We admit that at that time England did not know as much about Canada as she might have known, and that she certainly did not appreciate us as she does now. If England had known the character of the people inhabiting North America at that time, and had known better how to govern the country, she would not have lost those colonies; but the hon. gentleman goes back to that time to show that England has no particular desire to hold Canada. In that he is entirely mistaken. It is evident that at the present time England looks upon Canada as being the brightest jewel in her

crown, she looks to us as being the direct connection between herself and her eastern possessions. She looks to us as being a great source of wealth and prosperity, and as the future source of food supply for her millions of people. I say that England has not shown of late that she has no desire for closer relations with Canada. Every question affecting our interests she has shown a careful, a wise and judicious regard for, and my hon. friend cannot point to anything to the contrary. He says that England makes Canada subservient to her interests in dealing with the United States, and as an illustration he refers to our seal fisheries. I do not know anything more that England could have done on the seal fisheries question unless she went to war. Canada did not wish the mother country to involve the empire in hostilities with the United States. It is far better to settle these things amicably, if it can be done, than to deluge the continent with blood. We have surrendered no rights in those waters. On the contrary, if any surrender was made it was by the United States, when they abandoned the exclusive rights that they had contended for and agreed to join with England in protecting those seal fisheries for one year. In doing so they acknowledged that we had an interest in those fisheries that was deserving of respect. The other questions in dispute will, no doubt, be amicably arranged. Supposing we had stood alone in this matter, and had the power to make our own treaties, could we have made a treaty with them at all? If we had not the British flag and the British army and navy at our backs how could we have protected our rights against the hostile nation to the south of us? Are we to be so unreasonable as to demand that we shall have the protection of the British flag and at the same time the right of making treaties without consulting the mother country? My hon. friend from Ottawa said that the United States market is as much value to us as the market of Great Britain. He stated most emphatically that in the ten years from 1879 to 1889 the balance of trade between the United States and Canada and between Canada and Great Britain was about the same. The hon. gentleman is wrong to the extent of over \$5,000,000. He wanted to show that we are not progressive, that our volume of trade is not as great to-day as it was ten

years ago. My hon. friend is altogether astray. Is it fair to compare the trade in manufactures of a young country like this, still in its infancy, with that of the United States, and our ability to compete with them for trade in foreign markets? Let us consider what is our position now. We export *per capita* a great deal more than the United States. Our exports and imports are both larger *per capita* than those of the United States, and I quote from the statistics of 1889. We find the foreign trade of Canada with the United States *per capita* in 1889 was \$22.70 imports, while that of the United States was only \$11.46; the exports were \$17.57, while those of the United States were only \$11.44 *per capita*. In the face of these figures my hon. friend states that this country is not prospering. I say that we are going ahead rapidly. The hon. gentleman contends that the best market for our fish, lumber and agricultural products is the United States. That is not the fact. I admit that we send one-half of our canned fish to the United States, and the rest to Great Britain; but the great bulk of the fish caught on the Atlantic coast goes to South America and the West Indies, and a large proportion of the fish, fat mackerel for instance, exported to the United States is re-exported from there to other countries. Then, in the article of lumber, the bulk of it goes to England. No doubt the United States like to get hold of our timber. I have seen it stated recently by an American writer that their own forests are nearly exhausted and that they must have our timber. I believe we should keep our timber in our own country and manufacture it by our own workmen. To allow it to go to the United States to be there manufactured and brought into competition with our own manufactures would be most unwise and injurious to Canada. Now, with regard to animals and products of animals, the hon. gentleman admits himself that they go largely to the English market. What would be the result of a reciprocity treaty with the United States, in regard to the important export of animals? All the advantages we have in the British markets would be lost to us. When my hon. friend speaks of the exports and imports of this country not increasing in value he is not only astray in his figures, but he is astray as to his facts. He must

understand that it is not the volume of our trade but the value of it. Ten or twelve years ago, before we had the National Policy, everything we consumed was manufactured in foreign countries. At present the raw material is imported into the country, and the labour that is employed upon it here increases its value, and when my hon. friend talks about the import trade not increasing, I say it is a fallacy—the importance of the imports does not depend on the cost of the article in the foreign market but on its value after it is manufactured by the industry and skill of our people, and it is that policy of providing employment for this skilled labour of the country that makes the value of the trade. If the hon. gentleman will consider the number of steamers now plying across the Atlantic and the Pacific and at the network of railways extending all over the country—at our interprovincial trade and at the prosperous towns and hamlets all over the country as compared with ten years ago, he cannot shut his eyes to the fact that the Dominion is prospering. You can hardly go into a house in my province in which you will not find a piano, an organ, or sewing machine, and there is scarcely a farm without labour saving machinery, valuable stock and a comfortable buggy and stylish horses.

I say that our fiscal policy has had very much to do with this improved condition of affairs. It has extended our commerce, encouraged interprovincial trade and fostered our manufactures. I would like to know how the people of this country would profit if we were to adopt the policy proposed by the leader of the Opposition, to lower our tariff or enter into a commercial union with the United States? It would be practically throwing down a barrier and allowing them to come over and take possession of our industries and deprive us of our trade with England and our political independence, and, as the ex-leader of the Opposition said last winter, it would ultimately lead to annexation. That would be the result of looking entirely to the United States for our prosperity, and I think the position taken by Mr. Blake was very wise and statesman-like. I find in the Year Book that our trade with the English markets has increased very largely within the last two years, as hon. gentlemen will see from the following table:—

## EXPORTS TO GREAT BRITAIN.

	1888	1889	1890
Cheese.....	\$ 8,834,997	\$ 9,472,771	\$ 10,484,935
Cattle.....	4,123,873	4,992,161	6,565,315
Pease.....	1,131,041	1,091,078	1,190,836
Sheep.....	211,881	303,099	486,209
Oatmeal.....	45,465	201,234	250,657

## EXPORTS TO THE UNITED STATES.

	1888	1889	1890
Barley.....	\$ 6,438,317	\$ 6,454,603	\$ 4,582,575
Sheep.....	1,027,410	932,127	764,217
Horses.....	2,402,371	2,169,792	1,959,355
Eggs.....	2,119,582	2,156,725	1,793,803

The hon. gentleman from Ottawa says that the people of Great Britain would repudiate the idea of taxing the bread of their operatives to favour the colonies, but he will find that in England there is a rapidly growing feeling in favour of fair trade. Her export trade had fallen last year forty millions of dollars and the year previous to that the decrease was not much less. The imports fell off thirty millions of dollars last year, mostly on raw material. What does that indicate? Does it not show that the raw material which gives the labouring men work is not being imported, that the country is suffering from foreign competition, and when the labouring men of England have no work they will cry for bread? If there were a community of interests between the colonies of England and the mother country, and a preference was given to the produce of the colonies in the British market it would at once result in a benefit to the Empire. It is only a few months ago that the representatives of fair trade, a trade which would be favourable to the colonies, met Lord Salisbury and laid their views before him, and Lord Salisbury certainly did not lead them to understand that free trade was the undeviating policy of England. He showed himself alive to the importance of the question, and admitted that they could not continue the present policy within hard and fast lines; that there must be some way of getting rid of the barriers to trade and that she must look to her colonies for an extension of her trade.

If England does not do that, she will soon find that she has waited too long. We know all about the Corn Laws; at that time, England believed they were too hard upon the poor people and made dear bread, but she did not know that other nations would put up high tariff barriers against her. England had developed her manufactures to such an extent that she thought she had

the whole world for her market. But what has occurred? Not only is she shut out of the markets of other countries, but foreign manufacturers are competing with her own in Manchester and Birmingham. England cannot much longer continue in the same course. Take the sugar trade, for instance: she cannot much longer allow the sugar manufactured in Germany at a large sacrifice of the public money to destroy her own sugar trade. In this country we should unite, as far as we can, and impress upon England the necessity of the various portions of the empire standing by each other, discriminating in favour of each other, and having a community of trade, and feeling that we are related, not only by blood, by loyalty and patriotism as parts of the empire, but by pecuniary interest. Such a union is necessary, not only to our advancement but to the advancement of the whole empire. If we can bring that about, we have a great future before us. I do not think England is rivetted so firmly to the old policy of free trade that she will not adopt a policy more in the interest of the empire. When such a policy as I have indicated is adopted we will soon find our prairie lands settled. We have a vast territory, capable of producing food for the whole world. That country only needs to be populated, and we can best settle it by uniting the various portions of the empire, so that those who leave the old country to settle in Canada will feel that they are merely going from one part of their home to another. We have everything to make us a great people; we have rich soil and great natural wealth; we only need population to develop what we possess to become one of the most important parts of the great empire to which we belong.

HON. MR. MACDONALD (P.E.I.)—I agree with the remarks made by the different gentlemen who have preceded me respecting this question—that is, as to its importance; but I fear that, with the exception of one or two of those who have spoken, they have kept very far apart from the matters referred to in the treaties under discussion. I was somewhat disappointed with the remarks, eloquent though they were, made by my hon. friend from Lunenburg. I expected that a gentleman representing a constituency which has such large interests involved in

these treaties would have gone more to the root of the subject, and taken up the questions specially involved in the treaties respecting which we are about passing this Address. The subject is of great importance to us in various ways—important to our trade and commerce, to our shipping and to our people. Each and all must be affected materially by the Address, and I regret to find that hon. gentlemen who would be well able to discuss the question in the broad light in which it deserves to be viewed have not dealt more particularly with that phase of the question. In my opinion, in order to discuss the question intelligently, we should have further information than has yet been laid before us. We should have a statement of the trade for a series of years between the Dominion of Canada and Germany and Belgium. We should have also a list of the ships belonging to Canada which have frequented the ports of Germany and Belgium during a series of years. We should see what our exports to and our imports from those countries have been, in order to judge of the effect which the denunciation of these treaties would have upon the Dominion. We should have the text of the treaties before us, because no one who has addressed himself to this question has referred to the various subjects embraced in those treaties, and which affect us so very materially. We should also consider, in passing an Address of this kind, whether we are making a request to which the British Government would be likely to accede. We know that it is a very important question with them, as it is with us. I do not think it is one that we should take up lightly, without considering very seriously what the effects of the Address would be if its prayer were acceded to. It would place the trade of this country in a very different position from what it is in to-day, so far as these countries are concerned. We have rights and privileges under these treaties. Our people receive a measure of protection of which they would be deprived if those treaties were terminated. Our ships have certain rights which would be taken from them by the abrogation of those treaties, and our trade and commerce would be on a different footing. Our trade with those countries is not large, but it is growing and will grow. The Canadian produce exported to Germany in 1871 was \$16-

235; in 1879 it was \$107,069, and in 1889 it was \$142,749, showing a steady increase. Our exports of Canadian produce to Belgium were, in 1871, \$57,467; in 1879, \$39,830, and in 1889, \$61,756. Our total exports to Germany in 1889 amounted to \$507,143. That, of course, was not exclusively products of Canada. Our trade with those countries has been increasing: Germany and Belgium are probably the best markets we can find for our phosphates and many other things produced in Canada. If these treaties are terminated we will not have the same advantageous footing in dealing with them that we possess at present. I was much pleased, and received much instruction from the remarks made by the hon. gentleman from Marquette, who went very extensively into this question, and took a very proper view of it. Although I did not agree with the amendments which he proposed to make to the Address, I was sorry to see them withdrawn, because some of them would have made the subject clearer than it is in the original Address. The question is, what advantages are we likely to gain by the termination of these treaties? Will these advantages be sufficient to compensate us for giving up the treaties? Let us look at what these treaties give us. The following is a synopsis of the Treaty of Commerce and Navigation between Great Britain and Belgium, signed at London, 23rd July, 1862, between Her Majesty and the King of the Belgians:

"Art. I.—Provides for reciprocal liberty of commerce between all the dominions and possessions of the contracting parties. In matters of commerce and navigation they are placed on a par with native subjects.

"Art. II.—Amplifies the provisions contained in Article I.

"Art. III.—Provides in all that relates to navigation and commerce neither party shall grant any power to any other country without at once extending it to their respective subjects.

"Art. IV.—All vessels registered under the laws of either country to be deemed British or Belgian, as the case may be.

"Art. V.—Exempts the vessels of either country from all tonnage, harbour, lighthouse, pilotage, quarantine or other corresponding duties imposed in the ports of either country upon vessels of the other which shall not be equally imposed in like cases on vessels of the other country.

"Art. VI.—The vessels of the respective countries shall be treated on a footing of equality in the ports, docks, harbours, rivers or basins.

"Art. VII.—Allows vessels arriving in either country to discharge a part only of cargo and retain the balance and proceed therewith to another port in the same or any other country, without being compelled to pay duty on such balance until arrival at destination.

"Art. VIII.—Places British and Belgian vessels on a similar footing with respect to the conveyance of goods.

"Art. IX.—Goods exported from either country in the vessels of the other shall not be subject to any further charges than if exported in the nation's own vessels.

"Art. X.—The only duties on goods warehoused during the period allowed by the laws of the two countries until removal for transit, exportation or consumption, shall be charges for storage and custody. In no cases shall such articles pay higher duties than if imported under the national flag of the most favoured countries.

"Art. XI.—Exempts goods from transit duty, and guarantees the treatment of most favoured nation to each of the contracting parties.

"Art. XII.—The subjects and vessels of each of them shall in the dominions and possessions of the other enjoy the same privileges and be treated in all respects on the same footing as national subjects and vessels. This clause is limited to those colonies that open their trade to foreign vessels.

"Art. XIII.—Applies regulations of treaty between France and Belgium respecting importations to goods imported from Britain and possessions.

"Art. XIV.—No higher duties to be imposed in either country than imposed upon goods of any other foreign country; each party will extend to the other every favour or privilege either may grant to a third party.

"Art. XV.—Articles the produce or manufacture of Belgium shall not be subject in British colonies to other or higher duties than those which are or may be imposed upon similar articles of British origin. Regulates trade marks.

"Art. XVI.—Relates to conditions on which trade marks may be claimed, &c.

"Art. XVII.—Amplifies the foregoing provision.

"Art. XVIII.—May appoint consuls who must be approved.

"Art. XIX.—Vessels wrecked upon the coasts of the other power or merchandise saved, or the proceeds of same, if sold, shall be restored to the proprietors or agents, or, in their absence, to the consul of that power to which they appertain, subject to salvage same as if national. The goods shall not be subject to duties unless cleared for consumption.

"Arts. XX-XXI.—Relates to the Scheldt duties. Tonnage dues in Belgian ports to cease. Pilotage duties be reduced 20 per cent. for sailing vessels, 25 per cent. for vessels towed, 30 per cent. for steamboats, and local taxes imposed by city of Antwerp to be diminished.

"Art. XXV.—Treaty to exist for ten years, and then until 12 months' notice of abrogation shall have been given by either party.

"Art. XXVI.—Abrogates treaty of 27th December, 1851.

"Art. XXVII.—Ratified at London, 1st September, 1862."

Now, this is a very important subject to a people engaged in trade, and especially to those that are much interested in shipping. Many vessels from the Dominion of Canada are engaged in carrying freight to German and Belgian ports, and if these treaties were terminated our vessels would be placed in a different position from that which they enjoy now.

HON. MR. ABBOTT—I am under the impression that my hon. friend thinks we

are asking to have this treaty terminated. We have no idea of that; we are asking to have one clause in each of the treaties terminated.

HON. MR. MACDONALD (P.E.I.)—I am very glad to have the explanation, but no provision is made in this treaty of which I have given a synopsis, or in the treaty with Germany, for a partial termination of either. As the hon. member for Marquette said, unless there is a certain clause in a treaty providing for its partial termination, or for the termination of some of its clauses, the treaty must be terminated as a whole; and I fear, even if we were to ask for the termination of one clause of this treaty, we would find that it could not be done without the termination of the whole treaty. Now, the treaty of 1865 is somewhat similar to the one I have referred to. Throughout the whole of that treaty, in every clause of it, the same idea runs; what is called the most favoured nations clause appears to be incorporated in it, so that it would be impossible almost to ask for the termination of any one clause without abrogating the whole treaty; In the Address which we are presenting we say that "The Senate and House of Commons of Canada, in Parliament assembled, humbly request that Your Majesty may be graciously pleased to take into consideration the position of Canada in respect of certain important matters affecting its trade relations with the empire, and with foreign relations. Your memorialists desire, in the first place, to draw attention to certain stipulations in the existing treaties with Belgium and with the German Zollverein, or ordinarily referred to as the most favoured nations clause." The provisions referred to extend, in my opinion, a good deal further than what his hon. the leader of the Government stated that they would do. I look upon it that it embraces nearly everything that is in the treaty of 1865, and that it would be impossible to have the favoured nation clause eliminated from the treaty without having the treaty entirely terminated. I think that we should know also more fully than we have yet been informed why we make such a request. It is stated here, in one of the clauses of the memorial, that :

Your memorialists further believe, that in view of the foreign fiscal policy of increasingly protective and discriminative duties, it is clearly adverse to the interests of the United Kingdom, and of each and all

of its possessions, that the Parliament of the United Kingdom, or of any of Your Majesty's self-governing colonies, should be thus restricted in the power of adopting such modifications of its tariff arrangements as may be required for the promotion of its trade, or for its defence against aggressive or injurious measures of foreign policy.

Now, if it is the intention or the expectation of hon. gentlemen to extend our trade with Great Britain we should be very definite about it. If it is our intention to do away with the most favoured nation clause, with the object of extending our trade with the United States, we should also state our intention more definitely. My opinion is, that we should express our desire to be placed in the position to make tariff arrangements to extend our trade with Great Britain by such an extension of differential duties as will admit to our markets the products of Great Britain at a lower rate than similar products of other countries. But we are at present prohibited from introducing any amendment to our tariff that would discriminate in favour of importations from Great Britain. According to my idea, we should express that view of the question more definitely in the Address than has been done. Some hon. gentlemen have referred to various other matters which are not connected so directly with the question now before us. We had the census, the boundary question, immigration, cattle trade, and various other matters taken up, which I shall not now refer to. I do not know that I shall make any further remarks on this question but it appears to me that it is almost too important a matter to have these treaties terminated, or to terminate even those clauses of them, because I feel we cannot do that without abrogating the treaties as a whole, which might place our trade, commerce and shipping and our people in a much worse position than they occupy at present.

HON. MR. ABBOTT—I am very sorry to prolong the debate, but I think I should be wanting in my duty if I were to abstain from saying a few words on two or three points that have been raised. With regard to the proposition of my hon. friend who has just sat down, I do not know that I have much to say. We are not asking England to repeal the treaties; we are simply asking her to get rid of one clause in those treaties, and getting rid of this one clause will not have any of the effect which my hon. friend expects or fears. As to the

proposed amendment to which he refers, I should be amused to see my hon. friend's interview with Mr. Blaine on the 12th of next month, after we had passed an Address to Her Majesty asking her to impose differential duties in our favour against all other countries. The hon. gentleman must consider that there are a great many other things to be thought of besides the exact language of the Address. As far as words go, I think we are tolerably safe with the Address as it is. England will not terminate her treaty with the Germany Zollverein or Belgium to gratify our desire to get rid of the favoured nation clause; but I rely on the promise of Lord Salisbury that he will take advantage of any occasion that may arise for terminating the restrictive clauses—that he will seize upon the first occasion for getting rid of the restrictive clause, which he evidently considers injurious to England as well as to ourselves.

As respects two or three of the propositions raised by gentlemen on the other side, although I agree with some of my hon. friend's in thinking they are not very appropriate to this particular discussion—at all events, I do not see their exact connection with this particular discussion; still, they stand on record against our country, and I think it is necessary to say something in reply to them. I think I may say with perfect truth that every one of them has been thrice refuted in this House, from year to year, for the last four or five years; still, as they come back to us with their old familiar features, I think it is our duty to remark upon them as we have done on former occasions. My hon. friend from Ottawa has an argument which was applicable, in his mind, I suppose, in some way, to this Address, that is his usual course of depreciating the progress and standing of the country. I do not see how that applied to the Address. I do not think it was appropriate to it. There is no assertion in the Address that the country is prospering, and therefore, if my hon. friend intended to oppose the address, it was unnecessary for that purpose to say that the country was not prospering—that the country was going to the dogs. If, on the other hand, my hon. friend intended to support the Address, it was not, I venture to think, an advantageous way of supporting it, to place of record in the debate in which it was

canvassed the erroneous statements which he made about the country and its trade. It was not holding out to England or to any other country any great inducement to help us to get rid of this restrictive clause by way of improving our relations, to show that our relations were worthless, or next to it, and that they were depreciating every year. Moreover, I do not think my hon. friend's objection was well founded. As I said before, most of them have been refuted, but I do not think those of them that had not been previously laid before the House, and had not been previously refuted, are any better founded than those which have already been refuted. My hon. friend made a singularly uncandid statement with reference to Behring Sea, in the course of his argument, that we ought to be able to make our own treaties. Some of the objections which my hon. friend has stated to the treaties which England has made we have heard before, but I do not know that I ever before heard my hon. friend go so far in finding fault with England for her treaties as to complain that she relinquished the western States, and did not keep them to form part of the Dominion of Canada, which was to be built up some half century or more afterwards. That was a fault I never heard attributed to England before. I do not think there is much in it, and it is not worth while detaining the House at this late stage of the session by making any further remark upon it. Now, how do we stand with respect to Behring Sea? My hon. friend said that Behring Sea was free to Canadians—that England declared she would not permit any interference with their fishing, and that then she sent her men-of-war to seize Canadian vessels and prevent them from fishing. What is the fact? England did say that Behring Sea was an open sea, and free to her subjects to fish in. The United States controverted that proposition at one time, and they actually seized, some years ago, two or three of our vessels which were fishing there, and threatened in another year, two years ago, that they would continue to seize our vessels which went there fishing. What could we have done, supposing we had been in possession of this treaty-making power, and had gone to the United States to make a treaty about Behring Sea. Could we have said to them: If you

touch any of our sealing vessels in Behring Sea we shall take steps which may be unpleasant to you to prevent it and to protect our ships. England did not say that in such a way, but she spoke in such a plain and decisive way to the United States that from that day to this we have never heard a whisper of the United States interfering with our sealing vessels in Behring Sea. And the newspapers of the United States that were not blinded by party feeling do not hesitate to state that the United States had put herself in the way of being humiliated by England in that particular, and had received a deserved humiliation. Such action by Canada would have been merely ridiculous. As to England sending vessels out to seize Canadian sealing vessels, how far is that correct? The United States and England, after this little breeze, came together to consider how far they could agree on what was necessary to prevent the extinction of seal life in Behring Sea. England on that occasion, as on all other occasions, lent herself at once to a proposal which was humane, and which would also serve the permanent interests of her trade, as well as the trade of the subjects of other nations. She and the United States agreed that for one season they would stop sealing altogether, both by United States vessels and by English vessels, in order that there might be some respite to the slaughter of those animals, which the Americans contended was destroying them, while England contended there was no indication of that result. But there was an arrangement entered into by which the vessels of both nations should be prevented from taking seals, in order that this respite might be obtained, and that an examination might be made by experts, to see what, if any, regulations should be made for the prevention of the extinction of seal life.

HON. MR. DICKEY—Was not that provision made in the first instance at the suggestion of England?

HON. MR. ABBOTT—I am not quite certain. It was suggested in the course of the correspondence. I am not quite certain whether it was England or the United States proposed it first, but England readily yielded to the suggestion, as being one in the interests of humanity, and

the arrangement was made. I do not propose now to say a word as to how far that arrangement was carried out on the other side. My hon. friend had not any fault to find with the action of the United States in that respect. There was a proposal made that in the interests of the poor starving Indians on the islands the lessees were to be allowed to kill 7,500 seals for their sustenance during the season, and we know how far that agreement was carried out. We know that so far from respecting that exception to the stoppage of the slaughter of the seals, for which the United States had pleaded so strongly, so far from conforming to the condition which had been made, we know that about the same number of seals have been slaughtered by the Americans that were slaughtered last year and the previous year in Behring Sea. But that has nothing to do with the present question. No doubt Lord Salisbury is able to take care of England in that respect, as in any other. I have gone so far in stating what has taken place in Behring Sea to show that so far from being injuriously treated in treaties made by England, we owe our rights, so far, and the rights of her subjects in Behring Sea, to her action. The *modus vivendi* is equally binding on American subjects as upon British subjects. The vessels to be stopped are American ships as well as British ships, precisely under the same rules. England permitted no encroachment during this year or at any other time on the rights of British subjects in Behring Sea—in fact, without the intervention of England we should have been perfectly helpless. But for her it would have been competent for the Americans to continue seizing our sealing vessels, until they had driven our sealing fleet altogether from Pacific waters. There would have been no mode of preventing them from doing it, or punish them after they had done it. That is rather a strong instance of the failure of my hon. friend's argument as to England's conduct towards us in respect of treaties. The idea of a treaty-making power, without the power of enforcing a treaty, or the power of punishing a breach of it, is to my mind as illogical as inconsequent, and as futile as any one could entertain. In the position we stand in towards the United States, if we had the treaty-making power, and the management and enforcement of our own



treaties, what could we do? Send two or three of our fishing schooners to attack New York? Or in what way could we vindicate our rights if they were violated? On the other hand, if treaties made by us were broken, with what face could we propose to England first to let us make such treaties as we please, and then that she should stand at our back, and spend her money, her men, her ships, and munitions of war, in enforcing treaties in the making of which she had no voice, and in which she had no interest? We should be laughed out of existence if we proposed such a thing. It would be like what the *New York Tribune* said in relation to the proposition of the hon. member for Ottawa and his friends, that we might have universal reciprocity, and continue to control our own tariff; it would be mere "baby talk." I say the proposition that we should be allowed to make treaties and expect England to enforce them, without any voice in making them, is "baby talk," and nothing else. But my hon. friend's force was more particularly displayed in proving that the country was depreciating; he did not say that trade was decreasing.

HON. MR. SCOTT—No; I said stationary.

HON. MR. ABBOTT—That our trade had stood still, during the last ten years; and he controverted my proposition that our trade with Great Britain in farm produce and lumber was increasing, and our trade in those articles with the United States was gradually decreasing, although his friends are so constantly crying out that the people were finding a larger market, and going more largely to that market in the United States than in England. My hon. friend controverted that proposition, and he insisted that the country was standing still. Now, the hon. gentleman, for the purpose of proving his statement, made use of the time-worn fallacy that the true test, and a sure test of the progress of this country, or of any country existing under conditions similar to ours, is its trade—its import and export trade. My hon. friend declined to take any notice of its internal trade; but he says, if its export and import trade are not increasing it is standing still. If my hon. friend would apply these principles to the country which he admires so much, on the other side of the line, he would find the United States is the poorest

country on God's earth at this moment, because its imports and exports are very small in proportion to its population. I do not know that they are much smaller *per capita* than ours, but they certainly do not show favourably in comparison with ours, and there have been occasions when their foreign trade was infinitely less per head than that which we now possess; but without pressing that argument, is it the fact that the import and export trade of a country, which has heavy protective duties, and which seeks to build up within itself a large trade, a true test of its prosperity, or a test at all, as compared with the period when a different trade system prevailed? My hon. friend from Alberta puts in my hand a book showing figures. The imports per head of Canada are \$22.70; the imports per head of the United States are \$11.46. The exports per head of Canada are \$17.57. The exports per head of the United States are \$11.44. What a miserable, poverty-stricken country the United States must be, considering what a miserable, poverty-stricken country we are! How wretched must be the condition of our neighbours on the other side of the line, when their export and import trade is within a fraction of being only one-half what ours is!

HON. MR. SCOTT—Their general foreign trade has been growing, while ours has been stationary.

HON. MR. ABBOTT—I am rather inclined to think, from my remembrance of the figures, that if I had time to look into these figures I could show that my hon. friend is not right even in that idea. In 1890, though their foreign trade has been growing, as my hon. friend says, it is only half what ours is, so that before it began to grow, again I say, what a wretched condition must this country be in on the other side of the line. Our import and export trade are nearly double those of the wealthy, prosperous country on the other side of the line, the imitation of which we are continually exhorted to, in season and out of season.

HON. MR. SCOTT—They produce much more than we do, and do not require to import or export.

HON. MR. ABBOTT—Perhaps there is some reason why our imports and exports should not be more than twice as large as those of the United States.

HON. MR. SCOTT—My point is that our foreign trade has not been, while the foreign trade of the United States has increased \$200,000,000.

HON. MR. ABBOTT—If our foreign trade has reached such a point above that of the United States, we might be fairly content with it, since that of the United States, that has been growing, as my hon. friend says, only comes up to one-half of ours. Has our trade stood still? The nominal amount of our trade, picking out three exceptional years in twenty, and leaving out the disastrous period when my hon. friend and his friends were in power, altogether—

HON. MR. SCOTT—One of these years was the best in that period.

HON. MR. ABBOTT—In 1874, while the country still felt the beneficial effect of the Conservative policy, it reached one of its highest points. In 1882, when it again began to rise under the beneficial effect of the Conservative policy, it became about equal to the trade of 1874; in 1883 it was several millions more, and in 1884 it was about the same as it was in 1883. In 1874 we were practically what my hon. friends on the opposite side are apt to call a free trade country. We had a revenue tariff. We did not manufacture anything to speak of, and imported everything we eat and drank, and everything wherewith we were clothed. But our imports last year are as large as they were in the largest year for 17 years or more within a small fraction. If, then, we imported in the former years all that we eat, and all that we drank, and all that we clothed ourselves with, and last year we imported little but the raw material, out of which we made all we required, yet the raw material which we imported in 1890 amounted to as much as the entire import of manufactured goods in 1874. Is that no progress? Is that standing still? What is the difference? I do not know; but I can ask the question, and every hon. gentleman will respond in his own mind by some kind of an estimate, or perhaps by some-

thing better than an estimate: What is the difference as an indication of trade between the value of one hundred millions of raw material and one hundred millions of manufactured goods? I think every hon. gentleman will say it is two or three times at the very least in excess of the value of the raw material. Certainly, when we bring raw cotton into this country and manufacture it, if we import one hundred million dollars worth of raw cotton, and manufacture it, we shall obtain a good deal more than one hundred million dollars worth of manufactured goods out of it.

HON. MR. CLEMOW—Five hundred millions.

HON. MR. ABBOTT—My hon. friend says five hundred millions, and I dare say he is right. To put the matter shortly, we had this last year about the same amount of imports that we had during the most important year that we have yet passed through in the course of our existence, and that amount, say one hundred millions, represented one hundred millions of raw material, as against one hundred million dollars' worth of manufactured goods in the year my hon. friend speaks of. What story does that tell of our internal trade? If the hon. gentleman thinks that is standing still, I hope we may be standing still in that way for the next century. But I shall deal no more with the question of imports and exports as a test of our prosperity, and shall deal with the next proposition which my hon. friend disputed. He said that our trade with the United States about stood still. I said that the trade with England was increasing in inverse ratio to the trade with the United States; that, in other words, the trade with the United States was diminishing while the trade with England was increasing. Now, I have just happened to lay my hand on a statement showing the position of that trade at three decennial periods. Our exports of farm products to the United States were as follows:—

In 1870 .....	\$14,900,000
1880 .....	14,100,000
1890 .....	13,485,000

They were growing "small by degrees and beautifully less" during those thirty years. That is what my hon. friend calls standing still. Now, the exports to Great

Britain in 1870 amounted to \$9,723,000, as compared with \$14,900,000 to the United States. I have not got the statement of exports for 1880, but in 1890 our exports to Great Britain were \$22,240,000, as against \$13,485,000 to the United States. In other words, in 1870 they were not quite two-thirds what our exports to the United States amounted to, while in 1890 they amounted to rather more than one-half—the exports to the United States failed to reach two-thirds of our exports to the mother country. Figures lie sometimes, but I do not see how it is possible that there can be any deception in those figures. Was I right in saying that our trade with England was increasing while our trade with the United States was diminishing? My hon. friend says that lumber sometimes goes one way and sometimes the other; I think it goes one way and not the other. In 1869 the exports of lumber amounted to \$11,000,000 to the United States, and to Great Britain to \$10,000,000, a difference in favour of the United States of \$1,000,000. In 1890 we exported \$10,000,000 to the United States—that is, \$1,000,000 less than in 1869; while to Great Britain we exported \$14,000,000, or \$4,000,000 more than in 1870. So in lumber as in farm products, I was correct in saying that our trade with England was increasing, while it was diminishing with the United States. But in these exports of products to the United States must certainly be included a large amount of food products which we have lately been shipping to England through the United States in bond. I do not imagine that our Customs keep any other record of grain and other farm products which cross the lines than the fact that they were exported into the United States. Their ultimate destination, England or elsewhere, our Customs people know nothing about. So that in this diminishing export to the United States must be included the large amount of grain and other products of the farm which we have been sending to England in increasing quantities during the later years through the United States. Therefore, if the actual figures could be arrived at, and we could compare accurately the actual amount of farm products which we ship to England through the United States and from our own ports, we should find the discrepancy would be much greater than the figures I have just

stated, and that the increase in our English trade and the diminution in our trade with the United States would be much greater than the figures I have quoted. On that subject I do not propose to say anything more. I only wished to lay these two or three points before the House before the Address passes, because I thought it right that some few figures in contradiction, as far as I was able to make them, of the statements of my hon. friend from Ottawa in depreciation of the country, should be placed also on record. My hon. friend from Halifax made two suggestions which I think I should like to adopt. The first was as to section 3. He criticised these words: "That these provisions in foreign treaties:" that is not a bad colloquial expression, but it is not strictly accurate, and I would like to make that read, "Treaties with foreign powers." Also, I think my hon. friend was right in saying that the word "That" should be struck out of clause 6, and I move that the Address be amended accordingly, and that it do pass.

The motion was agreed to.

HON. MR. SCOTT—Was there not another suggestion made?

HON. MR. ABBOTT—That is a debatable question. The hon. gentleman is not here, and I did not discuss that point in his absence. I do not care to adopt that suggestion.

HON. MR. BOULTON asked permission to withdraw his amendments.

The amendments were accordingly withdrawn.

The Address was then agreed to as amended.

## SUBSIDIES IN LAND TO RAILWAY COMPANIES BILL.

### SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (169) "An Act further to amend the Act 52 Vic., cap 4, intituled: 'An Act to authorize the granting of Subsidies in Land to certain Railway Companies.'" He said: This is an amendment to the form of the grant which was made by the statutes of 1889. The only change is in one of the termini. The road was to start,

according to the Act which is to be amended, from a point on the Canadian Pacific Railway at Cheedle station, and to extend to a point in or near Township 26, Range 33, west of the 4th Meridian. The change is simply from Cheedle to Calgary. It runs precisely the same distance and to the same point. The only change is in one of the termini.

HON. MR. KAULBACH—Is it the usual grant?

HON. MR. ABBOTT—It is the same as before; there is no change, except the one I mentioned.

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

The Senate adjourned at 10:15 p.m.

### THE SENATE.

*Ottawa, Monday, 28th Sept., 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

### THE LIBRARY OF PARLIAMENT.

FIRST REPORT OF THE COMMITTEE POSTPONED.

The Orders of the Day being called, "Consideration of the Report of the Joint Committee of both Houses on the Library of Parliament."

HON. MR. ABBOTT moved that the report stand over until Monday next.

HON. MR. POWER—It should be disposed of some way.

HON. MR. ABBOTT—In the other House that is the way it was disposed of, and I think we should follow the same course.

HON. MR. SCOTT—Has it been thrown out in the other House?

HON. MR. ABBOTT—No; it has been allowed to stand over.

The motion was agreed to.

## DOMINION ELECTIONS ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (146) "An Act further to amend the Dominion Elections Act."

(In the Committee.)

HON. MR. POWER—I propose to move an amendment that section 56 of the Dominion Elections Act be amended by inserting after the first section thereof: "And before the several deputy returning officers proceed to count the ballot papers the returning officer shall administer to the candidates for election an oath against bribery and corruption." There is a provision in clause 14 of the Bill punishing any man who receives, or agrees to receive, any consideration or bribe of any sort for the way he votes, and this is simply to put the candidate in the same position—to provide that the candidate shall take an oath that he has not bribed or attempted to bribe any voter. I find that as long ago as Blackstone's day this was looked upon as a very desirable thing, because Blackstone says (Book I, Cap. 2, page 180):

"It might not be amiss if the members elect were bound to take an oath against bribery and corruption, which in all probability would be much more effectual than administering it only to the electors."

HON. MR. ABBOTT—How is that to be done or ascertained? There is a deputy returning officer in every division. It seems to me absolutely impracticable that the returning officer shall administer the oath before the several deputy returning officers proceed to count the ballot papers. In many instances the deputy returning officers are 40 or 50 miles from the returning officer.

HON. MR. POWER—This amendment was handed to me a few minutes ago by a gentleman who is not a politician. I pointed out to him the difficulty that my hon. friend has indicated, and I propose to amend it so that one can see what his intention is. The amendment as it stands does not carry out his intention. It might stand for a notice at the third reading.

HON. MR. ABBOTT—We might as well leave it to the House of Commons.

HON. MR. POWER—We have not always done that.

HON. MR. ABBOTT—If we prorogue on Wednesday, as we hope to do, an amendment to-morrow afternoon would be sharp work for the House of Commons.

HON. MR. McCALLUM—We can head off the corrupt candidate at the polling places. I know candidates who have been headed off that way. I do not know that the amendment would be an improvement. The proper time to administer the oath would be the day of nomination.

HON. MR. KAULBACH—My hon. friend had better drop the amendment at this period of the session; the other House knows more about this than we do.

HON. MR. POWER—I recognize that we should not, as a rule, interfere with the election laws; but still this House, on more than one occasion, has interfered, and in one instance very seriously. The interference was such as to, I think, decide the result of an election in a very important county where there were two candidates to be returned. This House enfranchised some 400 men who were disfranchised under the law as it then stood. I do not think that the amendment which this gentleman handed to me carries out his intention. A candidate should be obliged to take an affidavit of this sort on nomination day, to the effect that he will not bribe, and then he should take an oath on declaration day that he has not bribed.

HON. MR. McINNES (B. C.)—About ten weeks ago I gave notice of an amendment to this Bill. That notice was stricken off the Paper about a month ago. Unless the hon. leader of the Government consents to adopt that amendment, I shall not proceed with it at this very late hour of the session. I am fully aware that hon. gentlemen are not in a mood to listen to long speeches and to engage in the consideration of a very important amendment to this Bill. Without the consent of the leader of the Government, I would be scarcely justified in proposing the amendment now; but I cannot allow the committee to rise without saying that I think the Government ought to have brought this Bill down long ago. The Bill

was introduced in the other House over 3½ months ago, but has only reached us now. Similar Government measures introduced at the same time were disposed of here two months ago.

HON. MR. OGILVIE, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT—If my hon. friend desires it, I will not move the third reading now, but I think we might as well get the Bill through. It is very difficult at this stage of the session to get the other House to agree to so important an amendment. It is hardly fair to the House of Commons to spring so important an amendment on them so soon before prorogation.

HON. MR. POWER—I presume it is not likely that the amendment will be agreed to, and I will not press it.

HON. MR. ABBOTT moved the third reading of the Bill.

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

#### THE SENATE DEBATES.

##### SECOND REPORT OF THE COMMITTEE ADOPTED.

HON. MR. VIDAL moved the adoption of the Second Report of the Select Committee on reporting the *Debates* of the Senate.

HON. MR. DICKEY moved in amendment, that the consideration of the second and third clauses be deferred until next session, with a view to ascertaining whether better accommodation cannot be supplied for the reporters.

The motion was agreed to, and the report as amended was adopted.

#### SUBSIDIES IN LAND TO RAILWAY COMPANIES BILL.

##### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (169) "An Act further to amend the Act 52 Vic., chap. 4, intituled: 'An Act to authorize the granting of Subsidies in Land to certain Railway Companies.'"

HON. MR. VIDAL, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. DICKEY—I wish to call the attention of the House to the very serious strain that we are putting upon our resources in the North-West by the passage of these Bills granting enormous areas of land to railway companies. This Bill itself disposes in one or two short clauses of some thousands of acres of land, and when we look into the statutes and ascertain what grants we have already made we find them mounting up into the millions. One railway alone in the North-West has a subvention in the shape of no less than 2,880,000 acres. I think it my duty to call attention to the manner in which we are depleting our resources in lands in the North-West in aiding railways. One railway alone, as I have said, has received a grant of 2,880,000 acres, the dimensions of a small kingdom in Europe. Taking them in their average quality, for I do not suppose that all these grants will be made out of the best land, they are perhaps superior to any in the world, and it is not very likely that they are taken out of the worst. I simply rise for the purpose, not of interfering with this Bill in any way, but of calling the attention of the House to the position in which we are with respect to the ungranted lands of the North-West; and I say, if we continue to go on at this rate, we will have very little left to talk about in ten or twelve years from this. It is not a matter which can be put a side by a pooh-pooh, but a very serious matter, and I hope that it will receive the serious attention of the Government with regard to the future. These railways are happily made through a country which is better adapted to railway construction than any other country in the world covering the same distance. It is a land peculiarly adapted to railway construction, and when we come to give 6,000 or 7,000 acres of land for every mile of railway that is constructed we are simply affording the means of building the railway without money subsidies at all. It may be pooh-poohed now, but the day is not far distant when the public mind will be alive to the question, and we shall have an opportunity of discussing the matter in the future.

HON. MR. KAULBACH—I do not quite agree with my hon. friend again. These grants are very small as compared to the great area we have. What is the good of them? We are getting no good from them as they are. They are returning nothing to the consolidated fund. The Government is not getting sufficient out of them to pay for the cost of their survey, and the sooner they get into the hands of railway companies the better, because it will be to the interest of those companies to settle them as rapidly as possible. The Government is not disposed to spend large sums of money to bring immigrants into the country, and it is to the railway companies we must look for the placing of settlers on these wild lands.

HON. MR. DEVER—None of us want to give away a foot of our land for nothing, but we must not be like the dog in the manger. The lands are worthless without being opened up by railways. It is the railway that gives them value. What value were the lands before the Canadian Pacific Railway was built through them? There was not an hon. gentleman in this House who would take 5,000 acres of them as a gift and pay the taxes before the railway was constructed; but in consequence of these railways being constructed the lands have become very valuable. I trust that the Government will in their wisdom see that lands are only granted for proper purposes, to facilitate the construction of railways through sections where they are needed, and in so doing they will be sustained by the country.

HON. MR. GIRARD—If we are progressing to-day in the North-West it is due to the immigration that is coming into it because of railways that have been constructed. Without railways we would certainly be in a very backward position at the present time. I view with pleasure every new railway that is projected in that country, for without railways we cannot expect any great progress. The progress we have had in the past and up to the present time is no doubt due to the money that has been expended on public works of this kind in that country. At the same time, I feel somewhat uneasy as to the position of the Bill before the House, and would respectfully ask the Premier, if possible, to postpone the third reading

until to-morrow, until I have a better understanding of the question.

HON. MR. ABBOTT—I think it would be unfortunate to adjourn the third reading to the last day but one of the session. There is no difficulty about the Bill before the House. The Bill is the Bill we read the second time last Friday. It applies to one old grant of land to a railway 55 miles long, at the rate of 6,400 acres per mile, and all the change it makes in the old grant is that it changes one terminus.

HON. MR. DICKEY—I must be under a misapprehension.

HON. MR. ABBOTT—The hon. gentleman is under a misapprehension.

HON. MR. DICKEY—The Bill has been read clause by clause in committee.

HON. MR. ABBOTT—If my hon. friend will allow me, I think I will make it plain. The Bill which we read clause by clause was a Bill which had never been before the House at all. It had never been introduced here or read the second time; but being distributed on the desks of members, and the object being similar to that of the Bill which we read the second time on Friday last, we took it up by mistake, and put that Bill through Committee of the Whole instead of the one which was read last Friday. We discovered the mistake just before the third reading, and then I asked the House to erase from our minutes what had taken place, and I asked the Speaker to put the House in committee again on the right Bill. We have been in Committee of the Whole on the right Bill, and reported the Bill, and I am now moving the third reading of the Bill (No. 169) and the hon. gentleman from Amherst has addressed his remarks to that motion. His remarks, though made upon the wrong Bill, were perfectly appropriate, and not at all out of order, the subject matter of them being applicable to this Bill as well as to the other Bill which I propose to ask the House presently to enable me to bring up, and I would point out to the hon. gentleman that neither of them proposes a new grant. The Bill which is before the House is an old grant. We are merely altering the terminus. As respects the other Bill, it refers to three portions of the same railway. They are

portions that were agreed to by Order in Council several years ago, before the roads were built—two of them were—and the third was granted last year before the road was begun. This Bill is only to carry out the obligations which the Government assumed. Two of them were to be included in the former Acts of this railway, but through an error in description they were omitted. This is only to remedy an error, and the railway which it is intended to assist was built according to the conditions agreed upon, and now opens up one of the most fertile districts in the North-West, which would have been perfectly valueless only for this grant. There is a great deal of force in what my hon. friend from Amherst has said. It is necessary, undoubtedly, to be careful with these lands, and the idea of the Government is not to make these grants in any case where roads can be expected to be built, or got to be built without them.

HON. MR. ALMON—After the remarks which have fallen from the leader of the Government, stating that probably to-morrow we may see the end of our labours, I feel like Moses when from Mount Pisgah he got a view of the promised land. Is the hon. gentleman going to take the promised land away from us? After the vote to the Hudson's Bay Railway Company of land of which I do not know how much was swamp or wilderness, or whether it was the best land in the country, having granted that, are we, to quote scripture as the old lady did: "Are we to strain at a gale, having swallowed a saw-mill."

HON. MR. GIRARD—I had no intention to delay the Bill. I simply wanted to be a little better informed as to the position in which we stood, and having got the explanation of the leader of the Government, I am satisfied.

HON. MR. DICKEY—There is no objection to the third reading of this Bill. I have no objection to either of them.

HON. MR. POWER—There has been some sort of religious cast given to this discussion by my hon. friend on my right, and the remarks of the hon. gentleman from St. Boniface suggests to me now, in the pilgrimage towards prorogation, that he has pease in his shoes and finds it hard to

go. I have not arisen for the purpose of making an irreverent remark of that sort, but rather to call the attention of the House to the very remarkable spectacle presented by the hon. gentleman from Lunenburg. That hon. gentleman, whenever an opportunity offers, accuses the Grits of running down the country; yet that is the hon. gentleman who has just told this House that those lands which we are told are in the very best part of the North-West are not worth anything—that it is better for the Government to get rid of them—that they do not pay the cost of surveying them. I wish the House to notice that, because the next time the hon. gentleman stands up and accuses us of running down the country I want it to be understood that no Grit has ever run that country down in the way the hon. gentleman has done.

HON. MR. KAULBACH—I do not know how anything that I have said can be construed as denouncing the country we live in or the North-West country. I simply stated that the Government were not prepared to spend large sums of money out of the public treasury in settling the North-West, and I believe that these grants of land would make of the railway companies immigration agents, who would settle these lands more expeditiously than the Government would do it. As regards my opinion of the North-West, I believe it is the country we must rely upon for the future success of the Dominion—that it is the country we must look to for our population in the future—a land flowing with milk and honey.

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

## SUBSIDIES IN LAND TO RAILWAY COMPANIES BILL.

### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (173) "An Act to authorize the granting of Subsidies in Land to certain Railway Companies."

The Bill was read the first time.

HON. MR. ABBOTT moved the second reading of the Bill under a suspension of the Rule.

HON. MR. POWER—I wish to ask, with respect to this, if the grants are made in the way in which they originally stood. I think the original plan was to grant alternate sections to the railway company, the Government retaining alternate sections.

HON. MR. ABBOTT—I understand they are made precisely in the same way as the original grant. They are, in fact, only subsidiary to the original grants to the roads mentioned in the Act. They are calculated to supply three small vacant spaces, which were accidentally omitted in passing the former Act, and the lands are granted on the same principle.

HON. MR. POWER—It occurs to me that the system of making grants of alternate sections along the lines of railways is a bad one. The result is, as a rule, that the railway companies hold their sections and the Government dispose of the alternate sections, and the settlement is scattered along the line of the road. That is not beneficial to the settlers or to the country. This is not the time to discuss the question, but I would suggest to the Government whether it is not advisable to reconsider that method of giving grants to railways.

HON. MR. KAULBACH—Will my hon. friend suggest a better system? It seems to me that it is the very best way to open up the public lands of the country.

HON. MR. ABBOTT—The impression that the Government have, is that the mode we have hitherto adopted is the best one, but I think it is not likely to be in force long, as we have not a great deal of land which we can afford to give away to railway companies. This particular Bill refers to grants which are made to fill up, as it were, interstices in existing grants that were erroneously described in the statute authorizing them. They apply to the road shown on the map that I have before me. The line intersects the country south of the Pacific Railway between Winnipeg and the Souris coal fields. Originally this road was intended to run in a south-westerly direction, but the central line, which is now shown on the map, was not then calculated on at all. It was found afterwards that it would be preferable to get two lines to run parallel through this



section. It is a fine country, and one of the most eligible for settlement in Manitoba. Consequently, the grant which was intended to apply to the connecting link was diverted to the parallellines, which rendered the link unnecessary. There was a further grant made to these parallel lines, carrying them one hundred miles further. The two grants made by this Bill fill in the vacant spaces. These were all supplied by Order in Council—all adjusted before the road was agreed to, and it is simply to correct an error in drafting the statute. So my hon. friend will see that these grants would necessarily have to be made on the same basis as the others.

HON. MR. POWER—This South-Western road is now operated by the Canadian Pacific Railway Company?

HON. MR. ABBOTT—Yes.

The Bill was read the second time and referred to a Committee of the Whole House.

HON. MR. BELLEROSE, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 5 p.m.

## THE SENATE.

*Ottawa, Tuesday, Sept., 29th, 1891.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE WHARF AT ST. MICHEL DE BELLECHASSE.

### MOTION.

HON. MR. BOLDUC moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House copies of all correspondence since 1881 between the Government and any person, with respect to repairs to be made to the wharf at St Michel de Bellechasse and with respect to the said wharf.

The motion was agreed to.

## THE CONTINGENT ACCOUNTS OF THE SENATE.

### MOTION.

HON. MR. READ moved the adoption of the Fourth Report of the Select Committee on the Contingent Accounts of the Senate.

HON. MR. BELLEROSE—Some ten or fifteen years ago, when Mr. Adamson was appointed assistant clerk of the Senate, he received a salary of \$2,800, and there was also at that time a second assistant, so that Mr. Adamson had less work to do than the assistant clerk has to-day. By this report, the position rendered vacant by the death of Mr. Adamson is filled by another gentleman, who is to be allowed only \$2,500, and I do not see that the appointment of a second assistant has yet been recommended by the committee. There will be only one assistant clerk, and he is to receive a lower salary than was paid to Mr. Adamson. While I am, and always have been, an advocate of economy, I believe that we should pay proper salaries to our officers. I believe that Mr. Adamson was not a translator. I see now that the new assistant is to be chief French translator. We are therefore increasing the work and diminishing the salary. I should like to have some explanation of this.

HON. MR. ABBOTT—There are no fixed salaries attached to any of the clerkships of the House, as I understand it, but the clerks have their salaries increased from time to time as the Contingent Committee and the House think reasonable. The clerk of whom my hon. friend speaks was receiving \$2,200 a year, and it is stated that he was second clerk assistant and chief translator. In appointing him clerk assistant we understand that we promote the gentleman, as he well deserves. We all know that he is an efficient clerk and does his duties thoroughly well, and it was right and proper, as the committee thought, and as I thought, that he should be promoted. It was also thought that \$300 additional to his salary was a reasonable and fair addition, and the gentleman himself thought so, and the committee have ordered it to be paid retroactively. Now, in regard to the work, I understand

in the discussion which took place at the committee that it was the intention to recommend another clerk, but it was difficult to make a selection at present. The idea is that there should be another clerk at the Table, who would be an English-speaking clerk, and we should then have the usual staff. These were the reasons, I think, which actuated the committee in making the arrangements they did. I may say I hope, and I am sure hon. gentlemen hope, that it will be satisfactory to the gentleman who is promoted.

HON. MR. POWER—I may be allowed to say a few words with respect to the case of Mr. Adamson. The hon. gentleman from Delanau dière I do not think has been a member of the Contingent Committee.

HON. MR. BELLEROSE—No.

HON. MR. POWER—Consequently, he is not aware of all that took place there. I remember distinctly, when Mr. Adamson was promoted to the position of clerk assistant, the motive that influenced the committee in recommending that he receive at the start the maximum salary that is supposed to belong to that office. The reason was that there was a feeling on the part of the committee that Mr. Adamson had been kept a very long time at what was thought the very low figure of \$1,600 salary, and as a sort of compensation to him for what a majority of the committee thought was a hardship, they recommended that when promoted he should at once receive the maximum salary; but that rule has not been followed since in the case of other officials. For instance, the late law clerk, Mr. Montizambert, was in receipt of a salary of \$2,800. Mr. Creighton, who succeeded him, was appointed at a salary of \$2,000, and the salary was afterwards increased to \$2,200, and later on to \$2,500, so that Mr. Creighton is in exactly the same position as the gentleman recommended for appointment as clerk assistant.

HON. MR. KAULBACH—The Premier has stated that it is in anticipation to appoint another assistant clerk at the Table. I understood it was decided that there should be only two clerks at the Table. In the House of Commons they have only two, and I do not know of any reason why we require three, if the Commons can do

their work satisfactorily with two. Although the Premier has suggested the appointment of another, I hope that it will be seriously considered whether two clerks are not sufficient to do the work at our Table, the same as in the Commons.

The motion was agreed to, and the report was adopted.

## NORTH-WEST TERRITORIES REPRESENTATION AMENDMENT BILL.

### FIRST, SECOND AND THIRD READINGS.

HON. MR. ABBOTT—No doubt the House will remember that in passing the North-West Territories Bill we took a great deal of trouble, and hon. gentlemen postponed the consideration of the Bill several times in order to try and get the distribution of the divisions as accurate as possible; but since it passed through this House an objection has been raised to this division, which the Government think is a reasonable objection, and as it is impossible to amend the Act, we having passed it and sent it to the other House, I propose to-day to ask hon. gentlemen to allow me to introduce a short Bill to correct this distribution in the manner the Government proposes to do. The fact is, that in the three great divisions in the North-West Territories there was an attempt, an idea, at all events, to construct the divisions with some similarity of population. It was thought that with 26 members there should be about 2,500 constituents to each member. Upon going over the schedule carefully by the light of the census it was found that the division which had been agreed upon did not secure the desired end. There were more electoral divisions in Saskatchewan than it was entitled to. The electoral divisions in the other two great divisions of the North-West appear to meet the proportion which was desired for them, and having on an average about 2,500 constituents to each representative, but in Saskatchewan it turned out that there were only about 1,800 constituents to each representative. This, perhaps, may not be of any great importance itself, but it was believed, and it is believed, that jealousies may arise, and that it may be found unfair to some of the divisions that a smaller number of constituents should have a larger number of representatives, and for that reason, which the Government thought was a

good reason, it was considered advisable to so arrange Saskatchewan that it would have one constituency less, and in that way would be made to approach pretty near to the average of the other constituencies. That seems to me to be an obviously fair proposition. It is one which the people themselves are content with, and I think a great many of them earnestly desire, and I see no reasonable objection to it, and I propose to ask the House to allow me to pass a short Bill through, taking away from Saskatchewan one of these constituencies, making the total number 25, instead of 26, as stated in the Bill. That will place the people of the three great divisions of the North-West Territories on the same footing. They will have an average of one representative to 2,500 constituents. The Bill is simply to change the number 26 to 25, and to throw clauses 21 and 32, to each of which, by the Act, was given one representative, into one, and to give to that one, so composed of those two, one representative. I move that the Bill be now read the first time.

The motion was agreed to, and the Bill was read at length at the Table.

HON. MR. ABBOTT—The House will perceive, as stated, that it is only throwing two small divisions into one, and as we are so near the end of the session, hoping to prorogue to-morrow, I move that the 41st rule of the House be suspended, so far as the same relates to this Bill.

The motion was agreed to.

HON. MR. ABBOTT moved that the Bill be read the second time presently.

HON. MR. GIRARD—I am afraid of those small Bills introduced at the end of session.

HON. MR. READ (Quinté)—You ought to have confidence in the Government.

HON. MR. GIRARD—I have confidence in the Government, but I owe a duty to those that I represent here. When the North-West Territories Bill was adopted it was after much consultation. It was a sort of pact between the representatives of Manitoba and the North-West Territories, and certain electoral districts were agreed upon. The change which is now proposed

will not be satisfactory to the North-West, and I have heard to-day that a great deal of dissatisfaction is felt in that country at the prospect of a change in the electoral districts, which will cause the electoral district of Batoche to disappear. The district is the only one in which the French population would be able to elect a member. We know that in the first representation of the North-West Territories not one of the French half-breeds was returned. I am sure that the Premier would not approve of the Bill if he knew that the effect of it would be to deprive the French population of the North-West of representation. That, I believe, will be its effect. I leave the responsibility of the Bill with the Premier himself, but I beg to remind him that the North-West Territories Bill was an agreement between all the interested parties. I see no necessity for making this change, the consequences of which we cannot know. I am afraid that it will cause trouble among the inhabitants of the North-West Territories. I think, therefore, at this late period of the session, it would be better to let the Bill stand. At all events, I consider it my duty to protest against it, as I do now.

HON. MR. BELLEROSE—I do not know anything about the North-West, so I cannot say whether the reasons advanced by the hon. member for Manitoba are very strong; but I should think that the North-West Territories Bill having been passed under an arrangement between the parties interested, and after due deliberation, there should not be a change made in this way. There is to be no election for five years, and I see no reason why we should not let the Bill, which was passed by both Houses, remain the law of the land. Parliament will meet four or five months hence, and we can then consider this measure. In the interval, the representatives of the North-West will have returned to their homes and consulted their constituents, and they will be in a better position to deal intelligently with the subject when it comes up next session. If we were on the eve of an election I should think that this hasty legislation might be justified, but as there is no immediate prospect of an election there is no hurry about it. The mere fact of rushing a measure through in this way is likely to excite suspicion in the minds of the people of the North-West that the

intention is to take Parliament by surprise. I do not say that this is so; after hearing the explanation from the hon. Premier, I believe that it is not so; but we have the assurance of the hon. member from St. Boniface that there is dissatisfaction already in certain quarters of the North-West at this prospective change. I believe that it would be better, in the interest of peace and harmony, to let the Bill stand over until next session.

HON. MR. ABBOTT—My hon. friend has said a great deal that is reasonable, but the facts are not exactly as he understands them. The difficulty is, that there is going to be an election immediately in the North-West under the Act of this session, which is practically a new constitution for that country. I presume as soon as the Act which has been passed becomes law the writs will be issued and the election will take place. The objection made by the people of Alberta and Assiniboia is that this division, as defined in the Bill which has already been passed, will give to the people of Saskatchewan a very considerably larger vote in the new Legislature than they are entitled to by the number of their population. That is the objection which Assiniboia and Alberta make, and it is in consequence of complaints from the people of those districts that the Government have thought it right and reasonable that this Bill should be passed. There is no design to produce any effect on nationalities at all. I do not know that it does produce any such effect. I really must confess that I have not considered exactly what nationality the population may be of those two small districts, but they are the smallest, and the uniting of those two constitutes the simplest and most reasonable way of reducing the representation of Saskatchewan by one member. As I have said, if this law which we have already passed goes into force there will be a preponderance of electoral power in Saskatchewan over and above the electoral power of Assiniboia and Alberta, a preponderance which it was not intended to give them, and which it was not fair to the other districts that they should have. That is the sole reason why the Government propose that the House should pass a small Bill uniting two small constituencies of Saskatchewan, so that the territory may

have one member less. It seems to me that the proposition is a fair one.

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

The Bill was then read the third time and passed.

## CONTINGENTS ACCOUNTS OF THE SENATE.

### FIFTH REPORT OF THE COMMITTEE.

HON. MR. READ presented the Fifth Report of the Committee on the Contingent Accounts of the Senate.

The report was read at length at the Table.

HON. MR. READ moved that the report be concurred in.

HON. MR. ALMON—It is very unfair to ask the House to adopt this report without members having an opportunity of familiarizing themselves with the contents of it. The committee are very much to blame for having put off presenting this report to so late a period of the session. I have nothing to say against it, because I do not know the first thing of it.

HON. MR. BELLEROSE—It is quite unfair to present such an important report upon the very last day of the session. There is no excuse for the committee having delayed it, because such reports have been made every year some days before prorogation, so that we had time to read them over and see what should be done. There is one of these items, that with respect to the restaurant, that I do not concur in. If the restaurant keeper cannot manage to pay his expenses with his boarders when only a fifth or a sixth of the members of this House have anything to do with it, it is too much to ask the Dominion to make up to him what he loses by not charging a paying price to his boarders. The new Government appear to desire to save money and carry on the business of the country economically, but if they begin by voting money to the keeper of the restaurant and to others it will not be economy. It is only a few days since that it was suggested that the salaries of judges should be raised, but I think before raising the salaries of judges we

should consider the raising of the salaries of Ministers. Judges are at no expense, beyond the maintenance of their families, while the Ministers have to incur many expenditures that judges are not called upon to make. I do not propose to discuss the report, because I am not familiar with the contents of it, and consider it is too important a matter to have left it to the last day of the session and then be asked to concur in it.

HON. MR. KAULBACH—It is neither right nor fair to have a report like this held back until the last hour of the session. The details of such a report should be considered, and we are not in a position to discuss them. If the junior member from Halifax takes the proper course, as I supposed he would do from his remarks, and as he has the power to do, he can stop this report from being adopted. I am surprised that the hon. gentleman, after the remarks he made, has not taken that position, because if he had I think he would be sustained by a majority of the House. With reference to the stationery, there is one thing I object to, and that is the ink that is supplied to us. Almost every business house in Canada uses ink that is made in the country, and I fail to see why we should go to England to buy ink. The ink we have been supplied with this session is so destructive to pens that it corrodes them in an hour's work.

HON. MR. O'DONOHUE—I desire to ask one question of the Premier: whether it is fixed that prorogation will take place to-morrow?

HON. MR. ABBOTT—It is expected that we shall be able to prorogue to-morrow.

HON. MR. POWER—I think we all experience the regret expressed by one or two hon. gentlemen that this report should be submitted to us at so late a stage of the session, and that we should not have an opportunity of carefully considering it. I do not know that the chairman of the committee, or the committee, are quite as much to blame, however, as might be supposed. The committee met last week, expecting, I presume, that they would be able to conclude the business for this session, but there was such a mass of business before the committee that a large

portion of it had to be postponed until this week. It was not easily practicable to get a meeting of the committee before Tuesday morning; consequently, I do not think the chairman of the committee is as much to blame for the delay as might be supposed. With respect to the nature of the report, it proposes to increase the burden upon the tax-payers of this country by an amount of \$400 or \$500 a year. It will be remembered that a report was submitted by this same committee earlier in the session, and the report was referred back to the committee for reconsideration. That report recommended that the sum of \$2,800 be paid to the widow of the late clerk assistant. The report which we adopted a few minutes ago reduced that amount to \$1,000, in addition to two months' allowance. The other report recommended that our present clerk assistant should be so appointed with a salary of \$2,800. His salary has been reduced to \$2,500. The report further recommended that Mr. Steven be appointed second clerk assistant, with a salary of \$2,200. This report recommends that Mr. Steven's salary be \$1,800, so that as respects these three items there has been a large reduction upon the amounts that were recommended by the committee at the early part of the session and by the full committee. There was a very large meeting at the early part of the session. The other two items are an addition of \$100 each to the salaries of two men who have been in the public service for 30 years. I do not mean to say that those gentlemen were not getting large enough salaries; however, faithful public servants are not as plenty now-a-days as might be desired, and I think the country does not go too far in recognizing long and faithful service by a slight increase of salary. It is a very sad thing that we should have to vote \$500 without having ample time to consider it, but we know that to-morrow we shall be called on to vote forty millions of dollars without time for consideration, so we need not strain at a gnat and swallow a camel.

HON. MR. DICKEY—The hon. gentleman has not given us a good reason for adopting this report. He says that some items of this report were before the committee some time ago, and that we will save a considerable sum by not adopting the report too hastily. He has given us another

illustration in the amount of the salaries of the clerks, which he says are very much more in the direction of economy now than they were before. He has only slightly alluded to one of the main objections to the report, that is, that it proposes to increase the salaries of three officers of the House. In my estimation, that is one of the most objectionable features in the report. My hon. friend on the other side of the House imported into this discussion a matter which did not properly belong to it, the propriety of considering whether the salaries of the judges might not be increased. He enlarged upon that topic, but if he could have heard the report read he would have found the fact as I have stated it, that this is not mere talk about increasing salaries, but is actually increasing the salaries of three of our officials; so it ought to receive the condemnation of my hon. friend, if he is so much opposed to increasing the salaries of the judges. Under the circumstances—especially taking the argument of my hon. friend from Halifax, who has shown us clearly the very great advantage of not adopting these reports hastily, but taking time to consider them—I do not see that the business of the House can suffer by letting the report stand over till a future session.

HON. MR. ALMON—I have not the slightest objection to the report myself, because, as I said before, I have not read it; but I have great objection to the mode in which it was introduced in the House. With reference to the washing of the napkins, I think if members get their towels washed upstairs, by parity of reasoning the napkins downstairs should be washed on the same terms. If the one should be done at the public expense, so should the other.

HON. MR. HOWLAN—I do not see how blame can attach to the chairman of the committee. How could he tell whether the session would last three or five months? He must wait until such time as the matters coming before his committee are matured. How has the country suffered by his not calling the committee together sooner?

HON. MR. POIRIER—I do not think we have been at all extravagant in making this increase of the expenditure of the

House, considering that we have diminished the expenditure in another direction; but that is not the question. I believe our *modus operandi* is entirely unsatisfactory. We have absolutely nothing to guide us in making these increases of salary but the preferences of individual members of the committee. I think we should have some organization to deal with these cases in a systematic way. I hope next session that such a report will not be brought in on the very last day, when it cannot be even read, but that some arrangement will be arrived at by which the whole situation can be studied and no injustice done to anyone, while employes deserving of increases will get them. We must remember that the employes of this House depend upon us for justice, and it is our duty to see that they meet with fair play and are treated generously. I do not say that we have not been generous to them hitherto, but I think our mode of dealing with the question is wrong. While I do not oppose the report this year, I hope we will next year be ready to proceed in a more systematic way.

HON. MR. ABBOTT—It is quite true, as some hon. gentlemen have said, that we have only increased the salaries by about \$500. That may be all right, or it may not be right at all. On what principle have we increased them? I understand that what is done is this: One hon. gentleman moves that a certain official receive one or two hundred dollars more, or that his salary be the same as is paid to some other employe. That being granted, another hon. gentleman says: "Here is another man who has been as long in the public service; let us increase his salary, too." I think if we considered the position of everybody it is possible that we should not have conceded it. It seems to me there is no principle at all in dealing with our employes in that way. I agree that they should be treated liberally and properly, but I do not see why an official should get an increase of one hundred dollars here because an official elsewhere has had a similar increase. I quite agree with the hon. member from New Brunswick, that if we make these changes we should agree upon a system on which our people are to be paid, and that their promotion and salaries should be based on some fixed principle.

We should discourage every attempt to depart from a system which we may thus introduce. When we do introduce it, let us stick to it. One of these votes, I understand, was made because the clerk to whom it was granted had been very attentive to his work. Well, I am not at all sure that that is a good reason. I do not oppose the grant; it is hardly worth while, at this stage of the session, to make any difficulty about it; but to say that an official's salary should be increased because he has done his work well, or has been an old and faithful servant of the House, is to suggest that others who do not get such increases have not done their work well, or are not old servants of the House, or not faithful employes. It seems to me that this report is the offspring of gentlemen who appreciate good work and desire to see it rewarded. That is creditable to them to desire to reward those who performed their duties satisfactorily, but there is nothing so calculated to produce difficulty in the management of the staff as this desultory way of dealing with the salaries of the employes.

HON. MR. CLEMOW—I entirely agree with the last remarks of the Premier. It is unfortunate that these recommendations come down at this late period of the session. Next year there ought to be an organized system of dealing with those matters.

HON. MR. ABBOTT—There are some very important matters dealt with in this report besides the increases of salaries. There is the audit of the accounts, and there are other matters of importance, and therefore I think it would be as well to let the report be adopted.

HON. MR. CLEMOW—I am perfectly willing to do so, but I think it is acting on an erroneous principle, or rather on no principle at all. You may depend upon it, if you go on this way you will never arrive at a satisfactory conclusion. The true way is to have a committee appointed and put the matter on a satisfactory footing. I shall not make my motion, since the Premier desires to have the report adopted; but I think it would be better to let this matter remain in abeyance until next session.

The motion was agreed to, and the report was adopted.

## CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

### FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (147) "An Act further to amend the Dominion Controverted Elections Act."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st Rule of the House be suspended, so far as it relates to this Bill.

The motion was agreed to.

The Bill was then read the second time, and referred to a Committee of the Whole House.

(In the Committee.)

On the 3rd clause,—

HON. MR. POWER—There is some objection to the concluding portion of that clause. It is perfectly reasonable and proper that the petitioner should make an affidavit to his belief in the truth of the allegations of his petition, but if, for instance, as a result of perhaps a corrupt agreement between the petitioner and the party petitioned against, the petitioner withdraws, it is unreasonable to expect that an elector who, under the existing law, may be substituted for the petitioner, shall be expected to make affidavit that the allegations in the petition are true. An elector may come in to prevent the carrying out of this petition being withdrawn on account of a corrupt bargain, and he may not be in a position to make affidavit as to the truth of the allegation of the petition.

HON. MR. ABBOTT—My hon. friend will perceive the provision is very carefully guarded. It does not require the elector who comes in to take up the petition to swear that the petition is true. He is only required to swear that he has good reason to believe and does believe that the petition is true.

The clause was agreed to.

On the 17th clause,—

HON. MR. POWER—I remember that there was a good deal of difference of

opinion with respect to this particular provision in the other House, and it is impossible now to look at the existing law with sufficient attention to see the full force of it.

HON. MR. ABBOTT—Under the existing law the petition is tried by one judge, and this provision is made simply in consequence of trial by two judges.

HON. MR. POWER—I think there was a very strong opinion in the committee of the other House that where the judges differ there should be an appeal, and it is not very easy to tell from this Bill whether there is an appeal or not.

HON. MR. ABBOTT—There is no appeal. It was agreed that there should be no appeal.

HON. MR. POWER—That might satisfy members very well, but I doubt if it preserves the interests of justice.

HON. MR. KAULBACH—There could be no appeal where the judges differ, because the judges trying the appeal would have to see the witnesses and hear the evidence.

The clause was agreed to.

HON. MR. CLEWOW, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

#### RAILWAY ACT AMENDMENT BILL.

##### FIRST, SECOND AND THIRD READINGS.

Bill (176) "An Act to amend the Railway Act," was introduced and read the first time.

HON. MR. ABBOTT moved the suspension of the 41st Rule of the House as regards this Bill.

The motion was agreed to.

HON. MR. ABBOTT moved the second reading of the Bill. He said: This Bill is simply for the purpose of making provision with regard to proceedings before arbitrators in the expropriation of lands for

railway purposes. It has been found, more particularly in one province, that the arbitrators, who take down the evidence in writing, make use of that provision in the Act in order to protract the proceedings to an unreasonable length. They have two sessions a day, write the depositions themselves, and spin out the proceedings in that way to an unreasonable length. It has been suggested by persons who are familiar with such proceedings that the parties shall have the right of demanding that the evidence be taken by shorthand, and this is a Bill with one clause, authorizing parties before arbitrators in expropriation proceedings to require that the evidence be taken by means of shorthand, and that the cost of the taking of the evidence in that way shall be taxed as part of the costs of the arbitration.

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

The Bill was then passed through Committee of the Whole, reported without amendment, and read the third time and passed.

#### TRANSFER OF PUBLIC PROPERTY BILL.

##### FIRST, SECOND AND THIRD READINGS.

Bill (111) "An Act authorizing the transfer of certain Public Property to the Provincial Governments," was introduced and read the first time.

HON. MR. ABBOTT moved that the 41st Rule of the House be suspended as regards this Bill.

The motion was agreed to.

HON. MR. ABBOTT moved that the Bill be read the second time. He said: This is a Bill authorizing the Dominion Government to transfer over to the different provinces certain portions of the shores of navigable waters and other portions of territory with respect to which there have been disputes between themselves and the provincial Governments. This is yielding up the bone of contention, and in this way ending any further dispute on the subject. The Bill was before the House and country last session. It has been made a little more comprehensive, and I ask that it be read the second time.



HON. MR. KAULBACH—It does not affect navigation or shipping?

HON. MR. ABBOTT—No.

HON. MR. KAULBACH—These lands are ceded on the ground that it is not to affect navigation?

HON. MR. DEVER—How does it affect the grants that have been made before?

HON. MR. ABBOTT—What we hand over to the Local Legislature is that which is now in dispute between us and the Local Government. The Local Legislature claim that where they own the land down to low water mark it belongs to them. The Dominion claim that the land between low and high water mark belongs to them, and it is to put an end to all discussion about these claims, by handing the lands over to the Local Government, which owns the adjoining property, and is therefore better calculated to take charge of them, that this Bill is introduced.

HON. MR. DEVER—The Government are to control the navigation?

HON. MR. ABBOTT—Yes.

HON. MR. POWER—This Bill is decidedly a step in the right direction. In the early days of Confederation it was generally held that the Local Legislatures had the right to deal with those foreshores. There was a case of Holman and Greene which arose in the Province of Prince Edward Island, with respect to the title of some land covered with water, forming part of the harbour of Summerside. There was a lawsuit about it, which was argued before the Supreme Court of Prince Edward Island, which unanimously decided that the Local Legislature had the right to deal with the foreshores. This case was appealed to the Supreme Court of Canada, and the decision of the Supreme Court of Prince Edward Island was reversed. The counsel for the claimant, who claimed under the provincial grant, felt that the decision of the Supreme Court of Canada was not sound law, and he wished to appeal to the Privy Council, but his clients were not sufficiently wealthy to enable him to do that, and ever since that decision of Holman and Greene there

has been doubt as to the law on the subject. Of course, the courts and the Government were bound by this decision of the Supreme Court, but I understand the present Minister of Justice, in his capacity as Attorney-General of Nova Scotia, recommended a grant of the Legislature with respect to the foreshores, and he felt bound afterwards, under the judgment of the Supreme Court, being guided by this case of Holman and Greene, to decide that a grant of that sort was not valid. The argument from convenience is all in favour of leaving the granting of the foreshores to the local authority. I think the Bill is a step in the right direction. There are certain reservations in it which might be questioned by the local authorities, but I think the Dominion Government have done right in giving up all that they do not now occupy for their own purposes. There is one thing susceptible of criticism, but at the same time the local people can question it if they please. I refer to the third clause, which provides for the disposal by the province of land near public works.

HON. MR. ABBOTT—It is a mere precautionary measure.

HON. MR. POWER—That is quite justifiable on the part of the Dominion Government, but it may be objected to by the local authorities.

HON. MR. McCALLUM—What effect will that have upon the fishing rights of this country? If the Local Government controls the foreshore all along the lakes, it will prevent the fishermen from drawing their nets.

HON. MR. ABBOTT—They will be in the same position as they were before. At present the Dominion Government could prevent them drawing their nets, supposing it to belong to them. It merely transfers the jurisdiction over that to the Local Governments.

HON. MR. McCALLUM—As I understand it, the right to license fishing would belong to the Local Government?

HON. MR. ABBOTT—Yes.

HON. MR. McCALLUM—It would not be in the Dominion, but in the Local Government.

HON. MR. ABBOTT—Yes.

HON. MR. McCALLUM—That is an important concession. On the great lakes I know the privilege of fishing is obtained by license from the Dominion Government. Is the Local Government to have control of the foreshore, and does that privilege cease, so far as the Dominion Government is concerned? If so, it gives the Provincial Governments control of the right of the fishermen to haul their nets and land their boats. I look upon it as a virtual giving away of the fishing rights along the great lakes of this country.

HON. MR. KAULBACH—It is a question whether we have that right to give away—whether it does not belong to the provinces at present.

HON. MR. McCALLUM—We have always held that right.

HON. MR. KAULBACH — We have claimed the right.

HON. MR. McCALLUM—The fishermen must now go to the Local Government, if I understand the question before the House, to get their licenses, and the Local Government will control them, instead of the Dominion Government.

HON. MR. POWER—I do not think this Bill will alter the law with respect to the fishermen at all. There are practically no foreshores on the lakes. The Local Governments control the land down to the water's edge. The Dominion Government have a right to deal with the fisheries in navigable waters.

HON. MR. ABBOTT—There is a special reservation of the Dominion rights with respect to the fisheries of inland waters in the fifth clause of the schedule.

HON. MR. DEVER—I would sooner the Dominion Government would have control over the deep water in some of the provinces.

HON. MR. POWER—So they have.

HON. MR. DEVER—I have in my mind now a large bay, the navigation of which, to a very great extent, has been given away to a company, who have boomed it and shut everybody out, unless they man-

aged to go through a sea of logs. The people who own the land on the shore of this bay are excluded from the navigation, and of course have no redress except through the Local Government. If the Dominion Government had control, as I thought they had, of the navigable waters, we could refer to them in case of dispute, but at present there seems to be nobody to appeal to except the Local Government, and they, when appealed to, say that it is navigable water, and that we must go to the General Government. I should like to know, before I go home, if the Dominion Government gave up their right to navigable waters, which I thought they controlled.

HON. MR. KAULBACH—We specially keep it to ourselves.

HON. MR. DEVER—In that case, these parties should come under some restrictions, because they control all the navigable waters of this bay that I speak of.

The motion was agreed to, and the Bill was read the second time, and referred to a Committee of the Whole House.

HON. MR. ALLAN, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

### DOMINION LANDS ACT AMENDMENT BILL.

#### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (165) "An Act further to amend the Dominion Lands Act."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st Rule of the House be suspended with regard to this Bill.

HON. MR. POWER—We have suspended the Rule now with respect to some three or four important Bills. I do not propose just now to object to the suspension of the Rule with respect to this Bill. It seems to be a rather long one, and dealing with a somewhat important subject. The leader of the Government is aware that session after session strong complaints have been

made in the Senate with respect to this practice of bringing Government Bills down in the last days of the session, when there is no time to consider them. If this House has any value at all, its principal value, at any rate, is supposed to be for the revision of legislation from the other branch of Parliament, and if we do not get the most important measures until the day before prorogation it is plain that it is out of the power of this House to discharge its most important function. I do not see that the Government has any good excuse for keeping these measures back to so late a period of the session. There was nothing to hinder the Government from pressing their measures long ago. The fact that committees of the other House were engaged in investigations of one kind or another did not prevent the Government getting their routine work through in good time, and sending Bills up here; but the fact is, we have nearly all the important measures of the session coming up now the day before prorogation. The Bill which we have just passed, with respect to the foreshores, is of a very important nature and calls for most careful scrutiny. Hon. gentlemen are aware that Bills amending the Dominion Lands Act have always received a great deal of attention here. How can the House give attention to a long Bill, containing a number of clauses, which is brought before us at this stage? I have not complained up to the present time, but I think that the Government have not done their duty by this House in connection with these Bills.

HON. MR. ABBOTT—I think my hon. friend is a little unreasonable, but I do not wonder that he should take an opportunity of objecting, for I must say he has been very complacent and obliging in furthering the business of the House, so that I have not much reason to find fault with him for taking this objection, though I do not think it has very much foundation. My hon. friend must remember that an unusual number of Bills have been passed during this session. I think we shall be able to say that every measure which was referred to by His Excellency in his opening speech has been passed this session, something which has never, in my recollection, been the case before; and these Bills—not only these Bills, but a great number of other important measures have

been passed, have been coming up from day to day during the whole session. There has been no accumulation of Bills to pass at the end of the session, and to-day the accumulation which my hon. friend speaks of, consists simply of four Bills. There must be some Bills to pass at the end of the session, otherwise we should not be sitting. If there were no Bills to pass in the other House to-day we should have prorogued. I must say I differ from my hon. friend in thinking that sending up four Bills on the last day of the session is not trespassing on our patience. We have the whole night before us, if necessary, to discuss them. I do not see the necessity, for my part, of spending a large amount of time on a Bill, the details of which and of the law we are familiar with. I can see at a glance, and do see at a glance, and my hon. friend sees at a glance, in what respect the Bill alters the existing law. I must say, though, my hon. friend has been very moderate in his objections; if he had made others, I should have thought this one quite unfounded. As he has not made any others, I admit, for argument's sake, that he has some ground for it, but I do think it is very small indeed.

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

The Bill was then passed through a Committee of the Whole, and read a third time, without amendment and without debate.

#### SUBSIDIES IN AID OF THE CONSTRUCTION OF CERTAIN RAILWAYS BILL.

##### FIRST, SECOND AND THIRD READINGS.

Bill (175) "An Act to authorize the granting of Subsidies in aid of the construction of lines of Railway therein mentioned," was introduced and read the first time.

HON. MR. ABBOTT—I move the suspension of the 41st Rule of the House as regards this Bill. The Bill makes no new grant; it simply revotes mostly balances of former grants, and in no instance does it make any new grant to any railway.

The motion was agreed to.

The Bill was then read the second time, passed through Committee of the Whole, and read the third time without debate.

HON. MR. ABBOTT moved that when this House adjourns to-day it do stand adjourned until 11 a.m. to-morrow.

The motion was agreed to.

The Senate adjourned at 6 p.m.

### THE SENATE.

*Ottawa, Wednesday, Sept. 30th, 1891.*

THE SPEAKER took the Chair at 11 o'clock, a.m.

Prayers and routine proceedings.

### SUPPLY BILL.

#### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (177) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial year ending 30th June, 1892, and for other purposes relating to the Public Service."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st Rule of the House be suspended with regard to this Bill.

The motion was agreed to.

HON. MR. ABBOTT moved that the Bill be now read the second time. He said: This Bill, I think, in substance, has twice passed this House; portions of grants for almost every purpose have been already voted on.

HON. MR. POWER—The hon. Prime Minister was good enough to remind us that we had already passed portions of this Bill. He will remember that we did not discuss the other portions which have been passed. They were passed to meet urgencies. Now, we have the whole Bill here, and it is a very formidable one. We have a couple of hours at our disposal, and I do not know that they

could be more profitably employed than in considering the various items. There has been a good deal said about the item to increase the indemnity to members, and I think perhaps it is to be regretted that we are called upon to vote an additional amount for the purpose indicated, but the present indemnity was based on a three months' session, or a session not exceeding 100 days, beginning in the month of January, or usually in the early part of February, which I think is the best time to begin a session, and ending in the early part of May. Now, we have had a session of five months, which has run over the active business period of the year, and which must have caused very serious loss to gentlemen who are engaged in active business operations. I think that an indemnity of \$1,000 for a three months' session, beginning in the early part of February, is a much better thing than an indemnity of \$1,500 for a session lasting from April until October. I only hope that the Government will try and avoid, in future, adopting the course of calling Parliament together at such an inconvenient season of the year. Some hon. gentlemen—the hon. gentleman from Lunenburg—has suggested January. Hon. gentlemen will remember that on two occasions within the last few years Parliament was summoned in January, and I am sure everyone will say that it was our experience that we gained nothing by meeting in January. Experience has shown that the best time for the meeting of Parliament is the early part of February. (Cries of "No; no.") Hon. gentlemen say "No," but that has been our experience. We did not get away a day earlier when we met on the 16th January than when we met in February, and there is this to be borne in mind: business men generally take the month of January to settle up the business of the preceding year, and it is often inconvenient for them to leave their business before February. I do not think there is likely to be any very serious opposition to this Bill. I do not think that anyone will move that the Bill be thrown out on account of the particular item that I refer to. I looked to see the hon. gentleman from Lunenburg move that the Supply Bill be thrown out on account of the presence of that item in it. Yesterday he and one or two other hon. gentlemen felt disposed to reject the report of the Contingencies Committee because it in-

volved a sum of about \$500 going to the servants of this House.

HON. MR. CLEMOV—That was not the reason at all.

HON. MR. POWER—Of course, these gentlemen, to be consistent, would be disposed to dispense with the \$500 that is going to the members.

HON. MR. KAULBACH—I do not think it is fair of my hon. friend to bring my name conspicuously before the House in reference to these small items in the report of the Committee on Contingent Accounts. I did not object to any one of them, although I believe that no one item was carried on its own merits, as each one on the committee had some object to attain, and by combination the whole of these items were passed, many of which would not have carried on their own merits. The report was brought down at the last day of the session, when we had not time to look into it. I really do think that Parliament should meet in the beginning of January. It would be the best time of the year for all concerned. The session would then be through in time to let business men away, and farmers living in the North-West would be at home in time to begin their spring operations. Taking it all round, I believe the sense of this House is that as soon after the New Year as possible, would be the proper time to call Parliament together. I regret that this Bill does not contain several items that are not provided for; but taking into consideration the reduction in the revenue, by removing the duty off sugar, I presume the Government are not prepared to enter upon any new expenditures. We have this satisfaction of knowing that although we expend a large sum of money we generally spend it out of revenue, and our increase of debt is smaller now than it was during the time of the Government that was supported by my hon. friend from Halifax.

HON. MR. FLINT—I think this particular item that we are talking about is in the right direction. I do not see why, if we are detained here five months instead of three, we should not have some allowance. I think, however, it would be better, under all the circumstances, if the Government would

take into consideration during the recess the question of fixing the indemnity at a higher rate than it has been heretofore. We are as well deserving of it as they are in Australia or the United States. In Australia, I believe, \$2,500 is the sessional allowance. If in that country they can afford it, I am sure Canada can; and particularly we can afford \$1,500, as well as we can afford \$13 a day to pay the wages and eating expenses, and travelling expenses in addition, of an arbitrator, who does less work and who is not detained away from his home as we are. It would be well if the Government would consider during the recess the advisability of increasing the indemnity to \$1,500 for 100 days, and if gentlemen are determined to linger and not do the work of the session in 100 days, to deduct \$50 or \$25 a day for every day they work beyond that. It might have a good effect. It would reduce the amount of unnecessary talk in the other House, that is made to fill up the *Hansard* and to enable those who make the speeches to point out to their constituents: "See what speeches I made!" I am always in favour of fair play, and am willing to take what is given to me, but I think, under the circumstances, the plan I suggest would be better than to have to come down, if there is a long session, and ask for further indemnity. It does not look quite right. Still, it is no more than is honest and just, and I do not blame the Premier if he does not like it, and I do not think my hon. friend from Halifax is quite sincere when he says he thinks it is not quite right.

HON. MR. POWER—Excuse me; I did not say that I do not think it is right; I said I thought it was perfectly right.

HON. MR. FLINT—I think the indemnity should be such that members should not be pinched down to \$3 or \$4 a day after paying for their board and washing, etc. While I am on my feet, there are some other things I should like to say a little about. For instance, in this House we are a great part of the time in darkness, and we are burning wood every day this hot weather to blow a bellows to keep us cool. Those north windows, beautiful as they are, if they were changed to common glass, and made so as to open and let in the light of heaven upon us, and to give

us the pure air which comes from God, I think we would be far better off than being cooped up here in semi-darkness in 80 or 90 degrees of heat. There is not enough ventilation in this House to carry off the foul air. I throw out the hint, and I trust the Premier will take a note of it. Here we are burning four or five cords of wood every day to keep us cool. Who ever heard of such a thing? I venture to say there has been more expense for fuel during this summer session of Parliament than there has been in any session heretofore for the same period.

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

HON. MR. ABBOTT—I receive with thanks and with gratitude the suggestions which my hon. friends have made with respect to the meeting of Parliament, and I shall certainly communicate to my hon. colleagues the suggestions for giving us fresh air, instead of the bad air which proceeds from the House. With regard to the length of the session, I do not know that anybody can be blamed or reproached for it. It is most unfortunate that it should have been so long. It is most unfortunate that circumstances should have rendered it necessary that Parliament should have been called at such a period of the year, and as far as I can influence such matters in future it shall be my study to have the House called together at a time when its business can be done with the least possible injury to the public. Of course, one cannot settle beforehand at what time the House can be called, because there are often questions to be considered connected with the public service which may render it necessary to call it a little earlier or a little later; but certainly early in the winter, at as early a period as convenient after the holidays, Parliament shall be called together as a general rule. With reference to the additional indemnity, I must say that no indemnity was ever better earned than that which we voted yesterday to the members of both Houses. There is no comparison between the loss and injury which is caused to the members of these two Houses by spending their whole summer, their whole business season at Ottawa, and the usual custom of expending three to four months of the winter season here,

when business is comparatively slack. If we were to calculate by any known process the loss which members have sustained, the additional loss over that of an ordinary session, it would not be merely \$500 we should have voted. The actual loss that has been sustained has been infinitely more than that, and I cannot avoid using this occasion to repeat again the gratification that I have felt, and my colleagues have felt, and the approbation which I think the country must feel, towards men who have so patiently and so tenaciously stuck to their posts through a most arduous and most unpleasant session, apart altogether from the unpleasantness of having it in summer. I venture to hope that some good has been done. I venture to hope that the foundation has been laid for measures that will be of service to the country in future, and I also think the session has been unusually prolific in legislation. We have not had a great many Bills pretentious in their appearance and often useful in their substance, but we have had a large number of excellent measures, useful in remedying defects in former legislation, in other instances entirely new, in other instances only remedying errors, omissions or deficiencies of one kind or another in former legislation; and we have a number of those Bills, a very large number of what I think will prove to be excellent measures, and I may say also, as I have stated before, that it is almost unparalleled the exactness with which the pledges made to the House, or the *quasi* pledges made to the House in His Excellency's Speech in the opening of the session, have been fulfilled. Every measure which His Excellency spoke of in his Speech has been passed. The only exception is a measure that was not intended to be put through this session—that is, the Criminal Code—a Bill of great importance indeed, requiring a vast amount of labour and research, and one in which every individual man in the Dominion is interested more or less; and it was always intended that that Bill should be laid before the House in one session and retained until the next, to give the country an opportunity to criticize it as it may during the recess. That is the only Bill, I think, mentioned in the Governor's Speech at the commencement of the session that has not been actually passed, and there are a number of other Bills which were not referred to that have also been passed.

I think, on the whole, we may congratulate ourselves on having done our duty in a useful and practical manner during the session, and I hope that what we have done will have far-reaching effects on the country. I move the third reading of the Bill.

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

## THE COPYRIGHT LAWS.

### MOTION.

A Message was received from the House of Commons with an Address to the Imperial Government on the subject of the copyright laws.

The Address was read at the Table.

HON. MR. ABBOTT—You have heard the Address which has been passed by the House of Commons on the subject of the copyright laws, and I presume it sufficiently explains itself. No doubt hon. gentlemen are also familiar themselves with the subject of the Address. It is really a very simple matter, and I am a little surprised that it has not long ago been finally disposed of. This Address is proposed to be sent to Her Majesty in the hope that it may accelerate the placing of Canada in the position that she should occupy with regard to copyright. The circumstances are very simple: they are detailed in the Address. It appears that up to the time of Lord Grey's circular letter in 1846, complaints had been made against the enforcement of the English Copyright Act: that then Lord Grey proposed, by his circular, practically to give the Local Legislatures of the colonies precisely the power which this Address now asks should be given to them, that is to say, that they may have the power to legislate upon copyright in their own Legislatures, the circular-letter proposing, however, that there should be a certain restriction or limit as to their jurisdiction, in so far as the legislation passed by them should receive the sanction of the Queen in Council before becoming law. That proposition was made, but was never carried out, and in our constitution we conceive we have the power given us to legislate with respect to copyright, and we have done so. The Act of 1889, to which the Address re-

fers, makes rather broader provisions with regard to copyright than were contained in previous Acts, and in anticipation of some discussion on the subject with the Home Government the operation of the Act was suspended until a proclamation should issue putting it in force, and of course communication was made to the Imperial Government stating the fact, calling attention to the Bill and asking the consent of the Home Government to issue the proclamation. That consent we have not yet obtained. The Minister of Justice took occasion to bring this matter up in England when he was there a year or so ago, and had a considerable discussion on it with the Colonial Minister. It was thought at that time that matters were proceeding to an adjustment that would be satisfactory to this country, but nothing has since been done, and we have thought it best to ask the Houses to place their views and their request for the removal of all doubts as to their right to enact such legislation as this before Her Majesty, in the shape of a formal Address of both Houses. This is the Address that has just been read, and which I now ask to be adopted. I move that this House agree with the House of Commons by filling up the blank with the words "Senate and."

The motion was agreed to.

The Senate adjourned at 12 o'clock, noon.

## SECOND SITTING.

THE SPEAKER took the Chair at 2:45 p.m.

## FRAUDS UPON THE GOVERNMENT BILL.

### COMMONS AMENDMENTS CONCURRED IN.

A Message was received from the House of Commons to return Bill (U) "An Act respecting Frauds upon the Government," and to acquaint the Senate that they had made certain amendments to the Bill.

HON. MR. ABBOTT—Hon gentlemen will perceive that the Bill is amended to provide for a kind of corruption which we did not deal with in our Bill, and I think

it is perhaps fortunate that we gave the House of Commons an opportunity to assist us in making the measure perfect, as I must assume it is now, since it has received the assent of both Houses. I move that the amendments be concurred in.

The motion was agreed to.

## TRADE WITH FOREIGN NATIONS.

### MOTION.

A Message was received from the House of Commons informing the Senate that they had agreed to the Address to Her Majesty with reference to trade relations with foreign nations, with an amendment.

HON. MR. ABBOTT—The object of this amendment is to restrict the direct application which we make to Her Majesty for denouncing the most favoured nation clause to the treaties with the Zollverein and Belgium. The other countries to which this clause applies have a comparatively insignificant trade with us, with the exception of Spain, and it is just possible that including Spain in the request which we are making to the Imperial Government might be disadvantageous to us. We are anxious to preserve our trade with Spain, at all events with her colonies, and the suggestion that was made by my colleagues in the House has been agreed to by myself, that we should strike out the portion of the clause which would comprise the treaties with the smallest countries and also with Spain, leaving our special request to Her Majesty to be confined to the Zollverein and Belgium. I think that is a right thing to do, and I ask this House to concur in it. I move that the amendment be concurred in.

The motion was agreed to.

The Senate adjourned during pleasure.

## PROROGATION.

### BILLS ASSENTED TO.

At 3 p.m. the House resumed.

His Excellency the Governor General took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and

that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz. :—

An Act to amend the Acts respecting the Harbour of Pictou in Nova Scotia.

An Act to correct a clerical error in the Act fifty-third Victoria, chapter eighty-one, intituled: "An Act respecting the Great North-West Central Railway Company."

An Act to provide for the marking of Deck and Load Lines.

An Act respecting the Shipping of Live Stock.

An Act to encourage the production of Beet Root Sugar.

An Act further to amend the "Exchequer Court Act."

An Act respecting the Inspection of Ships.

An Act further to amend "The Inland Revenue Act."

An Act respecting certain Female offenders in the Province of Nova Scotia.

An Act respecting the Ontario Express and Transportation Company.

An Act to amend the Acts respecting the Duties of Customs.

An Act respecting the Baie des Chaleurs Railway Company.

An Act to amend chapter one hundred and thirty-five of the Revised Statutes, intituled: "An Act respecting the Supreme and Exchequer Courts."

An Act respecting the Rathbun Company.

An Act respecting the North Shore section of the Canadian Pacific Railway.

An Act to amend "The Dominion Elections Act."

An Act further to amend the Act fifty-second Victoria, chapter four, intituled: "An Act to authorize the granting of Subsidies in Land to certain Railway Companies."

An Act to authorize the granting of Subsidies in Land to certain Railway Companies.

An Act to amend the Acts respecting the North-West Territories.

An Act further to amend "The Dominion Controverted Elections Act."

An Act to amend "The Railway Act."

An Act authorizing the transfer of certain public property to the Provincial Governments.

An Act further to amend "The Dominion Lands Act."

An Act to authorize the granting of subsidies in aid of the construction of the lines of Railway therein mentioned.

An Act respecting Frauds upon the Government.

An Act further to amend the Acts respecting the North-West Territories.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

"MAY IT PLEASE YOUR EXCELLENCY :

"The Commons of Canada have voted certain Supplies required to enable the Government to defray the expenses of the Public Service.

"In the name of the Commons, I present to Your Excellency the following Bill :—

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending the 30th June, 1892, and for other purposes relating to the Public Service."

"To which Bill I humbly request Your Excellency's assent."



To this Bill the Royal Assent was signified in the following words:—

"In Her Majesty's name, His Excellency the Governor General thanks Her Loyal Subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the FIRST SESSION of the SEVENTH PARLIAMENT of the DOMINION with the following

SPEECH :

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

I desire to convey to you my high appreciation of the earnestness and assiduity which you have devoted to your Parliamentary duties during this protracted session.

I have also to express my sympathy in the regret which you and the whole Dominion must feel, and which I sincerely share, for the lamented loss of the late Prime Minister, the Right Honourable Sir John A. Macdonald, who died full of years and honours, in the midst of your deliberations; and I congratulate you and the country upon the moderation and patriotism which you manifested in that crisis, and which enabled the legislative business of the country to be continued without serious interruption.

An agreement was made in June last, between Great Britain and the United States of America, for the practical cessation of seal fishing in Behring's Sea during the past season, with a view to the protection of seal life, pending an investigation by experts, in which this country has taken part, into the question of the necessity of measures for preventing its extinction. The report of the experts has not yet been received, and the negotiations for the settlement of the questions which have arisen on the subject are proceeding, but are still incomplete.

I am pleased to observe that, in anticipation of a friendly conference with the Government of the United States, on the subject of the extension and development of our trade with that country, and other important matters, the provisions of the protocol of 1888, known as the *modus vivendi*, have been extended.

The measures you have concurred in passing are important and useful. The reorganization of the Legislature of the North-West Territories and the readjustment and increase of its powers, are just tributes to the eminent capacity for self-government which that important and rapidly increasing section of Canada has manifested. The Acts for the improvement of the law respecting elections will, I hope, be found beneficial, by simplifying procedure and facilitating the repression of corrupt practices. The measures respecting the cattle trade, the loading of ships, the registration of trade marks and the Vice-Admiralty courts will prove advantageous to trade, commerce and shipping. The enactments respecting the inspection of ships must prove of great value in the protec-

tion of the lives of persons employed upon them, while the Act respecting the foreshores of the Dominion and the obstruction of navigable waters will remove a possible source of dissension between this Government and the provinces.

Notwithstanding that the result of the census shows a less important increase in population than was expected, it is satisfactory to observe the continuance of the general prosperity of the country. And the bountiful harvest with which Providence has blessed us this year will give a fresh impetus to the settlement of the North-West, and to the enterprise and industries of the country generally.

It is gratifying to perceive that you have felt justified in reducing the duty upon sugar to the extent of about three millions of dollars, thus materially lessening the cost of an article of universal consumption, and that you have not judged it necessary to provide for replacing revenue to the extent of more than half the reduction thus made. It is a further recommendation of this important measure, that while it largely reduces the cost of a necessary article of food, it provides for supplying the consequent loss of revenue by the imposition of duties on luxuries only.

The extensive frauds upon the Government by a group of contractors, and the irregularities of certain persons in the Civil Service, which have been discovered in investigations by your committees, are much to be regretted. The punishment with which many of them have already been visited, the steps which are to be taken in regard to others, and the operation of the statute you have passed for their repression in future, will, I trust, have the effect of preventing their recurrence. And it is the intention of my Ministers to procure the issue of a Commission to investigate the organization of the Civil Service and report as to measures for its improvement.

The question of the restriction or prohibition of the liquor traffic has also been occupying the attention of my Ministers; and a Commission will issue during Recess to enquire into, and report upon, this important subject.

*Gentlemen of the House of Commons :*

I thank you for the liberal provision which you made for the requirements of the Public Service.

*Honourable Gentlemen of the Senate,*

*Gentlemen of the House of Commons :*

In taking leave of you for the present, it is with an earnest desire for your happiness and prosperity in your several homes.

THE SPEAKER of the Senate then said :

*Honourable Gentlemen of the Senate, and Gentlemen of the House of Commons :*

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Monday, the ninth day of November next, to be here held, and this Parliament is accordingly prorogued until Monday, the ninth day of November next.

INDEX  
TO  
DEBATES OF THE SENATE  
OF THE  
DOMINION OF CANADA,  
1891.



PART I. constitutes an index to the names of Senators, with their action upon the respective subjects.

PART II. constitutes an analytical index to all subjects debated.

The following abbreviations are used: Amt., Amendment; Amd., Amended; B., Bill; Cl., Clause; Co., Company; Com., Committee; Com. of the W., Committee of the Whole House; Corresp., Correspondence; Govt., Government; H.E., His Ex., His Excellency; H. of Commons, House of Commons; Impl., Imperial; Incorp., Incorporation; Inqy., Inquiry; Inqies., Inquiries; Ins., Insurance; M., Motion; *m.*, moved; Mfg., Manufacturing; Rep., Report; Res., Resolution; Ry., Railway; W., Whole House.

On a Division: C., Content; N.C., Non-Content.

1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings.

\*, Without comment or debate.

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BILLS which have become STATUTES have the chapter added in each case:  
(54-55 Vict., cap. .)



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- (P) An Act for the punishment of the offence generally termed "Body-snatching."—(Mr. McMillan.)  
1st R.\*, 104.  
2nd R. *m.* (Mr. McMillan), 143; remarks (Mr. Kaulbach), 143; M. agreed to, 143.  
Reference to Select Com. *m.* (Mr. McMillan), and agreed to\*, 143.  
Reported (Mr. McMillan) from Select Com. with Amts., and future consideration *m.*, 202.  
Report of Com., adoption *m.* (Mr. McMillan), 297; remarks: Messrs. Power, Kaulbach, McKindsey, Abbott, 297—Messrs. Scott, Abbott, 298. M. (Mr. McMillan) to refer to Com. of the W., 298; agreed to, 298.  
In Com. of the W.; on 2nd cl. (penalty for unlawful disinterment), debate: Mr. Power, 298—Mr. Sullivan, 298—Mr. McMillan, 298-9—Messrs. Paquet, Scott, Abbott, Kaulbach, Girard, 299—Messrs. McInnes (B.C.), McKindsey, 300. On the suggestion for re-print of B. as amended; on M. (Mr. McMillan), progress reported, 300.  
Again in Com., ques. (Mr. Power), reply (Mr. Bellerose), and Amt. *m.* (Mr. Power), respecting disinterments; agreed to, 345. B. reported (Mr. Ogilvie), with Amts., 345; Amts. concurred in, 345.  
3rd R.\*, 412.
- (Q) An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company.—(Mr. Boulton.)  
1st R.\*, 104.  
2nd R.\*, 133.  
3rd R.\*, 165.  
Amts. of H. of C. (increase of bonding power), concurrence *m.* (Mr. Boulton), 265; remarks: Messrs. Power, Boulton, Kaulbach, 265; M. agreed to, 265.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 60.)
- (R) An Act respecting certain Female offenders in the Province of Nova Scotia.—(Mr. Power.)  
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On order for 2nd R., postponement requested (Mr. Miller), 163; (Mr. Abbott), 164; *m.* (Mr. Power), after remarks upon nature of the B., 164; agreed to, 164.  
On further order for 2nd R., 190; objection (Mr. Miller) B. not distributed in French, 191; postponement *m.* (Mr. Power), and agreed to, 191.
- 2nd R. *m.* (Mr. Power), 194; debate: Mr. Miller, 194, 196—Mr. Kaulbach, 196—Mr. Power, 196-7-8, 200—Mr. Macdonald (B.C.), 196—Mr. Allan, 197—Mr. Prowse, 197—Mr. Girard, 198—Mr. McMillan, 198—Mr. Gowan, 198—Mr. Scott, 199; M. agreed to, 200.  
In Com. of the W.; on 1st clause (imprisonment in reformatory instead of gaol), debate: Mr. Gowan, 211—Mr. Power, 211-12; cl. agreed to, 212.  
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On 11th cl. (education of convicts—name of governing body) debate: Messrs. Vidal, Gowan, Power, Abbott and Masson, 220; cl. agreed to, 220.  
On 12th cl. (tickets of leave), remarks: Messrs. Kaulbach and Power, 220; cl. agreed to, 220.  
On 13th cl. (apprenticeship to service) Amt. *m.* (Mr. Macdonald, B.C.) against restriction to R. C. employers, 221; remarks: Messrs. Kaulbach, Gowan, Macdonald, Masson and Vidal, 221; Amt. lost on a div, and cl. agreed to, 221.  
On 15th cl. (Govt. and city inspectors) remarks: Messrs. Vidal and Power, 222; cl. agreed to, 222.  
On 16th cl. (transfer of incorrigible offenders to penitentiary) remarks: Messrs. Kaulbach, Gowan, Clemow, 221—Mr. Scott, 222.  
Reported (Mr. Ross) from Com., with verbal Amt., 222; concurred in\*, 222.  
On order for 3rd R.; M. (Mr. Power) to recommit for Amt. (Govt. approval of rules), 224-5-6; debate: Mr. Kaulbach (on transfer of prisoners to penitentiary), 224, 226—Mr. Abbott, 225-6—Mr. Macdonald (B.C.), 226; M. agreed to, 226.  
In Com., further remarks: Messrs. Power and Abbott, 226-7; Amt. agreed to, 227.  
Reported (Mr. Howlan) from Com., as amended, and Amts. concurred in\*, 227.  
3rd R.\*, 227.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 55.)
- (S) An Act further to amend the General Inspection Act.—(Mr. Abbott.)  
Introduced (Mr. Abbott), and 1st R., 414.  
2nd R.\*, 435.  
3rd R.\*, 437.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 48.)

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- (T) An Act to make further provision respecting Weighers of Grain.—(*Mr. Abbott.*)  
Introduced (Mr. Abbott) and 1st R., 414.  
2nd R.\*, 435.  
3rd R.\*, 438.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 47.)
- (U) An Act respecting Frauds upon the Government.—(*Mr. Abbott.*)  
1st R.\*, 542.  
2nd R. *m.* (Mr. Abbott), 563; debate: Mr. Bellerose, 564—Mr. Gowan, 565—Mr. Allan, 566—Mr. Scott, 567—Mr. Abbott, 567-8; Mr. Power, 568—Mr. McCallum, 568—Mr. Kaulbach, 568; M. agreed to, 569.  
In Com. of the W.; on 1st cl., M. (Mr. Abbott) to amd. and remodel sub-sec. *f.* (extending the list of offences), 580; inquires. (Messrs. Scott, DeBoucherville), and replies (Mr. Abbott), and M. agreed to, 580.  
Sub-sec. *h.*; Amt. *m.* (Mr. Abbott) modifying it (as to receiving permissible gifts), and M. agreed to, 580.  
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B. reported (Mr. Vidal), with Amts., 581.  
Concurrence in Report of Com. *m.* (Mr. Abbott), and agreed to\*, 586.  
3rd R.\*, 586.  
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(54-55 *Vict.*, *Cap.* 23.)
- (V) An Act further to amend the Acts respecting the North-West Territories.—(*Mr. Abbott.*)  
1st R. *m.* (Mr. Abbott), 657; agreed to, 658.  
Suspension of 41st Rule, and  
2nd R. *m.* (Mr. Abbott), 658; remarks: Messrs. Girard, Read, Bellerose, 658—Mr. Abbott, 659; M. agreed to, 659.  
3rd R.\*, 659.
- (10) An Act respecting Fishing Vessels of the United States of America.—(*Mr. Abbott.*)  
1st R.\*, 40.  
2nd R. to-morrow, order for, *m.* (Mr. Abbott), 40-1; objection, for want of notice (Mr. Power) 40-1; remarks (Messrs. Miller and Vidal), 41; M. agreed to, 41.  
— *m.* (Mr. Abbott) 48, 50-1-2; debate (Mr. Power), 48, 50, 52; (Mr. Paquet) 50; (Mr. Kaulbach), 50; (Mr. Scott,) 52; M. agreed to, 52.  
Further stages, leave for, asked (Mr. Abbott), 52; further information, in such case, requested (Mr. Power), 52.  
In Com. of the W;—on 2nd cl., debate: Mr. Power, 52, 56-7—Mr. Abbott, 52-3, 55-6-7—Mr. Scott, 53-4-5-6-7—Mr. Kaulbach, 54.  
Reported from Com., without Amt. (Mr. Botsford), 57.  
Suspension of 41st Rule, and  
3rd R. *m.* (Mr. Abbott), 57. Objection, without further information (Mr. Power), 57; objection not pressed; M. agreed to, and Bill passed, 57.  
Assent, 223.  
(54-55 *Vic.*, *Cap.* 4.)
- (12) An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.—(*Mr. Abbott.*)  
1st R.\*, 295.  
2nd R. *m.* (Mr. Abbott) 304; remarks: Messrs. Scott, Miller, Howlan, Kaulbach, Abbott, 304; M. agreed to, 304.  
In Com. of the W.; on 2nd cl. (3 years' domicile in Canada required), remarks: Mr. Power, 412—Messrs. Kaulbach, Miller, Power, 413; cl. agreed to, and B. reported (Mr. Bellerose), without Amt., 413.  
3rd R.\*, 413.  
Assent, 528.  
(54-55 *Vic.*, *Cap.* 41.)
- (13) An Act to provide for the exercise of Admiralty jurisdiction within Canada, in accordance with "The Colonial Courts of Admiralty Act, 1890."—(*Mr. Abbott.*)  
1st R.\*, 224.  
2nd R. *m.* (Mr. Abbott), 229; debate: Mr. Power, 229, 232-3-4-5-6—Mr. Kaulbach, 232-3—Mr. Abbott, 233-4-5-6; M. agreed to, 237.  
Reference to Com. of the W. to-morrow, *m.* (Mr. Abbott) and agreed to, 237.  
In Com.; on 6th cl. (local judges, appointment), Amt. *m.* (Mr. Power) excluding barristers from appointment, 238; debate: Mr. Kaulbach, 238—Messrs. Dever, Abbott, Power, 239; Amt. lost on divn., and cl. adopted, 239.  
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On 11th cl. (surrogate judges), ques. (Mr. Power), reply (Mr. Abbott), 240; cl. adopted, 240.  
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3rd R. *m.* (Mr. Abbott), 240; ques., Judge Sinclair's appointment (Mr. Scott), 240; reply (Mr. Abbott), 240; M. agreed to, 240.  
Assent, 287.  
(54-55 *Vic.*, *Cap.* 29.)
- (14) An Act with respect to certain matters affecting the Administration of Justice.—(*Mr. Abbott.*)  
1st R.\*, 106.  
2nd R. *m.* (Mr. Abbott), 133; remarks (Mr. Kaulbach), 134.  
In Com. of the W.; on 2nd cl. (County Court judges acting in other districts); debate: Mr. Power, 160-1—Mr. Gowan, 160-1: Mr. Abbott, 160—Mr. Scott, 161; Mr. Miller, 161. Bill reported (Mr. Masson) without Amt., 161.  
3rd R. *m.* (Mr. Abbott), and agreed to\*, 161.  
Assent, 223.  
(54-55 *Vic.*, *Cap.* 28.)

- (15) An Act to amend the Act for the Prevention and Suppression of Combinations formed in restraint of Trade.—(*Mr. McCallum.*)  
 1st R. \*, 268.  
 2nd R. m. (Mr. McCallum), 391; discussed: Messrs. Abbott, Kaulbach, 391—Messrs. Miller, McCallum, Vidal, 382; M. agreed to, 392.  
 In Com. of the W.; on 1st clause (eliminating words "unduly" and "unreasonably," in the Act), Amt. m. (Mr. Vidal) to add proviso (Act not to affect proper business arrangements), 432; discussed: Messrs. Abbott, Power, McCallum, Miller, 433—Messrs. Abbott, Power, Vidal, MacInnes (Burlington), 434; Amt. agreed to, and B. reported (Mr. Poirier) as amid., 434. Concurrence in Amt. m. (Mr. McCallum), and agreed to, 434.  
 3rd R. \*, 438.
- (16) An Act to amend the Acts relating to the Alberta Railway and Coal Company.—(*Mr. Ogilvie.*)  
 1st R. \*, 210.  
 M. for 2nd R. to-morrow (Mr. Ogilvie), 210; remarks as to Rules: Messrs. Power, Ogilvie, Botsford, Miller, 210; M. agreed to, 210.  
 2nd R. \*, 222.  
 3rd R. (m. by Mr. McMillan)\*, 228.  
 Assent, 226.  
 (54-55 *Vict.*, *Cap.* 77.)
- (17) An Act respecting the River St. Clair Railway Bridge and Tunnel Company.—(*Mr. MacInnes, Burlington.*)  
 1st R. \*, 60.  
 2nd R. m., 63; agreed to, 63.  
 Reported from Ry. Com. without Amt, and  
 3rd R. \*, 67.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 102.)
- (18) An Act respecting the Niagara Grand Island Bridge Company.—(*Mr. Clemow.*)  
 1st R. \*, 106.  
 2nd R. \*, 133.  
 3rd R. (m. by Mr. MacInnes)\*, 165.  
 Assent, 223.  
 54-55 *Vict.*, *Cap.* 105.)
- (19) An Act respecting the Canada and Michigan Tunnel Company.—(*Mr. McCallum.*)  
 1st R. \*, 60.  
 2nd R. m. (Mr. McCallum) 63; agreed to, 63.  
 Reported from Ry. Com. without Amt., and  
 3rd R. \*, 67.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 103.)
- (22) An Act respecting the Lake Temiscamingue Colonization Railway Company.—(*Mr. MacInnes, Burlington.*)  
 1st R. \*, 60.  
 2nd R. m., 63; agreed to, 63.  
 Reported from Ry. Com. without Amt., and  
 3rd R. \*, 67.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 94.)
- (23) An Act respecting the E. B. Eddy Manufacturing Company, and to change the name to "The E. B. Eddy Company."—(*Mr. Clemow.*)  
 1st R. \*, 122.  
 2nd R. \*, 162.  
 3rd R. \*, 176.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 123.)
- (24) An Act to incorporate the McKay Milling Company.—(*Mr. Clemow.*)  
 1st R. \*, 123.  
 2nd R. m. (Mr. Clemow), and agreed to, 163.  
 M. (Mr. Clemow) to refer to Banking and Commerce Com., 163; remarks as to proper Com. for reference (Messrs. Scott and Miller), 163; M. agreed to, 163.  
 3rd R. \*, 176.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 125.)
- (25) An Act to revive and amend the Act respecting the Medicine Hat Railway and Coal Company.—(*Mr. Lougheed.*)  
 1st R. \*, 122.  
 2nd R. \*, 162.  
 3rd R. \*, 201.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 79.)
- (26) An Act to incorporate the Pembroke Lumber Company.—(*Mr. Clemow.*)  
 1st R. \*, 123.  
 2nd R. \*, 163.  
 M. (Mr. Clemow) to refer to Private Bs. Com., 163; suggestion (Mr. Miller) to refer to Banking and Commerce Com.; concurred in (Mr. Abbott); remarks (Mr. Power); agreed to, 163.  
 3rd R. \*, 176.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 121.)
- (27) An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue debenture stock.—(*Mr. McKindsey.*)  
 1st R. \*, 123.  
 2nd R. \*, 162.  
 3rd R. \*, 176.  
 Assent, 223.  
 (54-55 *Vict.*, *cap.* 114.)
- (28) An Act to amend the Act to incorporate the Empire Printing and Publishing Company (Limited).—(*Mr. Sanford.*)  
 1st R. \*, 123.  
 2nd R. (m. by Mr. Power)\*, 162.  
 3rd R. \*, 176.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 130.)
- (29) An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.—(*Mr. Scott.*)  
 1st R. \*, 223.  
 2nd R. m. (Mr. Scott), 227; remarks: Messrs. Power and Scott, 227; M. agreed to, 227.  
 Amts. of Ry. Com., concurrence m. (Mr. Scott) and agreed to, 300.  
 3rd R. m. (Mr. Scott), 316; Amt. m. (Mr. Power) to add cl. (rights of South Eastern Ry. bondholders), 318, 320-1; debate: Mr. Scott, 320-1, 326-7-8-9, 331-2-3, 335-6, 338, 341—Mr. Power, 323-4, 326, 328-9, 333, 339, 341—Mr. Boulton, 322-3—Mr.

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- Vidal, 324—Mr. Snowball, 325-6-7-8-9, 330-1-2, 335—Mr. Ross, 329—Mr. Kaulbach, 330-1—Mr. Abbott, 333, 335—Mr. O'Donohoe, 335-6, 338-9, 340-1—Mr. Perley, 339—Mr. Dever, 340—Mr. Clemow, 340-1. Amt. lost—(C. 10, N.-C. 41), 342.
- Ref. to Com. of W., to reduce bonding power to \$12,500 a mile, *m.* (Mr. Scott) and agreed to, 342.
- In Com., debate on the above: Mr. Ross, 342-3—Mr. Scott, 342-3—Mr. Power, 343—B. reported (Mr. Pelletier) with Amt., 343; Amt. concurred in, 343.
- 3rd R. \*, 343.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 68.)
- (30) An Act to confer on the Commissioner of Patents certain powers for the relief of Jay Spencer Corbin.—(*Mr. McMillan.*)
- 1st R. \*, 268.  
2nd R. *m.* (Mr. McKindsey), 293; inqy. (Mr. Abbott), reply (Mr. McKindsey), 293; M. agreed to, 293.  
3rd R. \*, 316.  
Assent, 528.  
(54-55 *Vict.*, *Cap.*, 131.)
- (36) An Act respecting the Grand Trunk Railway Company of Canada.—(*Mr. Vidal.*)
- 1st R. \*, 106.  
2nd R. *m.* (Mr. Vidal), and agreed to, 133.  
3rd R. \*, 165.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 69.)
- (37) An Act to amend the Act respecting the New Brunswick Railway Company.—(*Mr. MacInnes, Burlington.*)
- 1st R. \*, 122.  
2nd R. \*, 135.  
3rd R. \*, 165.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 99.)
- (38) An Act respecting the Central Counties Railway Company.—(*Mr. McMillan.*)
- 1st R. \*, 122.  
2nd R. \*, 142.  
Reported (Mr. Vidal) from Ry. Com., with verbal Amts., 166. Concurrence *m.* (Mr. McMillan) and agreed to\*, 166.  
3rd R. \*, 166.  
Assent, 224.  
(54-55 *Vict.*, *Cap.* 89.)
- (39) An Act respecting the Maritime Chemical Pulp Company (Limited), and to change the name thereof to "The Maritime Sulphite Fibre Company (Limited)."—(*Mr. MacInnes, Burlington.*)
- 1st R. \*, 164.  
2nd R. \*, 194.  
3rd R. (*m.* by Mr. Allan)\*, 227.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 124.)
- (40) An Act respecting the Farmers' Bank of Rustico.—(*Mr. Abbott.*)
- 1st R. \*, 144.  
Purpose of B. explained, and suspension of Rule 41 *m.* (Mr. Abbott), 144; agreed to\*, 144.  
2nd R. \*, 144.  
3rd R. \*, 144.
- Assent, 145.  
(54-55 *Vict.*, *Cap.* 113.)
- (41) An Act to amend the Act incorporating the Canadian Power Company.—(*Mr. Clemow.*)
- 1st R. \*, 123.  
2nd R. \*, 162.  
3rd R. (*m.* by Mr. MacInnes)\*, 176.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 126.)
- (43) An Act further to amend Chapter eleven of the Revised Statutes, intituled: "An Act respecting the Senate and House of Commons."—(*Mr. Power.*)
- 1st R. \*, 144.  
2nd R. *m.* (Mr. Power), 166-7; debate: Mr. Abbott, 166—Mr. Miller, 166—Mr. Howlan, 167—Mr. McInnes (B.C.), 167; M. agreed to, 167.
- In Com. of the W.; Amt. *m.* (Mr. Power), mileage from one point in Canada to another by any direct route, 206; debate: Mr. Vidal, 206—Mr. Power, 206-7—Mr. Miller, 206-7—Mr. DeBoucherville, 206—Mr. Dever, 206—Mr. Abbott, 206-7; Amt. agreed to, 207. Reported (Mr. McClelan) from Com., with Amt.; concurred in\*, 207.  
3rd R. \*, 211.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 21.)
- (44) An Act to amend Chapter seventy-seven of the Revised Statutes, respecting the Safety of Ships.—(*Mr. Abbott.*)
- 1st R. \*, 295.  
2nd R. *m.* (Mr. Abbott), 303; agreed to, 303.  
2nd R. \*, 346.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 38.)
- (46) An Act respecting the South Western Railway Company.—(*Mr. MacInnes, Burlington.*)
- 1st R. \*, 164.  
2nd R. \*, 191.  
3rd R. \*, 202.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 83.)
- (47) An Act to amend the Act to incorporate the Collingwood and Bay of Quinté Railway Company.—(*Mr. Allan.*)
- 1st R. \*, 122.  
Reference to Standing Orders Com. *m.* (Mr. Allan), having been received without a Petition, 122; agreed to, 122.  
2nd R. \*, 164.  
3rd R. \*, 201.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 84.)
- (48) An Act to incorporate the Great West Life Assurance Company.—(*Mr. Girard.*)
- 1st R. \*, 164.  
2nd R. (*m.* by Mr. Perley)\*, 268.  
3rd R. (*m.* by Mr. McKindsey)\*, 316.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 115.)
- (50) An Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada.—(*Mr. McCallum.*)
- 1st R. \*, 224.

- 2nd R. \*, 237.  
 3rd R. (*m.* by Mr. McKindsey)\*, 241.  
 Assent, 287.  
 (54-55 *Vict.*, *Cap.* 118.)
- (51) An Act to incorporate the Vancouver Dock and Ship Building Company.—(*Mr. Macdonald*, B. C.)  
 1st R. \*, 122.  
 2nd R. *m.* (Mr. Macdonald, B. C.), 136; remarks (Mr. McInnes, B. C.) *re* Esquimalt Dock, 136; M. agreed to, 136.  
 Reported (Mr. Vidal) from Com. on Rys. and Harbours, with an Amt. to borrowing powers, for protection of creditors, 165. Concurrence *m.* (Mr. Macdonald, B. C.), 165; objection to present consideration made (Mr. McInnes); remarks: Messrs. Vidal, Power, 165-6; objection withdrawn, 165; M. agreed to, 166.  
 3rd R. *m.* (Mr. Macdonald) but objected to (Mr. McInnes), and 3rd R. postponed, 166. Again *m.* (Mr. Macdonald), 176; Amt. *m.* (Mr. McInnes, B. C.), precluding subsidy from Dominion Govt., 176; debate: Mr. Vidal, 178-9—Mr. McInnes, 179, 181—Mr. Ogilvie, 179—Mr. Macdonald, 179, 183—Mr. Scott, 179—Mr. Kaulbach, 180-1-2—Mr. McInnes (point of Order—personalities), 181—Mr. Miller, 181—Mr. Power (ques. of Order—relevancy of debate), 181-2—Mr. Ogilvie, 181—Mr. Masson, 182—constitutional ques. (Mr. Miller), that Amt. interferes with right of Govt. to initiate money votes in H. of Commons, 183—Mr. McCallum, 183—Mr. Dever, 184. Sub-Amt. *m.* (Mr. Bellerose) striking out entire clause authorizing subsidies, 184; debate: Mr. Boulton, 185, 187—Mr. Power, 185-6-7—Mr. Miller, 185—Mr. Bellerose, 185—Mr. Prowse, 185—Mr. Dever, 186—Mr. Howlan, 186—Mr. Boulton, 187—Mr. Girard, 187. Ques. of Order (Mr. Howlan), that the sub-Amt. (on 3rd R.) requires Notice, 187; discussed: Mr. Bellerose, 187-8-9—Mr. Miller, 188-9, 190—Mr. Masson, 188-9—Mr. Howlan, 188, 190—Mr. Abbott, 188—Mr. McInnes, 189—Mr. DeBoucherville, 189—Mr. Ogilvie, 189—Mr. Power, 190—Mr. Scott, 190. RULING (the Speaker): this sub-Amt. is really a new Amt., and cannot be put without Notice. 190. Amt. of Mr. McInnes put and lost (C. 14, N-C. 42), 190. B. 3rd R. and passed, 190.  
 Assent, 286.  
 (54-55 *Vict.*, *Cap.* 129.)
- (52) An Act to incorporate the Macleod Irrigation Company.—(*Mr. Lougheed*.)  
 1st R. \*, 240.  
 2nd R. \*, 264.  
 Reported (Mr. Vidal) from Com. on Rys., &c., with slight Amt., 301; concurrence *m.* (Mr. Vidal), and agreed to, 301.  
 3rd R. (*m.* by Mr. McMillan)\*, 301.  
 Assent, 528.  
 (54-55 *Vict.*, *Cap.* 109.)
- (55) An Act to incorporate the Atikokan Iron Range Railway Company.—(*Mr. MacInnes*, Burlington.)  
 1st R. \*, 144.
- 2nd R. \*, 164.  
 Reported (Mr. Vidal) from Ry. Com., with slight Amt., 201. Adoption of Report *m.* (Mr. MacInnes), and agreed to\*, 201.  
 3rd R. \*, 201.  
 Assent, 286.  
 (54-55 *Vict.*, *Cap.* 61.)
- (57) An Act to incorporate the Buffalo Lake and Battleford Railway Coal and Iron Company.—(*Mr. Read*.)  
 1st R. \*, 144.  
 2nd R. \*, 164.  
 3rd R. \*, 201.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 59.)
- (58) An Act to incorporate the Whirlpool Bridge Company.—(*Mr. McCallum*.)  
 1st R. \*, 144.  
 2nd R. *m.* (Mr. McCallum), 167; remarks: Mr. Allan, 167-8; replies (Mr. McCallum), 167-8; M. agreed to, 168.  
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- (60) An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to "The Lake Erie and Detroit River Railway Company."—(*Mr. Allan*.)  
 1st R. \*, 192.  
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 2nd R. \*, 228.  
 3rd R. \*, 238.  
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 (54-55 *Vict.*, *Cap.* 88.)
- (61) An Act respecting the St. Catharines and Niagara Central Railway Company.—(*Mr. Sanford*.)  
 1st R. \*, 224.  
 2nd R. (*m.* by Mr. McKindsey)\*, 228.  
 3rd R. (*m.* by Mr. McKindsey)\*, 238.  
 Assent, 287.  
 (54-55 *Vict.*, *Cap.* 87.)
- (62) An Act to enable the Victoria and North American Railway Company to run a Ferry between Becher Bay, in British Columbia, and a point on the Straits of Fuca, within the United States of America.—(*Mr. Macdonald*, B. C.)  
 1st R. \*, 122.  
 2nd R. \*, 135.  
 3rd R. \*, 165.  
 Assent, 223.  
 (54-55 *Vict.*, *Cap.* 101.)
- (64) An Act respecting the Berlin and Canadian Pacific Junction Railway Company.—(*Mr. Merner*.)  
 1st R. \*, 144.  
 2nd R. \*, 168.  
 3rd R. \*, 201.  
 Assent, 223.  
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- (65) An Act respecting the Montreal and Ottawa Railway Company.—(*Mr. Tassé.*)  
1st R.\*, 164.  
2nd R.\*, 191.  
3rd R. (*m.* by Mr. Clemow)\*, 202.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 96.)
- (66) An Act to confirm a Lease made between the Guelph Junction Railway Company and the Canadian Pacific Railway Company, and for other purposes.—(*Mr. MacInnes, Burlington.*)  
1st R.\*, 164.  
2nd R.\*, 191.  
3rd R.\*, 202.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 73.)
- (67) An Act respecting the Victoria, Saanich and New Westminster Railway Company.—(*Mr. Scott.*)  
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Assent, 224.  
(54-55 *Vict.*, *Cap.* 75.)
- (68) An Act to revive and amend the Act to incorporate the Red Deer Valley Railway and Coal Company.—(*Mr. Lougheed.*)  
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2nd R.\*, 168.  
3rd R.\*, 201.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 76.)
- (69) An Act to confirm an Indenture between the New Brunswick Railway Company and the Canadian Pacific Railway Company.—(*Mr. MacInnes, Burlington.*)  
1st R.\*, 201.  
2nd R.\*, 222.  
3rd R. (*m.* by Mr. Scott)\*, 229.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 74.)
- (70) An Act to incorporate the Buffalo and Fort Erie Bridge Company.—(*Mr. McCallum.*)  
1st R.\*, 223.  
2nd R.\*, 228.  
3rd R.\*, 238.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 65.)
- (72) An Act to incorporate the Peterborough, Sudbury and Sault Ste. Marie Railway Company.—(*Mr. Flint.*)  
1st R.\*, 164.  
2nd R.\*, 191.  
3rd R.\*, 202.  
Assent, 224.  
(54-55 *Vict.*, *Cap.* 63.)
- (73) An Act respecting the South Ontario Pacific Railway Company.—(*Mr. MacInnes, Burlington.*)  
1st R.\*, 164.  
2nd R.\*, 194.  
3rd R.\*, 211.  
Assent, 224.  
(54-55 *Vict.*, *Cap.* 92.)
- (74) An Act further to amend "The Canadian Pacific Railway Act, 1889."—(*Mr. Scott.*)  
1st R.\*, 164.  
2nd R. *m.* (Mr. Scott) and agreed to, 191.  
3rd R. (*m.* by Mr. MacInnes)\*, 202.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 71.)
- (75) An Act respecting the Canadian Pacific Railway Company.—(*Mr. Scott.*)  
1st R.\*, 164.  
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3rd R.\*, 202.  
Assent, 224.  
(54-55 *Vict.*, *Cap.* 70.)
- (76) An Act to continue the Charter of the Picton Bank.—(*Mr. Kaulbach.*)  
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(54-55 *Vict.*, *Cap.* 111.)
- (77) An Act respecting the Ontario and Rainy River Railway Company.—(*Mr. Girard.*)  
1st R.\*, 224.  
2nd R.\*, 237.  
3rd R.\*, 240.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 82.)
- (78) An Act to confirm an Agreement between the Shuswap and Okanagan Railway Company and the Canadian Pacific Railway Company, and to grant further powers to the Shuswap and Okanagan Railway Company.—(*Mr. MacInnes, B.C.*)  
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2nd R.\*, 194.  
3rd R.\*, 211.  
Assent, 224.  
(54-55 *Vict.*, *Cap.* 72.)
- (79) An Act respecting the Canadian Land and Investment Company (Limited).—(*Mr. MacInnes, Burlington.*)  
1st R.\*, 224.  
2nd R.\*, 237.  
3rd R.\*, 241.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 119.)
- (80) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(*Mr. Sanford.*)  
1st R.\*, 211.  
2nd R.\*, 222.  
3rd R. (*m.* by Mr. McKindsey)\*, 228.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 86.)
- (82) An Act respecting the Baie des Chaleurs Railway Company.—(*Mr. Ogilvie.*)  
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- Report of Ry. Com. presented (Mr. Vidal), for authority to send for persons and papers, 346; agreed to, 346.
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- 2nd Report of Ry. Com. (recommending order for attendance of C. N. Armstrong as witness) presented (Mr. Vidal), 365. Remarks on procedure thereon: Mr. Miller, 365—Mr. Bellerose, 365—Mr. Vidal, 365-6. Adoption of report *m.* (Mr. Tassé), 366. Debate, involving various points of Order and Procedure (which heading *see*—in INDEX TO SUBJECTS): Mr. Scott, 366-7-8-9, 370, 372-3—Mr. Miller, 366-7-8-9, 371, 373—Mr. Pelletier, 366—Mr. Abbott, 367, 369, 370—Mr. Power, 368-9, 370, 372—Mr. Vidal, 369, 370-1—Mr. Ross, 369, 370—Mr. Bellerose, 370, 373—Mr. Kaulbach, 370, 372—The Speaker (Ruling), 370—Mr. Dever, 372—Mr. Macdonald, (B.C.), 372—Mr. Poirier, 372.
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- M. (Mr. Tassé) for an order to C. N. Armstrong to attend Com. and produce papers, 390; remarks: Messrs. Power, Abbott, 391; M. agreed to, 391.
- 4th Report of Ry. Com., (refusal of Mr. Armstrong to answer questions, and requesting action thereon) presented, and its adoption *m.* (Mr. Vidal), 441; M. agreed to, 441.
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- 6th Report of Ry. Com. (on the non-attendance of witnesses) presented, and its future consideration *m.* (Mr. Vidal), 557. Adoption *m.* (Mr. Vidal), 569; debate: Mr. Bellerose, 571, 573—Mr. Vidal, 573—Mr. O'Donohoe, 573—Mr. McCallum, 573. Question of Order (Mr. Masson), as to Mr. O'Donohoe discussing a report not before the House, 574; remarks by several hon. members; point withdrawn, 574.
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- 3rd R. \*, 592.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 97.)
- (84) An Act respecting the Saskatchewan Railway and Mining Company.—(Mr. Lougheed.)  
1st R. \*, 265.  
2nd R. (*m.* by Mr. Perley)\*, 268.  
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(54-55 *Vict.*, *Cap.* 78.)
- (85) An Act further to amend "The Steamboat Inspection Act."—(Mr. Abbott.)  
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(54-55 *Vict.*, *Cap.* 39.)
- (86) An Act to incorporate the Brighton, Warkworth and Norwood Railway Company.—(Mr. Howlan).  
1st R. \*, 192.  
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3rd R. (*m.* by Mr. McCallum)\*, 238.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 64.)
- (87) An Act to revive and amend the Act to incorporate the Quebec Bridge Company.—(Mr. Bellerose).  
1st R. \*, 223.  
2nd R. \*, 228.  
3rd R. \*, 241.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 107.)

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- (88) An Act to incorporate the St. Catharines and Merritton Bridge Company.—(*Mr. McCallum.*)  
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2nd R.\* 228.  
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Assent, 287.  
(54-55 *Vict.*, *Cap.* 104.)
- (89) An Act to incorporate the Kingston and Pontiac Railway Company.—(*Mr. McCallum.*)  
1st R.\* 201.  
2nd R.\* 222.  
3rd R.\* 228.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 66.)
- (90) An Act to revive and amend the Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.—(*Mr. McCallum.*)  
1st R.\* 201.  
2nd R.\* 222.  
3rd R.\* 228.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 90.)
- (91) An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River Water Power.—(*Mr. Lougheed.*)  
1st R.\* 223.  
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Assent, 287.  
(54-55 *Vict.*, *Cap.* 108.)
- (92) An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company.—(*Mr. Clemow.*)  
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Assent, 287.  
(54-55 *Vict.*, *Cap.* 128.)
- (93) An Act to incorporate the Ontario and New York Bridge Company.—(*Mr. MacInnes, Burlington.*)  
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2nd R.\* 222.  
3rd R.\* 229.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 67.)
- (94) An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.—(*Mr. Sullivan.*)  
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2nd R.\* 222.  
3rd R.\* 229.  
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(54-55 *Vict.*, *Cap.* 95.)
- (95) An Act further to amend the Act thirty-sixth Victoria, Chapter sixty-one, respecting the Trinity House and Harbour Commissioners of Montreal.—(*Mr. Abbott.*)  
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(54-55 *Vict.*, *Cap.* 53.)
- (96) An Act amalgamating the Ottawa and Parry Sound Railway Company, and the Ottawa, Arnprior and Renfrew Railway Company, under the name of "The Ottawa, Arnprior and Parry Sound Railway Company."—(*Mr. Clemow.*)  
1st R.\* 224.  
2nd R., *m.* (Mr. Clemow), and agreed to, 228.  
3rd R.\* 238.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 93.)
- (97) An Act to amend the Acts respecting the granting of a Subsidy to the Chignecto Marine Transport Railway Company (Limited).—(*Mr. Abbott.*)  
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3rd R.\* 175.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 12.)
- (102) An Act respecting the Ontario and Qu'Appelle Land Company (Limited).—(*Mr. Perley.*)  
1st R.\* 224.  
2nd R.\* 228.  
3rd R.\* 241.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 120.)
- (105) An Act respecting the Intercolonial Railway.—(*Mr. Abbott.*)  
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Assent, 528.  
(54-55 *Vict.*, *Cap.* 50.)
- (106) An Act to provide for the Marking of Deck and Load Lines.—(*Mr. Abbott.*)  
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- (107) An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company.—  
(*Mr. Macdonald*, B. C.)  
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2nd R. \*, 228.  
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- (111) An Act authorizing the transfer of certain Public Property to the Provincial Governments.—(*Mr. Abbott*.)  
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3rd R. \*, 665.  
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- (113) An Act respecting the Albion Mines Savings Bank.—(*Mr. Abbott*.)  
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Assent, 145.  
(54-55 *Vict.*, *Cap.* 112.)
- (115) An Act to amend the Act respecting Government Harbours, Piers and Breakwaters.—(*Mr. Abbott*.)  
1st R. \*, 295.  
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3rd R. \*, 413.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 52.)
- (116) An Act further to amend "The Inland Revenue Act."—(*Mr. Abbott*.)  
1st R. \*, 534.  
2nd R. *m.* (*Mr. Abbott*), and agreed to, 542.  
3rd R. \*, 563.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 46.)
- (117) An Act further to amend the Exchequer Court Act.—(*Mr. Abbott*.)  
1st R. \*, 466.  
2nd R. *m.* (*Mr. Abbott*), 503; inqy. (*Mr. Kaulbach*) respecting appeal; reply (*Mr. Abbott*), 503; M. agreed to, 503.  
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Assent, 671.  
(54-55 *Vict.*, *Cap.* 26.)
- (119) An Act respecting the Winnipeg and Hudson Bay Ry. Company.—(*Mr. Abbott*.)  
1st R. \*, 240.  
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3rd R. \*, 437.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 81.)
- (120) An Act respecting the Salisbury and Harvey Railway Company.—(*Mr. Wark*.)  
1st R. \*, 240.  
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3rd R. \*, 415.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 100.)
- (121) An Act to amend an Act to incorporate the Montreal Bridge Company.—(*Mr. De Boucherville*.)  
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- 2nd R. \*, 268.  
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(54-55 *Vict.*, *Cap.* 106.)
- (122) An Act further to amend "The Fisheries Act," Chapter ninety-five of the Revised Statutes.—(*Mr. Abbott*).
- 1st R. \*, 301.  
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- M. (Mr. Abbott) for reference to Com. of the W. to-morrow, 463; remarks: Mr. Prowse, 463—Messrs. Kaulbach, Miller, Power, O'Donohoe, 464.
- In Com. of the W.; debate on provisions of B.: Mr. Abbott, 483-4-5—Mr. Power, 484-5-6—Mr. Prowse, 484—Mr. Kaulbach, 486, 488—Mr. Howlan, 486—Mr. Almon, 488; Amt. to 1st cl. *m.* (Mr. Almon), substituting lien on vessel for confiscation, 489; debate thereon: Mr. Kaulbach, 489—Mr. Power, 489, 490—Mr. Abbott, 489, 490—Mr. Almon, 490—Mr. Prowse, 490. Amt. lost on division, 491. Progress reported (Mr. O'Donohoe), 491.
- Again in Com. of the W.; on 1st cl., remarks as to conviction and appeal: Messrs. Power, Abbott, 504. On 2nd cl. (moiety to prosecutor), remarks as to fishery officers: Mr. Power, 504, 506—Mr. Abbott, 504-5—Mr. Kaulbach, 504, 506—Mr. Miller, 505-6—Mr. Almon, 505—Mr. Read (Quinté), 506. B. reported (Mr. O'Donohoe), without Amt., 506.
- 3rd R. *m.* (Mr. Abbott), 507. Amt. *m.* (Mr. Power) to substitute lien on vessel for confiscation, 507; debate: Mr. Howlan, 507-8—Mr. Allan, 508—Mr. McClellan, 508—Mr. Kaulbach, 508—Mr. O'Donohoe, 509—Mr. McCallum, 509—Mr. Dever, 510—Mr. Power, 510—Mr. Flint, 510—Mr. Vidal, 511. Amt. rejected (C. 10, N.C. 44), 511. B. 3rd R., 511.
- Assent, 528.  
(54-55 *Vict.*, *Cap.* 43.)
- (123) An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the name thereof to the "Oshawa Railway Company."—(*Mr. Sullivan*).
- 1st R. \*, 265.  
2nd R. \*, 300.  
3rd R. \*, 346.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 91.)
- (124) An Act further to amend an Act to incorporate the Great Eastern Railway Company.—(*Mr. DeBoucherville*).
- 1st R. \*, 265.  
2nd R. \*, 268.  
3rd R. \*, 346.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 98.)

- (126) An Act to amend the Acts respecting the North-West Territories.—(*Mr. Abbott*).
- 1st R. \*, 523.  
2nd R. *m.* (Mr. Abbott), 536; remarks: Mr. Scott, 536-7—Mr. Abbott, 537—Mr. Armand, 537—Mr. Bellerose, 538; M. agreed to, 538.
- On order for Com. of the W.; Amt. *m.* (Mr. Bellerose) for instruction to Com., to amend cl. 18 in favour of permanency of dual language, 543. Sub-*amt. m.* (Mr. Armand) to strike out the entire cl., 548. Debate: Mr. Girard, 548, 552—Mr. Scott, 549, 553—Mr. Abbott, 551—Mr. Bellerose, 551-2—Mr. Casgrain, 552—Mr. Ogilvie, 552—Mr. Howlan, 553—Mr. Tassé, 553. Sub-Amt. rejected (C. 9, N.C. 39), 554. Amt. lost on same divn., and M. agreed to, 554.
- In Com. of the W.; on 3rd cl. (3 years' Assembly), remark as to period (Mr. Macdonald, B.C.), 554; reply (Mr. Abbott), 554; cl. adopted, 554.
- On 6th cl. (powers of Assembly), remark (Mr. Abbott), liquor license in unrepresented districts, 554; cl. adopted, 554; further on this point (Mr. Girard), and reply (Mr. Abbott), 555; *see, also*, 19th cl., below. On questions of appointment of territorial officers, functions of ministry, &c., remarks: Mr. Perley, 554, 556—Mr. Macdonald (B.C.), 555-6—Mr. Girard, 555—Mr. Power, 555-6—Mr. Abbott, 554-5-6.
- On 11th cl. (charge in lieu of indictment, for criminal procedure), remark (Mr. Kaulbach), reply (Mr. Abbott), 555.
- On 16th cl. (unlicensed liquor traffic), remarks: Messrs. Perley, Power, Abbott, 556; cl. agreed to, 556.
- On 20th cl. (schedule of electoral districts), Amt. *m.* (Mr. Abbott) to sub-secs. 10 and 11 (Moose Jaw), 556; remark (Mr. Girard), reply (Mr. Abbott), and cl. agreed to, 556. Further remarks on electoral districts (Messrs. Abbott, Masson), 557.
- On 19th cl. (Assembly's regulation of liquor traffic), Amt. *m.* (Mr. Abbott), restricting powers to represented districts, 557; agreed to, 557.
- Bill reported (Mr. Gowan), with amendments, 557.
- On order for consideration of Amts.; postponement asked (Mr. Abbott), 563.
- Amts. of Com., adoption *m.* (Mr. Abbott), and agreed to, 581.
- On order for 3rd R., reference to Com. of the W. *m.* (Mr. Abbott) for Amts. as to numbers of lots; also electoral divisions, E. Assa., 584; M. agreed to, 584.
- Reported (Mr. Gowan) from Com., with Amts., 585; concurred in, and B. 3rd R. \*, 585.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 22.)
- (127) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1891, and the 30th June, 1892, and for other purposes relating to the Public Service.—(*Mr. Abbott*).
- 1st R. \*, 210.

- M. for 2nd R. to-morrow (Mr. Abbott), agreed to, 210.
- 2nd R. *m.* (Mr. Abbott), and agreed to, 222.
- Suspension of 41st Rule *m.* (Mr. Abbott), and agreed to, 222.
- 3rd R. \*, 222.
- Assent, 224.
- (54-55 *Vict.*, *Cap.* 1.)
- (135) An Act further to amend the Act respecting the London Life Insurance Company.—(*Mr. McKindsey.*)
- 1st R. \*, 268.
- 2nd R. \*, 300.
- 3rd R. \*, 316.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 117.)
- (136) An Act to incorporate the Inverness and Victoria Railway and Mining Company.—(*Mr. Almon.*)
- 1st R. \*, 268.
- 2nd R. *m.* (Mr. Almon), 293; postponement requested (Mr. Miller), 293; remarks: Mr. Almon, 293-4-5—Mr. Miller, 293-4-5;—Mr. McInnes (B.C.), 293-4—Mr. Power, 293—Mr. Kaulbach, 294—Mr. Dever, 294—Mr. McDonald (C.B.), 294—Mr. Abbott, 295; Order discharged, 295.
- 2nd R. again *m.* (Mr. Almon), 416; Amt. *m.* (Mr. Miller), for 6 months' hoist, 417-423; debate: Mr. McInnes (B.C.), 420, 424-5-6-7-8—Mr. Vidal, 423-4, 426-7-8—Mr. Miller, 424-5, 427-8-9—Mr. McDonald (C.B.), 426-7-8—Mr. Scott, 427-8—Mr. Allan, 428—Mr. Almon, 429—Mr. Poirier, 429—Mr. Kaulbach, 429, 430—Mr. O'Donohoe, 430—Mr. Dever, 430; Amt. lost (C. 23, N.C. 27), 431; M. agreed to on-a divn., and B. 2nd R., 431.
- Ry. Com., report of, for rejection of B., presented (Mr. Read); concurrence *m.* (Mr. Read), and agreed to \*, 465.
- (137) An Act further to amend "The Consolidated Revenue and Audit Act."—(*Mr. Abbott.*)
- 1st R. \*, 301.
- 2nd R. *m.* (Mr. Abbott), 345; M. agreed to, 346.
- 3rd R. \*, 412.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 16.)
- (138) An Act to amend Chapter one hundred and thirty-five of the Revised Statutes, intitled: "An Act respecting the Supreme and Exchequer Courts."—(*Mr. Abbott.*)
- 1st R. \*, 467.
- 2nd R. *m.* (Mr. Abbott), 500; remarks: Mr. Miller, 501, 503—Mr. Scott, 501—Mr. Power, 502—Mr. Kaulbach, 502—Mr. Abbott, 501-2-3; M. agreed to, 503.
- In Com. of the W., 523; on 3rd cl., Amt. *m.* (Mr. Abbott), appeal direct from Court of review, Quebec; remarks: Mr. Abbott, Mr. Lacoste, 524; cl. adopted, 524.
- On 5th cl. (order of hearing appeals); remarks: Messrs. Power, Abbott, 524. B. reported (Mr. Ross) as amd., 524.
- Reprint *m.* (Mr. Ross), and agreed to \*, 524.
- Concurrence in Amts. of Com. of the W. *m.* (Mr. Abbott) and agreed to \*, 535.
- Amt. *m.* (Mr. Abbott),—Quebec appeals—amount, 535; agreed to, 535.
- 3rd R. \*, 535.
- Amts. of H. of C. (defining appealable cases), concurrence *m.* (Mr. Abbott), and agreed to, 601.
- Assent, 671.
- (54-55 *Vict.*, *Cap.* 25.)
- (140) An Act in restraint of Fraudulent Marking.—(*Mr. Abbott.*)
- 1st R. \*, 432.
- 2nd R. *m.* (Mr. Abbott), 442; debate: Mr. Power, 442—Mr. Ogilvie, 443—Mr. McClelan, 443—Mr. Dever, 443-4—Mr. Kaulbach, 444; M. agreed to, 445.
- In Com. of the W., and reported (Mr. Masson) without Amt. \*, 466. 3rd R. to-morrow, *m.* (Mr. Abbott), 466; agreed to, 466.
- 3rd R. *m.* (Mr. Abbott), 467; agreed to, 467.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 32.)
- (141) An Act to amend "The Copyright Act."—(*Mr. Abbott.*)
- 1st R. \*, 301.
- 2nd R. *m.* (Mr. Abbott), and agreed to, 345.
- 3rd R. \*, 413.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 34.)
- (142) An Act to amend the "Patent Act."—(*Mr. Abbott.*)
- 1st R. \*, 301.
- 2nd R. *m.* (Mr. Abbott), and agreed to, 346.
- In Com. of the W., and reported (Mr. McDonald, C. B.) without Amt. \*, 416.
- 3rd R. \*, 416.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 33.)
- (144) An Act further to amend "The Indian Act."—(*Mr. Abbott.*)
- 1st R. \*, 414.
- 2nd R. \*, 435.
- In Com. of the W.; on 1st and 2nd cls. (fine for trespassing on reserves), remarks: Mr. Macdonald (B.C.), 464—Messrs. Abbott, Power, Perley, Kaulbach, 465; cl. agreed to, 465. Inqy. (Mr. Macdonald, B.C.) as to fishing leases in N.W., and reply (Mr. Abbott), 465. B. reported (Mr. Prowse) without Amt., 465.
- On order for 3rd R., M. (Mr. Abbott) to recommit, for Amt. (reduction of penalties for trespass), 466; remarks: Messrs. Macdonald (B.C.), Kaulbach, Abbott, 466; M. agreed to, 466. B. reported (Mr. Prowse) with Amts.; concurred in, 466.
- 3rd R. \*, 466.
- Assent, 528.
- (54-55 *Vict.*, *Cap.* 30.)
- (145) An Act further to amend "The Electoral Franchise Act."—(*Mr. Abbott.*)
- 1st R. \*, 268.
- M. (Mr. Abbott) for 2nd R. to-morrow, 268; agreed to, 269.
- 2nd R. *m.* (Mr. Abbott) 281; inqy. (Mr. Scott) 281, reply (Mr. Abbott), 282. M. agreed to, 282.
- 41st Rule, suspension *m.* (Mr. Abbott), and agreed to \*, 282.
- In Com. of the W., and reported\* (Mr. Clemow) with an Amt., which agreed to \*, 282.

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- 3rd R. m. (Mr. Abbott); remarks (Mr. Power), as to postponement of operation, and replies (Mr. Abbott), 282; M. agreed to, 282.
- Assent, 287.  
(54-55 *Vict.*, *Cap.* 18.)
- (146) An Act further to amend "The Dominion Elections Act."—(*Mr. Abbott.*)
- Notice of Amt. (Mr. McInnes, B.C.) given before B. reached Senate, objected to (Mr. Miller), 495; discussed, 495-7; ruled (the Speaker) out of Order and struck off, 506.
- 1st R. \*, 601.
- 2nd R. m. (Mr. Abbott), and agreed to, 610.
- In Com. of the W.; Amt. proposed (Mr. Power), addition to sec. 56 of Act (oath against bribery, to candidates), 651; discussed: Mr. Abbott, 651-2—Mr. Kaulbach, 652; Amt. of which Notice given, dropped (Mr. McInnes, B.C.), owing to late hour of session, 652. B. reported (Mr. Ogilvie) without Amt., 652.
- 3rd R. m. (Mr. Abbott), and agreed to \*, 652.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 19.)
- (147) An Act further to amend "The Dominion Converted Elections Act."—(*Mr. Abbott.*)
- 1st R. \*, 662.
- Suspension of 41st Rule, and
- 2nd R. \*, 662.
- In Com. of the W.; on 3rd cl. (substitution of an elector for petitioner, affidavit required), remarks: Messrs. Power, Abbott, 662; on 17th cl. (trial by *two* Judges), remarks: Mr. Power, 662—Messrs. Abbott, Power, Kaulbach, 663; B. reported (Mr. Clemow) without Amt., 663.
- 3rd R. \*, 663.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 20.)
- (148) An Act further to amend "The North-West Territories Representation Act."—(*Mr. Abbott.*)
- 1st R. \*, 295.
- 2nd R. m. (Mr. Abbott), 343-4; remarks: Messrs. Scott, McInnes (B.C.), Kaulbach, Almon, 344—Messrs. McInnes, Vidal, 345. M. agreed to, 345.
- M. (Mr. Abbott) into Com. of the W., 431; Amt. m. (Mr. McInnes, B.C.) for instruction to Com. to add provisions for voting by ballot, &c., 431; remarks: Messrs. Kaulbach, Power, 431.
- Debate resumed: Mr. Abbott, 435-6—Mr. Scott, 436—Mr. McInnes (B.C.), 436—Mr. Almon, 437; Amt. withdrawn, 437.
- In Com. of the W., and reported (Mr. Armand) without Amt. \*, 437.
- 3rd R. \*, 437.
- Assent, 528.  
(54-55 *Vict.*, *Cap.* 56.)
- (149) An Act respecting the Inspection of Ships.—(*Mr. Abbott.*)
- 1st R. \*, 534.
- 2nd R. m. (Mr. Abbott), and agreed to, 539.
- In Com. of the W., and reported (Mr. Dickey) without Amt. \*, 562.
- 3rd R. m. (Mr. Abbott), 562; remarks on 11th and 12th cls. (penalties and prosecutions): Mr. Power, 562-3—Mr. Abbott, 563; M. agreed to, 563.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 37.)
- (150) An Act to amend the Acts respecting the Harbour of Pictou in Nova Scotia.—(*Mr. Abbott.*)
- 1st R. \*, 466.
- 2nd R. m. (Mr. Abbott), 492; agreed to, 493.
- In Com. of the W.; M. (Mr. Abbott) to strike out cl. 2, as superfluous, 512; agreed to, 512. B. reported (Mr. Ogilvie) with Amt., 512.
- 3rd R. \*, 512.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 54.)
- (151) An Act respecting the Ontario Express and Transportation Company.—(*Mr. McMillan.*)
- 1st R. \*, 495.
- 2nd R. \*, 535.
- On order for consideration of report of Com. on Banking and Commerce; Amts. by Com. explained (Mr. Allan); option of abandoning stock and ceasing responsibility, &c., 578. Debate: Messrs. Kaulbach, McMillan, Power, 578—Messrs. Allan, Clemow, Kaulbach, Abbott, 579. Amt. m. (Mr. Power) defining withdrawal only permissible on first call, 579; Amt. accepted by Mr. McMillan and agreed to by the House, 579. Report, as amd., adopted, 579.
- 3rd R. \*, 579.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 110.)
- (152) An Act to amend Chapter ninety-six of the Revised Statutes, intituled: "An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels."—(*Mr. Abbott.*)
- 1st R. \*, 414.
- 2nd R. m. (Mr. Abbott), and agreed to, 435.
- M. into Com. of the W. (Mr. Abbott), 438; remarks: Mr. Miller, 438—Messrs. Dever, Miller, Kaulbach, Reesor, 439; M. agreed to, 439.
- In Com. of the W.; M. (Mr. Abbott) to add 6th cl. (regulations, verification of bounty claims upon oath), 440; remarks: Messrs. Power, Kaulbach, 440; cl. agreed to, and B. reported (Mr. MacInnes, Burlington) with Amt., 440; Amt. concurred in, 440.
- 3rd R. \*, 445.
- Assent, 528.  
(54-55 *Vict.*, *Cap.* 42.)
- (153) An Act further to amend Chapter one hundred and thirty-eight of the Revised Statutes, respecting the Judges of Provincial Courts.—(*Mr. Abbott.*)
- 1st R. \*, 295.
- 2nd R. m. (Mr. Abbott), 305; remarks: Messrs. Scott, Macdonald (B.C.), Kaulbach, Miller, Abbott, 305—Messrs. Power, Howlan, 306; M. agreed to, 306.
- 3rd R. \*, 413.
- Assent, 528.  
(54-55 *Vict.*, *Cap.* 27.)
- (154) An Act respecting the shipping of Live Stock.—(*Mr. Abbott.*)
- 1st R. \*, 466.

- 2nd R. m. (Mr. Abbott), 497; remarks (respecting also slaughtering in Canada of imported cattle): Mr. Power, 498—Mr. Kaulbach, 498—Mr. Scott, 499, 500—Mr. Abbott, 498, 500; M. agreed to, 500.
- In Com. of the W.; on 3rd cl. (Govt. regulations); debate (respecting also trade relations with England and U.S., and slaughtering of American cattle in Canada): Mr. Read (Quinté), 517—Mr. Boulton, 519, 522—Mr. Reesor, 520-1-2; Mr. Kaulbach, 521-2—Mr. Abbott, 522; cl. adopted, 522. On 7th cl. (violation a misdemeanour); remarks: Mr. Vidal, 522—Mr. Abbott, 523; cl. agreed to, 523. B. reported (Mr. Murphy) without Amt., 523.
- On order for 3rd R.; Amt. m. (Mr. Abbott) for addition to 7th cl. (penalty on the ship), and agreed to, 526.
- 3rd R. m. (Mr. Abbott), 526; debate: Mr. Read (remarks on slaughtering imported cattle in Canada, and precautions against cattle diseases), 527-8-9, 534—Mr. Reesor (remarks also on duty on corn), 531-2—Mr. Kaulbach, 531—Mr. Abbott (replies), 528, 531-2, 534; M. agreed to, 534.
- Correction of statement of Mr. Reesor (*see p. 521*); Mr. Kaulbach, 535; Mr. Reesor, 536, 542-3; Mr. Kaulbach, 542-3.
- Assent, 671.  
(54-55 *Vict.*, *Cap.* 36.)
- (155) An Act to amend the Acts respecting the Duties of Customs.—(*Mr. Abbott.*)
- 1st R. \*, 432.  
2nd R. m. (Mr. Abbott), and agreed to, 596.  
Suspension of 41st Rule, and  
3rd R. \*, 596.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 45.)
- (156) An Act further to amend "The Customs Act."—(*Mr. Abbott.*)
- 1st R. \*, 432.  
2nd R. m. (Mr. Abbott), inqy. (Mr. Power), reply (Mr. Abbott), and M. agreed to, 437.  
3rd R. \*, 445.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 44.)
- (157) An Act to amend "The Petroleum Inspection Act."—(*Mr. Abbott.*)
- 1st R. \*, 432.  
2nd R. m. (Mr. Abbott), and agreed to, 437.  
3rd R. \*, 445.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 49.)
- (158) An Act to authorize the sale of the Carleton, City of St. John, Branch Railroad.—(*Mr. Abbott.*)
- 1st R. \*, 466.  
2nd R. \*, 493.  
In Com. of the W.; remarks: Mr. Abbott, 513-14—Mr. Wark, 513-14-15—Mr. Miller (ques. as to amending a money B.) 515—Mr. Power, 515—Mr. Botsford, 515—Mr. Dever, 516—Mr. McClelan, 516. B. reported (Mr. Drummond) without Amt., 517.  
3rd R. \*, 517.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 15.)
- (159) An Act respecting grants of land to members of the Militia Force on active service in the North-West.—(*Mr. Abbott.*)
- 1st R. \*, 467.  
2nd R. m. (Mr. Abbott), and agreed to, 512.  
In Com. of the W.; inqy. (Mr. Power), reply (Mr. Abbott) as to scope of B., 526. Reported (Mr. Howlan) without Amt., 526.  
3rd R. \*, 526.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 13.)
- (160) An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec.—(*Mr. Abbott.*)
- 1st R. \*, 467.  
2nd R. m. (Mr. Abbott), and agreed to, 500.  
3rd R. \*, 523.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 14.)
- (162) An Act to correct a clerical error in the Act fifty-third Victoria, Chapter eighty-one, intituled: "An Act respecting the Great North-West Central Railway Company."—(*Mr. Clemow.*)
- 1st R. \*, 512.  
2nd R. \*, 523.  
Reported (Mr. Vidal) from Ry. Com. without Amt. \*, 534.  
3rd R. m. (Mr. Clemow), 534; inqy. (Mr. Abbott), replies (Mr. Clemow), 534; M. agreed to, 534.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 80.)
- (165) An Act further to amend "The Dominion Lands Act."—(*Mr. Abbott.*)
- 1st R. \*, 665.  
Suspension of 41st Rule m. (Mr. Abbott), 665; objection to late presentation of Govt. Bs. to Senate (Mr. Power), 665; reply (Mr. Abbott), 666; M. agreed to, 666.  
2nd R. \*, 666.  
In Com. of the W. \*, and  
3rd R. \*, 666.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 24.)
- (167) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending 30th June, 1892, and for other purposes relating to the Public Service.—(*Mr. Abbott.*)
- 1st R. \*, 523.  
2nd R. m. (Mr. Abbott); remark (Mr. Power) as to suspension of Rules; M. agreed to, 523.  
3rd R. \*, 523.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 2.)
- (168) An Act to encourage the production of Beet Root Sugar.—(*Mr. Abbott.*)
- 1st R. \*, 534.  
2nd R. m. (Mr. Abbott) 539; debate: Mr. Scott, 540—Mr. Abbott, 540—Mr. Reesor, 540—Mr. Kaulbach, 541; M. agreed to, 542.  
3rd R. \*, 557.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 31.)



**BILLS—Seriatim—Concluded.**

- (169) An Act further to amend the Act fifty-second Victoria, chapter four, intituled: "An Act to authorize the granting of Subsidies in Land to certain Railway Companies."—(*Mr. Abbott.*)
- 1st R. \*, 601.  
2nd R. m. (Mr. Abbott), 650; inq. (Mr. Kaulbach), reply (Mr. Abbott), and M. agreed to, 651.  
In Com. of the W., and reported (Mr. Vidal) without Amt., 652-3.  
3rd R. m. (Mr. Abbott), 653; debate, including general question of grants to Rys: Mr. Dickey, 653-4—Mr. Kaulbach, 653, 655—Mr. Dever, 653—Mr. Girard, 653-4—Mr. Abbott (explaining that wrong B. had been put through Com.), 654—Mr. Power, 654; M. agreed to, 655.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 9.)
- (170) An Act respecting the North Shore section of the Canadian Pacific Railway.—(*Mr. Abbott.*)
- 1st R. \*, 595.  
2nd R. m. (Mr. Abbott), 597; debate: Mr. Power, 598, 600—Mr. Dever, 599—Mr. Kaulbach, 599—Mr. Almon, 599—Mr. Abbott, 599—Mr. Miller, 601; M. agreed to, 601.  
3rd R. \*, 610.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 11.)
- (171) An Act respecting the Rathbun Company.—(*Mr. Read.*)
- 1st R. \*, 592.  
2nd R. m. (Mr. Read), and agreed to, 595.  
3rd R. \*, 601.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 122.)
- (173) An Act to authorize the granting of Subsidies in Land to certain Railway Companies.—(*Mr. Abbott.*)
- 1st R. \*, 655.  
Suspension of 41st Rule, and  
2nd R. m. (Mr. Abbott), 655; inq. and remarks as to system of granting alternate sections to Rys.: Mr. Power, 655-6—Mr. Kaulbach, 655—Mr. Abbott, 655-6; M. agreed to, 656.  
In Com. of the W., and reported (Mr. Belle-rose) without Amt. \*, 656.  
3rd R. \*, 656.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 10.)
- (175) An Act to authorize the granting of Subsidies in aid of the construction of the lines of Railway therein mentioned.—(*Mr. Abbott.*)
- 1st R. \*, 666.  
Suspension of 41st Rule m. (Mr. Abbott), 666; agreed to, 666.  
2nd R. \*, 667.  
In Com. of the W. \*, and  
3rd R. \*, 667.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 8.)
- (176) An Act to amend "The Railway Act."—(*Mr. Abbott.*)
- 1st R. \*, 663.  
Suspension of the 41st Rule, and

2nd R. m. (Mr. Abbot), 663; agreed to, 663.  
In Com. of the W. \*, and  
3rd R. \*, 663.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 51.)

- (177) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending 30th June, 1892, and for other purposes relating to the Public Service.—(*Mr. Abbott.*)
- 1st R. \*, 667.  
Suspension of the 41st Rule, and  
2nd R. m. (Mr. Abbott) 667; debate (including date of calling Parl., increased Sessional indemnity, ventilation of chamber): Mr. Power, 667-8—Messrs. Clemow, Kaulbach, Flint, 668; M. agreed to, 669.  
3rd R. m. (Mr. Abbott); replies on above points, and on amount of legislation accomplished; Criminal Code measure deferred, 669; M. agreed to, 670.  
Assent, 672.  
(54-55 *Vict.*, *Cap.* 3.)

BOATS, FISHING, BETTER EQUIPMENT OF, B. See "Fishing Boats."

Body Snatching, Punishment of, B. (P).—*Mr. McMillan.*

- 1st R. \*, 104.  
2nd R. m. (Mr. McMillan), 143; remarks (Mr. Kaulbach), 143; M. agreed to, 143.  
Reference to Select Com. m. (Mr. McMillan), and agreed to, 143.  
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Assent, 286.

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Assent, 223.

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Assent, 287.

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Assent, 671.

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Assent, 224.

(54-55 *Vict.*, *Cap.* 70.)

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Assent, 287.

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 2nd R. *m.* (Mr. Abbott), and agreed to, 596.  
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 3rd R. \*, 596.  
 Assent, 671.  
 (54-55 *Vict.*, *Cap.* 45.)

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Assent, 671.

(54-55 *Vict.*, *Cap.* 40.)

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**DETROIT RIVER TUNNEL B.** See "Canada and Michigan."

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**Divisions.****ADJOURNMENT.**

(Ascension Day) Wednesday, 6th May. Mr. Abbott *m.* adjt. till 8th; Mr. Dever, in *Amt.*, till 20th; Mr. O'Donohoe, further *Amt.*, till 26th. *Amt.* to *Amt.* agreed to (C. 23, N.-C. 20), 37.

**BAIE DES CHALEURS RY. CO.'S B. (82).**

2nd Report of Ry. Com., recommending order for attendance of C. N. Armstrong as witness, 365; M. (Mr. Tasse) for its adoption, 366; and *Amt.* (Mr. Bellerose) to refer report back, with instructions to Com., to give its proceedings, 373. *Amt.* rejected (C. 11, N.-C. 27), 390.

**Divisions.—Continued.**

Final Report of Com., adoption *m.* (Mr. Vidal) 587; declared adopted (the Speaker) 589; "on a division" (Mr. Scott); yeas and nays called for (Mr. Almon) 589. M. agreed to (C. 43, N.-C. 10), 539.

**DIVORCE PETITIONS.**

Extention of time till 1st July. Mr. Gowan *m.* adoption 3rd Report of Select Com., recommending. Agreed to (C. 36, N.-C. 19), 61.

**FISHERIES ACT *AMT.*; purse-seining prohibited; B. (122).**

On M. (Mr. Abbott) for 3rd R., 507; and *Amt.* (Mr. Power) to substitute *lien* on vessel for confiscation, 507. *Amt.* rejected (C. 10, N.-C. 44), 511.

**HUDSON BAY RY. See "Winnipeg and Hudson." INVERNESS AND VICTORIA RY. and Mining Co. INCORP. B. (136).**

On M. (Mr. Almon) for 2nd R., 416; *Amt. m.* (Mr. Miller) for 6 months' hoist, 417-423. *Amt.* lost (C. 23, N.-C. 27), 431.

**MONTREAL AND ATLANTIC RY. CO. INCORP. B. (29).**

On M. (Mr. Scott) for 3rd R., 316; *Amt. m.* (Mr. Power) to add *cl.* (rights of South-Eastern Ry. bondholders), 318-321. *Amt.* lost (C. 10, N.-C. 41), 342.

**N.-W. TERRITORIES ACTS *AMT.*; Legislative Assembly, constitution, extended powers, &c.; B. (126).**

On Order for Com. of the W.; *Amt. m.* (Mr. Bellerose) for instruction to Com. to amend *cl.* 18, in favour of permanency of dual language, 543. Sub-*Amt. m.* (Mr. Armand) to strike out the entire *cl.*, 548. Sub-*Amt.* rejected (C. 5, N.-C. 39), 554. *Amt.* lost on same division, and original M. agreed to, 554.

**VANCOUVER DOCK CO. INCORP. B. (51).**

On M. (Mr. Macdonald, B.C.) for 3rd R.; *Amt. m.* (Mr. McInnes, B.C.) precluding subsidy from Dominion Government, 176-78. *Amt.* lost (C. 14, N.-C. 42), 190.

**WINNIPEG AND HUDSON BAY RY. CO.'S B. (119).**

On M. (Mr. Abbott) for 2nd R.; *Amt.* (Mr. Scott) for 6 months' hoist; and sub-*Amt.* (Mr. McCallum) for postponement until definite information as to its location, &c., be given. Sub-*Amt.* lost (C. 15, N.-C. 35); *Amt.* lost on same *divn.*; and M. for 2nd R. carried on same *divn.* reversed, 412.

**DIVORCE, ALIMONY AND CUSTODY OF CHILDREN.**

Debate on precedent and procedure, as to Parl. leaving those points to settlement in court. See "Ellis, Mahala, Divorce B."

**DIVORCE CASES, 1891. See**

Russworm, Adam. (Bill C).

Ellis, Mahala. (Bill I).

Bristow, Thomas. (Bill J).

Tapley, Isabel. (Bill K).

**DIVORCE COMMITTEE, PERSONNEL OF.**

On M. for appt. of Standing Com., debate: Mr. McClelan, 28—Mr. Macdonald (B.C.), 28—Mr. Smith, 28—Mr. Kaulbach, 29, 31—Mr. Dickey, 29, 31—Mr. Sutherland, 29—Mr. Power, 30—Mr. Abbott, 30—Mr. Reesor, 31.

DIVORCE COURTS, CREATION OF, FOR CANADA ; discussed, during the above debate.

**Divorce Courts, Establishment of; B. (O).**  
—*Mr. Macdonald, B.C.*

1st R. \*, 102.

2nd R. *m.* (Mr. Macdonald), 145. Debate: Mr. O'Donohoe, 147—Mr. Macdonald, 147, 150, 152—Mr. Gowan, 147—Mr. Scott, 147—Mr. Power, 149, 150—Mr. Kaulbach, 151-2—Mr. Allan, 152—Mr. Abbott, 153. B. withdrawn (Mr. Macdonald), 153.

DIVORCE PETITIONS, EXTENSION OF TIME FOR.

Till 1st July. 3rd Rep. of Select Com., recommending; adoption *m.* (Mr. Gowan), 60; discussed: Mr. Scott, 60—Mr. Gowan, 61—Mr. Kaulbach, 61; agreed to (C. 36, N.-C. 19), 61.

**Dominion Controverted Elections Act further Amt.; petitions and appeals, changes in procedure, &c.; B. (147).**  
—*Mr. Abbott.*

1st R. \*, 662.

Suspension of 41st Rule, and  
2nd R. \*, 662.

In Com. of the W. ; on 3rd cl. (substitution of an elector for petitioner, affidavit required), remarks: Messrs. Power, Abbott, 662; on 17th cl. (trial by *two* Judges), remarks: Mr. Power, 662—Messrs. Abbott, Power, Kaulbach, 663; B. reported (Mr. Clewlow) without Amt., 663.

3rd R. \*, 663.

Assent, 671.

(54-55 *Vict.*, *Cap.* 20.)

**Dominion Elections Act, further Amt.; deposits, certificates, affidavits, ballot boxes, recounts and other matters of procedure; B. (146)—*Mr. Abbott.***

Notice of Amt. (against canvassing by Govt. officials) placed on Order paper by Mr. McInnes, B.C., before B. reached Senate, objected to (Mr. Miller), 495; point discussed: Messrs. Botsford, Miller, McInnes, 495; (ques. of order—personal—between Messrs. Miller and McInnes, 496); Messrs. Botsford, Scott, 497. Ruling (the Speaker) the Notice is out of Order and must be struck off, 506.

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2nd R. *m.* (Mr. Abbott), and agreed to, 610.

In Com. of the W. ; Amt. proposed (Mr. Power) addition to sec. 56 of Act (oath against bribery, to candidates), 651; discussed: Mr. Abbott, 651-2—Mr. Kaulbach, 652; Amt. of which Notice given, dropped (Mr. McInnes, B.C.), owing to late hour of session, with remarks as to tardiness in submitting Govt. measures to Senate, 652. B. reported (Mr. Ogilvie) without Amt., 652.

3rd R. *m.* (Mr. Abbott), and agreed to\*, 652.

Assent, 671.

(54-55 *Vict.*, *Cap.* 19.)

**Dominion Lands Act, further Amt.; homestead entries, perfecting, &c.; B. (165)—*Mr. Abbott.***

1st R. \*, 665.

Suspension of 41st Rule *m.* (Mr. Abbott), 665; objection to late presentation of Govt. Bs. to Senate (Mr. Power), 665; reply (Mr. Abbott), 666; M. agreed to, 666.

2nd R. \*, 666.

In Com. of the W. \*, and

3rd R. \*, 666.

Assent, 671.

(54-55 *Vict.*, *Cap.* 24.)

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DYNAMITE, carrying of, in Passenger Ships. See "Ships, Safety of," B.

EASTPORT, U.S., FISHING BOATS SEIZED AT.

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**Eddy Mfg. Co., the E. B.; change of name and capital reduction; B. (23).**—*Mr. Clewlow.*

1st R. \*, 122.

2nd R. \*, 162.

3rd R. \*, 176.

Assent, 223.

(54-55 *Vict.*, *Cap.* 123.)

EDMONTON, SITE OF PUBLIC BUILDINGS AT.

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ELECTIONS, CONTROVERTED, ACT, AMTS. See "Dominion Controverted Elections."

———— DOMINION, ACT, AMTS. See "Dominion Elections Act."

———— See also "Franchise Act Amt."

ELECTORAL FRANCHISE ACT AMT. See "Franchise."

ELECTRIC SUPPLY CO. INCORP. B. See "Anglo-Canadian Electric."

**Ellis, Mahala, Divorce B. (I).**—*Mr. Clewlow.*

1st R. \*, 67.

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Report of Select Com., on Order of the Day for consideration of; discussion as to elimination of clause giving Petitioner custody of the children: Mr. Gowan, 154-5-6—Mr. Kaulbach, 155—Mr. McInnes (B.C.), 155-6—Mr. Ogilvie, 156; remark that the elimination comes on 3rd R. (Mr. Miller), 156. Report adopted, 156.

3rd R. *m.* (Mr. Clewlow), 156; further debate on procedure and precedent as to elimination of such clauses, leaving the points to settlement in court: Mr. Clewlow, 155—Mr. Loughheed, 156, 158—Mr. McCallum (Amt. *m.* to strike out clauses), 156; debate: Mr. Miller, 156—Mr. Power, 156—Mr. Gowan, 157—Mr. Kaulbach, 158—Mr. McInnes, 158-9—Mr. Vidal, 159—Mr. Abbott, 159. Amt. agreed to, on a div., 160; B., as amd., 3rd R., 160.

Assent, 287.

(54-55 *Vict.*, *Cap.* 133.)

ELLIS, WM., SUPT. OF WELLAND CANAL.

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**Empire Printing Co. Incorp. Act Amt.; increase in number of Directors authorized; B. (28).**—*Mr. Sanford.*

- 1st R. \*, 123.  
2nd R. (*m* by Mr. Power)\*, 162.  
3rd R. \*, 176.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 130.)
- EMPIRE, THE, FOREIGN TRADE RELATIONS. *See* "Colonies and G.B." "Colonies and Foreign Treaties."
- ENGLAND, CATTLE SHIPPING TO. *See* "Live Stock Shipping Act."
- ENGLAND, CATTLE RATES OF FREIGHT TO.  
Inqy. (Mr. Reesor) 602; reply (Mr. Abbott) 602; remarks: Mr. Kaulbach, 602—Messrs. Read, Reesor, 603.
- ENGLAND, DUTIES ON IMPORTS FROM. *See* "Colonies and G.B., Trade Relations."
- ENGLAND, "FAVORED NATION" CL. IN TREATIES. *See* "Colonies and Foreign Treaties."
- ESQUIMALT DRY DOCK.  
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- Exchequer Court Act Amt.; extension of jurisdiction over Copyrights, Trademarks, Patents, Public Lands; also, matters of Procedure, &c.; B. (117).**  
—*Mr. Abbott.*
- 1st R. \*, 466.  
2nd R. *m.* (Mr. Abbott), 503; inqy. (Mr. Kaulbach) respecting appeal; reply (Mr. Abbott), 503; M. agreed to, 503.  
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3rd R. \*, 535.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 26.)
- EXCHEQUER COURT, ADMIRALTY JURISDICTION, B.  
*See* "Admiralty Act, 1891."  
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- EXCISE DUTIES. *See* "Inland Revenue Act."
- EXPERIMENTAL FARM. *See* "Farm."
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- FARM, CENTRAL EXPERIMENTAL.  
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- FARMER'S BANK OF RUSTICO B. *See* "Rustico."
- FEES IN PROVINCIAL COURTS. *See* "Justice."
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- FEMALE OFFENDERS, Reformatory for. *See* "Nova Scotia."
- FIRES, PRESERVATION OF TIMBER FROM.  
Inqy. (Mr. Boulton) whether Govt. will enact a measure, 585; reply (Mr. Abbott), 586.
- Fisheries Act, further Amt.; purse-seines prohibited, and penalty for using; moiety of penalties to prosecutor, &c.; B. (122).**—*Mr. Abbott.*
- 1st R. \*, 301.  
2nd R. *m.* (Mr. Abbott), 450; debate: Mr. Power, 450, 454, 460, 462—Mr. Macdonald (P.E.I.), 453-4, 463—Mr. Prowse, 454—Mr. Abbott, 454, 459, 460, 562-3—Mr. Miller, 455, 457—Mr. O'Donohoe, 457, 463—Mr. Read, 458—Mr. Scott, 459, 460—Mr. Almon, 459—Mr. Kaulbach, 463—Mr. Botsford, 462; M. agreed to, 463.  
M. (Mr. Abbott) for reference to Com. of the W. to-morrow, 463; remarks: Mr. Prowse, 463—Messrs. Kaulbach, Miller, Power, O'Donohoe, 464.  
In Com. of the W.; debate on the provisions of B.: Mr. Abbott, 483-4-5—Mr. Power, 484-5-6—Mr. Prowse, 484—Mr. Kaulbach, 486, 488—Mr. Howlan, 486—Mr. Almon, 488; Amt. to 1st cl. *m.* (Mr. Almon), substituting lien on vessel for confiscation, 489; debate thereon: Mr. Kaulbach, 489—Mr. Power, 489, 490—Mr. Abbott, 489, 490—Mr. Almon, 490—Mr. Prowse, 490. Amt. lost on division, 491. Progress reported (Mr. O'Donohoe), 491.  
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3rd R. *m.* (Mr. Abbott), 507. Amt. *m.* (Mr. Power) to substitute lien on vessel for confiscation, 507; debate: Mr. Howlan, 507-8—Mr. Allan, 508—Mr. McClellan, 508—Mr. Kaulbach, 508—Mr. O'Donohoe, 509—Mr. McCallum, 509—Mr. Dever, 510—Mr. Power, 510—Mr. Flint, 510—Mr. Vidal, 511. Amt. rejected (C. 10, N.-C., 44), 511. B. 3rd R., 511.  
Assent, 528.  
(54-55 *Vict.*, *Cap.* 43.)
- Fisheries Development Act Amt; fishing bounties, amount increased to \$160,000, &c.; B. (152).**—*Mr. Abbott.*
- 1st R. \*, 414.  
2nd R. *m.* (Mr. Abbott), and agreed to, 435.  
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**Fisheries, bounties B.—Continued.**

In Com. of the W.; *M.* (Mr. Abbott) to add 6th cl. (regulations, verification of bounty claims upon oath), 440; remarks: Messrs. Power, Kaulbach, 440; cl. agreed to, and B. reported (Mr. MacInnes, Burlington) with Amt.; 440; Amt. concurred in, 440.  
3rd R. \*, 445.

Assent, 528.

(54-55 *Vict.*, *Cap.* 42.)

**FISHERIES, NFLD.: TREATY WITH U.S., &C.**

In debate on the *modus vivendi* B.; remarks: Mr. Power, 52, 56; Mr. Abbott, 53, 55-6; Mr. Scott, 53, 55-6; Mr. Kaulbach, 54.

**FISHERY RIGHTS ON FORESHORES.** See "Foreshores, transfer to Provincial Govts." B., debate.**FISHERY, SEAL.** See "Behring Sea."**Fishing Boats, compass, fog-horns and provisions for; B. (G).—Mr. Power.**

1st R. \*, 61.

2nd R. *m.* (Mr. Power), 101; debate: Mr. Kaulbach, 101-2—Mr. Power, 102; M. agreed to, 102.

3rd R. \*, 102.

**FISHING BOATS (U.S.) SEIZED AT EASTPORT.**

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Reported from Com., without Amt. (Mr. Botsford), 57.

Suspension of 41st Rule, and

3rd R. *m.* (Mr. Abbott), 57. Objection, without further information (Mr. Power), 57; objection not pressed; M. agreed to, and Bill passed, 57.

Assent, 223.

(54-55 *Vic.*, *Cap.* 4.)

**FOREIGN TREATIES.** See "Colonies and Foreign Treaties."**Foreshores, transfer to Provincial Govts.; B. (111).—Mr. Abbott.**

1st R. \*, 663.

Suspension of 41st Rule, and

2nd R. *m.* (Mr. Abbott), 663; debate: Messrs. Kaulbach, Dever, Power, McCallum, Abbott, 664—Messrs. McCallum, Kaulbach, Power, Dever, Abbott, 665. M. agreed to, 665.

In Com. of the W., and reported (Mr. Allan) without Amt\*, 665.

3rd R. \*, 665.

Assent, 671.

(54-55 *Vict.*, *Cap.* 7.)

FORGED ENDORSEMENTS UPON CHEQUES. See the debate upon "Bills of Exchange Act Amt. B."

**FRANCE, NFLD. FISHERY DIFFICULTY.**

In debate on U.S. *modus vivendi* B.; remarks (Mr. Abbott), 56.

**Franchise Act further Amt.; voters required to be British subjects; extension of time for Lists, &c.; B. (145).—Mr. Abbott.**

1st R. \*, 268.

M. (Mr. Abbott) for 2nd R. to-morrow, 268; agreed to, 269.

2nd R. *m.* (Mr. Abbott) 281; inqy. (Mr. Scott) 281; reply (Mr. Abbott), 282. M. agreed to, 282.

41st Rule, suspension *m.* (Mr. Abbott), and agreed to\*, 282.

In Com. of the W., and reported\* (Mr. Clemow) with an Amt., which agreed to\*, 282.

3rd R. *m.* (Mr. Abbott); remarks (Mr. Power), as to postponement of operation, and replies (Mr. Abbott), 282; M. agreed to, 282.

Assent, 287.

(54-55 *Vic.*, *Cap.* 18.)

See also "Dominion Elections Act Amt." B.

**FRAUDS UPON THE GOVT., B.** See "Government."**Fraudulent Marking, restraint of; (white lead—Govt. may add other articles to schedule); penalty; B. (140).—Mr. Abbott.**

1st R. \*, 432.

2nd R. *m.* (Mr. Abbott), 442; debate: Mr. Power, 442—Mr. Ogilvie, 443—Mr. McClelan, 443—Mr. Dever, 443-4—Mr. Kaulbach, 444; M. agreed to, 445.

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(54-55 *Vict.*, *Cap.* 32.)

**FREE ENTRIES.** See "Customs."**FRENCH LANGUAGE IN MANITOBA.**

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**PRINTING OF REPORTS IN.**

Inqy. (Mr. Bellerose) as to Experimental Farm Reports, 100; reply (Mr. Carling), 100-1. (See also "Printing Com. Report," discussion on).

**GENERAL INSPECTION ACT.** See "Inspection."**GEORGIAN BAY RY.** See "Chatsworth, Georgian Bay and L. Huron Ry."**GLASS INSURANCE CO. B.** See "Steam-boiler and Plate-glass Insurance Co."**GLENCOE BRANCH RY.** See "Grand Trunk."**GOOD SHEPHERD REFORMATORY.** See "Nova Scotia."**Government, frauds upon the; bribes and commissions to officials; penalties; B. (U).—Mr. Abbott.**

1st R. \*, 542.

- 2nd R. m. (Mr. Abbott), 563; debate: Mr. Bellerose, 564—Mr. Gowan, 565—Mr. Allan, 566—Mr. Scott, 567—Mr. Abbott, 567-8; Mr. Power, 568—Mr. McCallum, 568—Mr. Kaulbach, 568; M. agreed to, 569.
- In Com. of the W.; on 1st cl., M. (Mr. Abbott) to amd. and remodel sub-sec. *f.* (extending the list of offences), 580; inquiries. (Messrs. Scott, DeBoucherville), and replies (Mr. Abbott), and M. agreed to, 580.
- Sub-sec. *h.*; Amt. *m.* (Mr. Abbott) modifying it (as to receiving permissible gifts), and M. agreed to, 580.
- Sub-sec. *g.*; M. (Mr. Abbott) for its addition (as to making permissible gifts), 580; suggestion (Mr. Dickey) to amend as to periods, 580-1; Amt. accepted and *m.* (Mr. Abbott) and sub-sec. so adopted, 581.
- Further inquiries. (Mr. Reesor—as to whom B. is applicable), (Mr. Dickey—as to conflict with existing legislation), and replies (Mr. Abbott), 581.
- B. reported (Mr. Vidal), with Amts., 581.
- Concurrence in Report of Com. *m.* (Mr. Abbott), and agreed to\*, 586.
- 3rd R. \*, 586.
- Amt. of H. of C. (contractors subscribing to election funds), concurrence *m.* (Mr. Abbott), 670; agreed to, 671.
- Assent, 671.  
(54-55 *Vict.*, Chap. 23.)
- GOVT. SERVICE, MS. AND INQUES. See "Civil Service."
- GOVT. FARM. See "Farm."
- GOVT. HARBOURS AND PIERS ACT AMT. See "Harbours and Piers B."
- GOVT. RAILWAYS. See "Railways."
- GRAIN, "COMMERCIAL GRADE." See "Inspection." —WEIGHERS OF. See "Weighers."
- GRAND JURY SYSTEM, ABOLITION OF.  
M. (Mr. Gowan) for correspondence of Govt., as to expediency of, 104; remarks: Messrs. Kaulbach, Botsford, Abbott, 106; M. agreed to, 106.
- GRAND NARROWS BRIDGE, COST OF.  
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- Grand Trunk Railway, Glencoe Branch; construction; B. (36).—*Mr. Vidal.*  
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3rd R. \*, 165.  
Assent, 223.  
(54-55 *Vict.*, Cap. 69.)
- Bills affecting. See also  
Chatsworth, Georgian Bay, &c., Ry. B. (N).  
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- GRATUITY TO WIDOW OF AN OFFICIAL. See "Adamson."
- GRAVES, DESECRATION OF. See "Body-snatching."
- GREAT BRITAIN AND COLONIES, TRADE. See "Colonies."
- AND FOREIGN TREATIES. See "Colonies and Foreign Treaties."
- GREAT BRITAIN, CATTLE TRADE WITH. See "Live Stock."
- DUTIES ON IMPORTS FROM. See "Colonies and G. B., Trade Relations."
- Great Eastern Ry. Co. Incorp. Act Amt.; Line and Branch Line; separate issues of Bonds; agreement with C. P. R., Delaware and Hudson Canal Co. or G. T. R.; time for construction, &c.; B. (124).—*Mr. De Boucherville.*  
1st R. \*, 265.  
2nd R. \*, 268.  
3rd R. \*, 346.  
Assent, 528.  
(54-55 *Vict.*, Cap. 98.)
- GREAT EASTERN RY., Subsidy. See "Railways, Subsidies to," B. (175).
- GREAT MACKENZIE BASIN. See "Mackenzie."
- GREAT NORTHERN RY., Subsidy. See "Railways, Subsidies to," B. (175).
- Great North-West Central Ry. Co.'s Act; clerical error corrected; B. (162).—*Mr. Clemow.*  
1st R. \*, 512.  
2nd R. \*, 523.  
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3rd R. *m.* (Mr. Clemow), 534; inquiries. (Mr. Abbott), replies (Mr. Clemow), 534; M. agreed to, 534.  
Assent, 671.  
(54-55 *Vict.*, Cap. 80.)
- OPERATION OF LINE.  
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Further inqy. (Mr. Boulton), and reply (Mr. Abbott), 601.
- Great West Life Assurance Co. Incorp. B. (48).—*Mr. Girard.*  
1st R. \*, 164.  
2nd R. (*m.* by Mr. Perley) \*, 268.  
3rd R. (*m.* by Mr. McKindsey) \*, 316.  
Assent, 528.  
(54-55 *Vict.*, Cap. 115.)
- Guelph Junction Ry. Co.; lease to C. P. R., and extension of time for construction; B. (66).—*Mr. MacInnes, Burlington.*  
1st R. \*, 164.  
2nd R. \*, 191.  
3rd R. \*, 202.  
Assent, 223.  
(54-55 *Vict.*, Cap. 73.)
- GUELPH JUNCTION RY., B. affecting. See also "Berlin and C. P. R. Junction Ry."
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In Com. of the W.; M. (Mr. Abbott), to add a 5th cl. (authority to borrow \$1,000,000), 161-2; questions (Mr. Scott), replies (Mr. Abbott), 162. B. reported (Mr. Wark) as amended, 162.

Report of Com., adoption moved (Mr. Abbott), agreed to\*, 192.

3rd R.\*, 191.

Assent, 224.

(54-55 *Vict.*, *Cap.* 53.)

MOTIONS, POINTS OF ORDER upon. See "Order and Procedure."

NAVIGABLE WATERS, FORESHORE RIGHTS. See "Foreshores, transfer to Provincial Govts." B., debate on.

Navigable Waters, sawdust from mills prohibited; B. (D).—*Mr. Clemow.*

1st R.\*, 60.

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New Brunswick Ry. Co., consolidated debentures, St. John and Maine Co., and N.B. and Canada Co.; B. (37).—*Mr. MacInnes, Burlington.*

1st R.\*, 122.

2nd R.\*, 135.

3rd R.\*, 165.

Assent, 223.

(54-55 *Vict.*, *Cap.* 99.)

—*Ry. Co., Agreement with C. P. R. ratified; B. (69).*—*Mr. MacInnes, Burlington.*

1st R.\*, 201.

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Assent, 286.

(54-55 *Vict.*, *Cap.* 74.)

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## NEWFOUNDLAND: TREATY WITH U. S., &amp;c.

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## NEW WESTMINSTER SOUTHERN RY., B. affecting.

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Niagara and Grand Island Bridge Co., extension of time; B. (18).—*Mr. Clemow.*

1st R.\*, 106.

2nd R.\*, 133.

3rd R. (*m.* by Mr. McInnes)\*, 165.

Assent, 223.

(54-55 *Vict.*, *Cap.* 105.)

## NIAGARA RIVER, BRIDGES, Bs. See "Buffalo and Fort Erie Bridge," "Ontario and New York Bridge," "Whirlpool Bridge."

## NORTH SHORE BRANCH, C.P.R. See "C.P.R."

## NORTH-WEST CENTRAL RY. See "Great N.-W. Central."

## N.-W. COAL AND NAVIGATION CO. B. See "Alberta Ry. Act, 1891."

## NORTHERN PACIFIC JUNG. RY., line connecting with. See "Peterborough, Sudbury and S. Ste. Marie Ry. Co. B."

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## DEVELOPMENT OF THE COUNTRY.

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## FIRES, PRESERVATION OF TIMBER FROM.

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## FRENCH LANGUAGE, OFFICIAL USE OF.

Remarks on Mr. Girard's M. respecting the Provincial Act of Manitoba, 42-3.

— See also debate on "N.-W.T. Acts Amt." B. (126).

## GRAIN, "COMMERCIAL GRADE" SANCTIONED. See "Inspection Act Amt. B."

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GRAINS WEIGHERS OF, APPOINTMENT. See "Weighers of Grain," B.

INDIAN TREATIES, discussed in debates on "Development of the Country," M. for Select Com., and "N.W.T. Acts Amt." B. (126).

LIQUOR TRAFFIC, discussed in the same debates.

MILITIA, CAMPAIGN, 1885, LAND SCRIP. See "Militia."

N. W. T. Acts Amt.; Legislative Assembly, constitution, election, extended powers, &c.; legal procedure; liquor traffic; roads; dual language, &c.; B. (126).—*Mr. Abbott.*

1st R.\*, 523.

2nd R. *m.* (Mr. Abbott), 536; remarks: Mr. Scott, 536-7—Mr. Abbott, 537—Mr. Armand, 537—Mr. Bellerose, 538; M. agreed to, 538.

On order for Com. of the W.; Amt. *m.* (Mr. Bellerose) for instruction to Com., to amend cl. 18 in favour of permanency of dual language, 543. Sub-*amt. m.* (Mr. Armand) to strike out the entire cl., 548. Debate: Mr. Girard, 548, 552—Mr. Scott, 549, 553—Mr. Abbott, 551—Mr. Bellerose, 551-2—Mr. Casgrain, 552—Mr. Ogilvie, 552—Mr. Howlan, 553—Mr. Tassé, 553. Sub-*Amt.* rejected (C. 5, N.-C. 39), 554. Amt. lost on same divn., and M. agreed to, 554.

In Com. of the W.; on 3rd cl. (3 years' Assembly), remark as to period (Mr. Macdonald, B.C.), 554; reply (Mr. Abbott), 554; cl. adopted, 554.

On 6th cl. (powers of Assembly), remark (Mr. Abbott), liquor license in unrepresented districts, 554; cl. adopted, 554; further on this point (Mr. Girard), and reply (Mr. Abbott), 555; see, also, 19th cl., below. On questions of appointment of territorial officers, functions of ministry, &c., remarks: Mr. Perley, 554, 556—Mr. Macdonald (B.C.), 555-6—Mr. Girard, 555—Mr. Power, 555-6—Mr. Abbott, 554-5-6.

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On 16th cl. (unlicensed liquor traffic), remarks: Messrs. Perley, Power, Abbott, 556; cl. agreed to, 556.

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On 19th cl. (Assembly's regulation of liquor traffic), Amt. *m.* (Mr. Abbott), restricting powers to represented districts, 557; agreed to, 557.

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Amts. of Com., adoption *m.* (Mr. Abbott), and agreed to, 581.

On order for 3rd R., reference to Com. of the W. *m.* (Mr. Abbott) for Amts. as to numbers of lots; also electoral divisions, E. Assa., 584; M. agreed to, 584.



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**N. W. T. Acts, further Amt.; Batoche electoral district defined; B. (V).—Mr. Abbott.**

1st R. *m.* (Mr. Abbott), 657; agreed to, 658. Suspension of 41st Rule, and  
2nd R. *m.* (Mr. Abbott), 658; remarks: Messrs. Girard, Read, Bellerose, 658—Mr. Abbott, 659; M. agreed to, 659. 3rd R.\*, 659.

**N. W. T. Representation Act, further Amt.; deposit payable in currency; B. (148).—Mr. Abbott.**

1st R.\*, 295.  
2nd R. *m.* (Mr. Abbott), 343-4; remarks: Messrs. Scott, McInnes (B.C.), Kaulbach, Almon, 344—Messrs. McInnes, Vidal, 345. M. agreed to, 345.  
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3rd R.\*, 437.

Assent, 528.

(54-55 *Vict.*, *Cap.* 56.)

**PUBLIC BUILDINGS, LOCATION OF (EDMONTON).**

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**SCHOOLS, SEPARATE, IN.**

Remarks, on Mr. Girard's M. respecting the Provincial Act of Manitoba, 44.

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Inqy. (Mr. Girard), as to continuance of, 202; reply (Mr. Abbott), 203.

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NOTICES OF M., POINTS OF ORDER UPON. See "Order and Procedure."

**NOVA SCOTIA.****Good Shepherd Reformatory and Industrial Refuge, Halifax; committal of Female offenders to; B. (R).—Mr. Power.**

1st R.\*, 122.

On order for 2nd R., postponement requested (Mr. Miller), 163; (Mr. Abbott), 164; *m.* (Mr. Power), after remarks upon nature of the B., 164; agreed to, 164.

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In Com. of the W.; on 1st clause (imprisonment in reformatory instead of gaol), debate: Mr. Gowan, 211—Mr. Power, 211-12; cl. agreed to, 212.

On 2nd cl. (transfer from prisons to reformatory), debate: Mr. Gowan, 212-13-14—Mr. Macdonald (B.C.), 213—Mr. Power, 213-14-15—Mr. Vidal, 214—Mr. Abbott, 214-15—Amt. (word "female") *m.* (Mr. Gowan), 215; remarks: Messrs. Kaulbach and Power, 215; Amt. lost, 215. As to Rules being subject to Govt. approval, remarks: Messrs. Abbott, Gowan, Power, 215. Clause adopted, 215.

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On 11th cl. (education of convicts—name of governing body) debate: Messrs. Vidal, Gowan, Power, Abbott and Masson, 220; cl. agreed to, 220.

On 12th cl. (tickets of leave) remarks: Messrs. Kaulbach and Power, 220; cl. agreed to, 220.

On 13th cl. (apprenticeship to service) Amt. *m.* (Mr. Macdonald, B.C.) against restriction to R. C. employers, 221; remarks: Messrs. Kaulbach, Gowan, Macdonald, Masson and Vidal, 221; Amt. lost on a div. and cl. agreed to, 221.

On 15th cl. (Govt. and city inspectors) remarks: Messrs. Vidal and Power, 222; cl. agreed to, 222.

On 16th cl. (transfer of incorrigible offenders to penitentiary) remarks: Messrs. Kaulbach, Gowan, Clemow, 221—Mr. Scott, 222.

Reported (Mr. Ross) from Com., with verbal Amt., 222; concurred in\*, 222.

On order for 3rd R.; M. (Mr. Power) to recommit for Amt. (Govt. approval of rules), 224-5-6; debate: Mr. Kaulbach (on transfer of prisoners to the penitentiary), 224, 226—Mr. Abbott, 225-6—Mr. Macdonald (B.C.), 226; M. agreed to, 226.

In Com., further remarks: Messrs. Power and Abbott, 226-7; Amt. agreed to, 227.

Reported (Mr. Howlan) from Com., as amended, and Amts. concurred in\*, 227.

3rd R.\*, 277.

Assent, 617.

(54-55 *Vict.*, *Cap.* 55.)

**RAILWAYS, GOVT., all declared part of Intercol. See "Intercolonial Railway B."**

———— length and cost of.

Inqy. (Mr. Wark) as to Pictou Town Branch, Oxford and N. Glasgow line, C. B. line, Gr. Narrows Bridge, 471; reply (Mr. Abbott), 471.

OFFICIALS, PROMOTIONS AND SALARIES. See "Contingencies Committee, Reports of."

———— WIDOW, GRATUITY. See "Adamson."

OIL, INSPECTION OF. See "Petroleum."

## ONTARIO.

**Ont. and New York Bridge Co. Incorp. B. (93).**—*Mr. MacInnes, Burlington.*

1st R. \*, 201.  
2nd R. \*, 222.  
3rd R. \*, 229.  
Assent, 286.  
(54-55 *Vict.*, *Cap.* 67.)

**Ont. and Qu'Appelle Land Co.; transfer of shares; price of lands; cancellation of shares, &c.; B. (102).**—*Mr. Perley.*

1st R. \*, 224.  
2nd R. \*, 228.  
3rd R. \*, 241.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 120.)

**Ont. and Que. Accounts, Arbitration B. (E).**—*Mr. Abbott.*

1st R. \*, 60.  
2nd R. *m.* (Mr. Abbott), 66; remarks (Mr. Miller), 66; reply (Mr. Abbott), 66; M. agreed to, 66.  
In Com. of the W.; ques. (Mr. Power), reply (Mr. Abbott), 74. Reported with Amts. (Mr. DeBoucherville), 74; concurred in\*, 75.  
3rd R. \*, 75.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 6.)

ONT. AND QUE. RY., Bs. affecting. See "South Ont. Pacific Ry." and "Brighton, Warkworth and Norwich Ry."

**Ont. and Rainy River Ry. Co.; Dominion incorporation; extension of time; branch lines and bridge construction; agreements with Port Arthur, Duluth and Western, and Rainy River Cos., ratified, &c.; B. (77).**—*Mr. Girard.*

1st R. \*, 224.  
2nd R. \*, 237.  
3rd R. \*, 240.  
Assent, 287.  
(54-55 *Vict.*, *Cap.* 82.)

**Ontario Express and Transportation Co.; charter declared in force, and acts valid; B. (151).**—*Mr. McMillan.*

1st R. \*, 495.  
2nd R. \*, 535.  
On order for consideration of report of Com. on Banking and Commerce; Amts. by Com. explained (Mr. Allan); option of abandoning stock and ceasing responsibility, &c., 578. Debate: Messrs. Kaulbach, McMillan, Power, 578—Messrs. Allan, Clemow, Kaulbach, Abbott, 579. Amt. *m.* (Mr. Power) defining withdrawal only permissible on first call, 579; Amt. accepted by Mr. McMillan and agreed to by the House, 579. Report, as aml., adopted, 579.  
3rd R. \*, 579.  
Assent, 671.  
(54-55 *Vict.*, *Cap.* 110.)

ONT. MARITIME COURT, ABOLITION OF, B. See "Admiralty Act, 1891."

**Ont. (new territory) Indian Lands, settlement; B. (A).**—*Mr. Abbott.*

1st R. \*, 60.  
2nd R. *m.* (Mr. Abbott), 63; ques. (Mr. Scott), reply (Mr. Abbott), 64; agreed to, 64.  
In Com. of the W., ques. (Mr. Power), reply (Mr. Abbott), 68; reported without Amt. (Mr. Dickey), 68.  
3rd R. \*, 68.  
Assent, 223.  
(54-55 *Vict.*, *Cap.* 5.)

## Order and Procedure, Questions of.

ADJOURNMENT, Amt. to *increase* period.  
Mr. Miller objected, 18.

— M. to *increase* period.

Messrs. Kaulbach and Miller objected to the M., without Notice, 26.

— on Amt. to *increase* period.

Debate: 1st.—Whether such change was a substantive M., requiring notice; 2nd.—Whether Amt. *extending* time was admissible: Mr. McInnes, B.C., 32—Mr. Miller, 32-3-4—Mr. O'Donohoe, 33—Mr. Vidal, 33—Mr. DeBoucherville, 33—Mr. Kaulbach, 33—Mr. Girard, 34—Mr. Read, 34—Mr. McClelan, 34. Ruling (by the Speaker): the sub-Amt., as such, extending the time, is in order, 34.

ADJOURNMENT, MOVING THE (for purpose of speech). See the question that arose, under heading "Attention, calling of, to matters," below.

AMENDMENTS. See "Bills." See also "Adjournments," M. in Amt.

ATTENTION, CALLING, to certain matters; speeches upon.

Mr. Poirier, upon his notice of calling attention to propriety of amending Act respecting qualification for Parliament, commenced a speech, 471. Objection taken (Messrs. Kaulbach and Miller) that there was no question before the House, 471. Point discussed; pending its decision, on M. (Mr. Ross) for adjt. of H., Mr. Poirier spoke to his subject, and it was debated by other Senators, 474-483. (See "PARLIAMENT," in General Index to Subjects.)

RULING (the Speaker): The Notice, being not that of a motion, question or inquiry, but merely of calling attention to a certain matter, the hon. member is not authorized to address the House, 491.

Ruled also by the Speaker, that, pending his decision thereon, Mr. Poirier could not move the adjt., 474. Mr. Poirier contended that, having conceded the point of Order when raised by hon. members, and there being consequently no question before the House, he might move the adjt., 472-3-4, 492; but no formal ruling upon this point was given.

(See also "Ruling on conceded point.")

(See also "Inquiry, not debatable.")

**Order and Procedure, Questions of—Con.****BILLS, AMT. TO (Vancouver Dock Co. B.)**

On this Bill, two points arose:—

1. Mr. McInnes having *m. an Amt.*, precluding a subsidy being granted by Dominion Govt., Mr. Miller raised the question that such an Amt. interferes with the constitutional right of Govt. to initiate money votes in H. of Commons. In the debate, this point was more than once referred to, but no decision was taken, the Amt. being finally put, and lost, 190.
2. Mr. Bellerose *m. a sub-Amt.*, striking out the entire clause authorizing subsidies, 184. In the ensuing debate, Mr. Howlan raised the ques. of Order, that the sub-Amt. (on a 3rd R.) required Notice, 187. The point was discussed at length.

**RULING** (the Speaker): The sub-Amt. is really an Amt. (to the B.) and cannot be put without Notice, 190.

**BILLS, AMT. TO**, which have not yet reached the Senate. (Dominion Elections Act). Notice of Amt. placed on Order Paper by Mr. McInnes (B.C.), objected to (Mr. Miller), 495; point discussed, 495-7.

**RULING** (the Speaker): Amt. cannot be moved unless B. is before the House, and same Rule would apply to a Notice, which is irregular and should be struck out, 506.

— **AMT. TO**; **M. FOR, NOT ALLOWED.**

On 6th Report of Ry. Com. on Baie des Chaleurs Ry. Co.'s B. (82), and M. (Mr. Vidal) for its adoption. Objection (Mr. Ross) to Mr. Power's repeated speaking to the question, 578. Mr. Power desiring to *m. an Amt.* **RULING** (the Speaker): On the same ground, the hon. gentleman is not in order in moving an Amt., 578.

**BILLS, GOVT., PROCEEDING WITH, DELAY IN.**

On 3rd R. of Dominion Elections Act Amt. B.; Mr. McInnes (B.C.), on dropping Amt., of which he had given Notice (against canvassing by Govt. officials), owing to late hour of the session, pointed out that this Govt. measure only reached Senate 3½ months after introduction in Commons, 652.

On M. (Mr. Abbott) for suspension of 41st Rule (for 2nd R. of Dom. Lands Act Amt. B.); Mr. Power protested against practice of bringing Govt. Bs. down in last days of session, 665; in reply, the Premier pointed to the amount of legislation accomplished, 666.

**PROCEEDING WITH UNDUE HASTE.**

In Com., on Bill of Exchange Act Amt. B.; remarks: Mr. Power, 68, 70—Mr. Kaulbach, 69—Mr. Abbott, 70; consideration postponed, 73.

**PROCEEDING WITHOUT NOTICE.**

On 1st R., of *modus vivendi* B. Mr. Power objected to Mr. Abbott's Notice of 2nd R., *to-morrow*, 40, 41; discussed: Messrs. Miller, Vidal, Abbott, 41; 2nd R., *to-morrow*, ordered, 41.

On further stages, Mr. Power objected to B. passing, unless information asked for were given; but he did not press his objection, 52, 57.

**BILLS, MANUFACTURING CO.'S.**; reference to Com. On Pembroke Lumber Co., and McKay Milling Co. Bs.; ques. being raised as to reference to Private Bs. Com., or Banking and Commerce Com., decision: (the Premier) that such Bs., affecting commerce, should go to the latter Com.; agreed to, 163.

— **PROCEDURE ON.** *See also* "Committees."

— **PUBLIC OR PRIVATE**, definition of.

On 2nd Report Ry. Com. (Baie des Chaleurs Ry. B.), in the lengthy debate (pp. 365-390) it was held on one side and denied on the other, that, on account of the Ry's large public subsidies, the B. was practically a public one, and could not, as in the case of Private Bs., be withdrawn from Com. by mere request of promoters. No ruling of Speaker was asked or given, but the report of Com. was adopted on divn., 390.

— *See also* "Ruling on conceded point."

— **RECEIVED WITHOUT PETITIONS.**

On M. to refer B. (60) to Standing Orders Com., no Petition having been presented, the necessity for adherence to the Rules was discussed, 208-9.

On a similar M. respecting B. (86), the matter was further discussed, 209-10.

— **WITHDRAWAL OF, BY PROMOTERS.** *See* "Committees," below.

**COMMITTEES, INVESTIGATING DUTIES OF.**

On the Baie des Chaleurs Ry. Co.'s B., it was contended in debate that a Special Com., and not the Ry. Com., should investigate alleged misappropriation of subsidies; but no ruling was taken. *See* pp. 371, 571.

— **PROCEEDINGS; ATTENDANCE OF WITNESSES.**

On 2nd Report of Ry. Com. (Baie des Chaleurs Ry. B.), that Mr. Armstrong had failed to obey its notice to attend. Objection was made, by Mr. Scott, that at the time witness was summoned, the Com. had not been authorized to summon him, 366. Mr. Miller pointed out that the Com. could only give an informal notice; but that, the witness having neglected such notice, should now be summoned by the House, 367. After a divn. upon the report, an order to witness to attend the Com. was made, 390-1.

On 4th Report of Com., that he refused to answer questions, 440; witness summoned to Bar of the House, 441; promised to answer, and was allowed to withdraw, 442.

6th Report of Com., reporting non-attendance of various witnesses (but without any recommendation thereon) presented and adoption *m.* (Mr. Vidal), 569; discussed, and adopted, 578.

— **PROCEEDINGS OF, REFERENCE TO, IN DEBATE.**

On 2nd Report of Ry. Com. on Baie des Chaleurs Ry. B., which report the Chairman and others claimed was defective; **RULING**: No reference in discussion should be made to Com's proceedings, which are not before the House, 370.

**Order and Procedure, Questions of—Con.**

On 6th Report, similar question raised by Mr. Masson, on Mr. O'Donohoe's remarks; but the latter having dropped the subject, point of Order withdrawn, 574.

**COMMITTEE REFUSING TO ALLOW WITHD. OF B.**  
Functions of Committee, upon promoters' application to withdraw a B., warmly discussed (but no Ruling asked or given) on 2nd Report of Ry. Com. on Baie des Chaleurs Ry. B. See the Debate, pp. 365-390.

Same point further debated on 6th Report of Com., pp. 571, 573, 575.

**REPORTING ITS PROCEEDINGS.**

Discussion took place as to extent to which Committee was bound to report its proceedings to the House, upon 2nd Report of Railway Com. on Baie des Chaleurs B., report not mentioning application of promoters to withdraw the B. See the lengthy debate, 365-390. No Ruling was taken; but the Amt. to refer report back to Com. for report of its proceedings was rejected, 390.

**REPORTS, MOVING ADOPTION OF THE.**

On Mr. Vidal presenting report of the Ry. Com. (Baie des Chaleurs Ry. B.), of which he did not approve; remarks: Messrs. Bellerose and Miller, that Chairman need not move adoption of report, but should state his intention, 365. Adoption *m.* by Mr. Tassé, 366.

**REPORT OF JOINT, QUES. OF AMENDING.**

2nd Report of Joint Com. on Printing.  
Mr. Power having proposed to adopt report, omitting 1st paragraph, Mr. Miller pointed out that the House cannot amend a *joint* report, 108.

**REPORTS OF STANDING, DELAY IN PRESENTING.**

On 5th Report of Contingt. Accts. Com., lateness of report protested against: Mr. Almon, 659, 661—Mr. Bellerose, 659—Mr. Power, 660—Mr. Kaulbach, 660, and again (in debate on Supply B.), 668.

**DEBATE, DEGREE OF LATITUDE IN.**

On 2nd R. of Winnipeg and Hudson Bay Ry. B. (119), and Mr. Scott's Amt. for 6 months' hoist, Mr. McInnes raised point of Order that Mr. Kaulbach's speech was wholly irrelevant. Mr. Miller remarked that the Senate has always allowed very great latitude in debates of this character; and Mr. Kaulbach proceeded, 354.

**EXPRESSIONS IN.**

On 2nd Report of Ry. Com. (Baie des Chaleurs Ry. B.). Mr. Miller took exception to the term "arbitrary" being applied to the action of the Com., 374.

In the same debate, Mr. Poirier took exception to the expression "brute majority," which was withdrawn, 375.

On Ques. of Order (Notice of Amt. to B. not yet before Senate), expressions used in debate objected to (Messrs. Miller, McInnes, B.C.), 495-6.

**DEBATE, INTERRUPTIONS.**

On remarks upon Mr. McClelan's inq. *re* payment of Albert Ry. employés, Mr. Miller called attention to undue frequency of interruptions, 448.

— MOVING THE ADJT., for a speech. See the question that arose, under heading "Attention called to certain matters," above.

— ON INQUIRIES, objected to. See "Inquiry of Govt.," below.

— REPEATED SPEAKING on a question.

On 6th Report of the Com. on Baie des Chaleurs Ry. Co.'s B. (82), and M. (Mr. Vidal) for adoption; objection (Mr. Ross) to Mr. Power speaking again, 578. RULING (the Speaker): Mr. Power can neither speak again nor move (as desired) an Amt., 578.

— SUBJECT FOR, what constitutes. See "Attention called to certain matters," above.

**DIVORCE, ALIMONY AND CUSTODY OF CHILDREN.**

On Report of Select Com. on Ellis Divorce B., debate as to eliminating these clauses, and leaving the points to settlement in the courts. Decided to adopt report, and defer the question until 3rd R. of B., 154-6.

On 3rd R., precedents quoted and principle discussed; it being urged that Petitioner consented to eliminate clause giving her sole custody of the children, the B. was so amd. on a divn., and passed, 156-160.

**DIVORCE PROCEDURE; advisability of Divorce Courts.**

On M. for appt. of Standing Com., debate: Mr. McDonald (B.C.), 28—Mr. Kaulbach, 29—Mr. Dickey, 29—Mr. Sutherland, 29—Mr. Power, 30—Mr. Abbott, 30.

**PETITIONS, extension of time till 1st July.**

3rd R. of Select Com., recommending; adoption of, *m.* (Mr. Gowan), 60; discussed: Mr. Scott, 60—Mr. Gowan, 61—Mr. Kaulbach, 61; agreed to (C. 36, N.-C. 19), 61.

See also "Divorce Court B." (O). (in General Index to Subjects).

**FEES, REFUNDING OF.**

Commons B. (Whirlpool Bridge Co. Incorp.) being defeated in Senate, Mr. McCallum suggested a M. for refunding of fees; but it was objected that the money had not been paid in the Senate, and the matter dropped, 201.

INQUIRY, DEBATABLE, what constitutes. See "Attention called to matters," above.

**INQUIRY OF GOVT., debate on, irregular.**

On inq. (Mr. Girard) respecting site of public buildings, Edmonton, Mr. Kaulbach pointed out the irregularity of debates upon such inquries., 494.

See also "Attention, calling."

**JURISDICTION IN PROVINCIAL MATTERS.**

See "Parliament," below.

**MOTION ON NOTICE PAPER, withdrawal of.**

Mr. Almon having objected (241-42) to Mr. Dever withdrawing M. for. adjt., of which he had given Notice, it was pointed

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out by Messrs. Abbott and Allan that, while a M., when before the House, could not be withdrawn without leave, a Notice of M. might be dropped without leave, 242-3.

**MOTION, DEBATABLE,** what constitutes. See "Attention called to certain matters," above.

**NOTICE HAVING BEEN GIVEN, M.** withdrawn. See "Motion," above.

— OF CALLING ATTENTION to matters. See "Attention," above.

— OF AMT. TO BILLS. See "Bills," above.

**PARLIAMENT, DOMINION OR PROVINCIAL.**

Discussion, as to proper field for investigation of misappropriation of Provincial funds, took place in the lengthy debate on 2nd Rep. of Ry. Com. (Baie des Chaleurs Ry. B.); the Rep. (for proceeding with the inquiry) was adopted on division, 365-390. See also debate on the 6th Rep., pages 573 and 576.

**PROVINCIAL IRREGULARITIES,** investigation of. See "Parliament," above.

**QUESTION FOR DEBATE,** what constitutes. See "Attention called to matters," above.

**RULING ON A CONCEDED POINT OF ORDER.**

On the ques. of Mr. Poirier's right to address the House on "calling attention" to a matter (see above, heading "Attention, &c.") a ruling was called for and given, although Mr. Poirier conceded the point of Order,

Subsequently (in debate on Baie des Chaleurs Ry. Co.'s B.), on objection being taken by Mr. Masson to Mr. O'Donohoe's reference to proceedings of Com., the point of Order was withdrawn, and no ruling was given. Mr. Poirier, in view of the above case, called for the Speaker's decision of the present ques. of Order; but no action was taken, 574.

**SEAT VACATED (Hon. Geo. Alexander).**

For procedure hereon, see "Alexander, Hon. G.," in INDEX to SENATORS.

**WITNESSES, COMMITTEE.** See "Committee," above.

**Oshawa Ry. Co.; change of name; extension of time for construction; amount of capital stock; B. (123).—Mr. Sullivan.**

1st R., 265.

2nd R., 300.

3rd R., 346.

Assent, 528.

(54-55 Vict., Cap. 91.)

**OSHAWA RY. CO.,** Subsidy. See "Railways, Subsidies to," B. (175).

**Ottawa, Arnprior and Parry Sound Ry. Co.; amalgamation of Cos.; powers, capital, &c.; B. (96).—Mr. Clemow.**

1st R., 224.

2nd R., m. (Mr. Clemow), and agreed to, 228.

3rd R., 238.

Assent, 287.

(54-55 Vict., Cap. 93.)

**OXFORD AND NEW GLASGOW BRANCH RY.**

Inqy. (Mr. Wark) as to length and cost, 471; reply (Mr. Abbott), 471.

**PAMPHLETS, SUPPLY OF.**

See "Library" and "Printing" Coms., Reports of.

**PARLIAMENT, DATE OF CALLING.**

In debate on Supply B.: Mr. Power, 667—Mr. Kaulbach, 668—Mr. Abbott, 669.

**PARLIAMENT, DISQUALIFICATION FOR.**

Attention called (Mr. Poirier) to propriety of amending Act, to disqualify shareholders in Cos. under contract with or subsidized by Govt., 471. Ques. of Order (which heading see) as to permissibility of a speech, &c. Upon M. for adjt. of H. (Mr. Ross) speeches on the main subject: Mr. Poirier, 474, 476-7-8, 480, 483—Mr. Miller, 476-7-8—Mr. Dever, 476, 483—Mr. Power, 478—Mr. Ross, 478—Mr. Ogilvie, 479—Mr. McCallum, 479, 480—Mr. Kaulbach, 480—Mr. Clemow, 481—Mr. Read (Quinté), 483—Mr. Flint, 482. M. to adj. withdrawn (Mr. Ross), 483.

**—SESSIONAL INDEMNITY.**

In debate on Supply B.: Mr. Power, 667—Mr. Poirier, 668—Mr. Flint, 668—Mr. Abbott, 669.

**PASSENGER SHIPS,** explosives in. See "Ships, safety," B.

**Patent Act Amt.; suit directly by party interested; B. (142).—Mr. Abbott.**

1st R., 301.

2nd R. m. (Mr. Abbott), and agreed to, 346.

In Com. of the W., and reported (Mr. McDonald, C.B.) without Amt., 416.

3rd R., 416.

Assent, 528.

(54-55 Vict., Cap. 33.)

**PATENT,** extension, of one lapsed for non-payment.

See "Corbin, J. C., Patent Extension B."

**PEACE RIVER, INDIANS, &C.** See "Mackenzie Basin."

**Pembroke Lumber Co. Incorp. B. (26).—Mr. Clemow.**

1st R., 123.

2nd R., 163.

M. (Mr. Clemow) to refer to Private Bs. Com., 163; suggestion (Mr. Miller) to refer to Banking and Commerce Com.; concurred in (Mr. Abbott); remarks (Mr. Power); agreed to, 163.

3rd R., 176.

Assent, 223.

(54-55 Vict., Cap. 121.)

**Peterborough, Sudbury and Sault Ste. Marie Ry. Incorp. B. (72).—Mr. Flint.**

1st R., 164.

2nd R., 191.

3rd R., 202.

Assent, 224.

(54-55 Vict., Cap. 63.)

**PETITIONS RECEIVED, OMITTED FROM MINUTES.**

Remarks, on M. for adjt.: Messrs. Power, Clemow, Miller, 60.

## PETITIONS, DIVORCE, EXTENSION OF TIME.

Till 1st July. 3rd Rep. of Select Com., recommending; adoption *m.* (Mr. Gowan), 60; discussed: Mr. Scott, 60—Mr. Gowan, 61—Mr. Kaulbach, 61; agreed to (C. 36, N.-C. 19), 61.

—— PRIVATE BILLS. See "Order and Procedure."

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1st R. \*, 432.  
2nd R. *m.* (Mr. Abbott), and agreed to, 437.  
3rd R. \*, 445.  
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(54-55 *Vict.*, *Cap.* 49.)

Pictou Bank; continuance of charter; B. (76).—*Mr. Kaulbach.*

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Assent, 286.  
(54-55 *Vict.*, *Cap.* 111.)

Pictou Harbour Acts Amt.; Commission incorporated, and powers extended; B. (150).—*Mr. Abbott.*

1st R. \*, 466.  
2nd R. *m.* (Mr. Abbott), 492; agreed to, 493.  
In Com. of the W.; M. (Mr. Abbott) to strike out cl. 2, as superfluous, 512; agreed to, 512. B. reported (Mr. Ogilvie) with Amt., 512.  
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Assent, 671.  
(54-55 *Vict.*, *Cap.* 54.)

## Pictou Town Branch Ry., Length and Cost.

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## PONTIAC PACIFIC JUNCTION RY., B. affecting. See "Kingston and Pontiac Ry."

## PORT ARTHUR, DULUTH AND WESTERN RY., B. affecting. See "Ont. and Rainy River Ry."

## PREMIER, DECEASE OF THE LATE. See "Macdonald, the Rt. Hon. Sir John A."

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QUE. AND LAKE ST. JOHN RY., subsidy. See "Railways, Subsidies to," B. (175).

**Quebec Bridge Co. Incorp. Act revived; time extended; B. (87).—Mr. Bellerose.**

1st R. \*, 223.

2nd R. \*, 228.

3rd R. \*, 241.

Assent, 287.

(54-55 Vict., Cap. 107.)

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1st R. \*, 467.

2nd R. m. (Mr. Abbott), and agreed to, 500.

3rd R. \*, 523.

Assent, 528.

(54-55 Vict., Cap. 14.)

RAILWAYS, GOVT., all declared part of Intercol. See "Intercolonial Ry. B."

QUINTÉ RY. B. See "Collingwood and Bay of Quinté Ry."

**Railway Act Amt.; expropriation of land; arbitration proceedings; shorthand report; B. (176).—Mr. Abbott.**

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Suspension of the 41st Rule, and

2nd R. m. (Mr. Abbott), 663; agreed to, 663.

In Com. of the W. \*, and

3rd R. \*, 663.

Assent, 671.

(54-55 Vict., Cap. 51.)

**RAILWAYS.**

Alphabetical list of Railways affected by legislation of this Session, either directly, or by Bs. of other Railways mentioning agreements, amalgamation or connections to be made with them.

Albert Ry. Co., Inqy.

Alberta Ry., B. (16).

Atikokan Iron Range Ry., B. (55).

Atlantic & N. W. Ry.—Affected by

Montreal and Atlantic Ry., B. (29).

Baie des Chaleurs Ry., B. (82); Ms. and Inqy.

Bay of Quinté Ry.—Affected by

Collingwood and Bay of Quinté Ry., B. (47).

Berlin and C. P. R. Junction Ry., B. (64).

Brandon Branch Ry.—See "C. P. R."

Brantford, Waterloo and L. Erie Ry.—

Affected by

Toronto, Hamilton and Buffalo Ry., B. (80).

Brighton, Warkworth and Norwood Ry., B. (86).

Brockville, Westport and Sault Ste. Marie Ry., subsidy.—See "Railways, subsidies to," B. (175).

Buffalo Lake and Battleford Ry., B. (57).

Burrard Inlet and Westminster Valley Ry., B. (107).

Calgary and Edmonton Ry.—Affected by Buffalo Lake and Battleford Ry. B. (57).

C. P. R. Act Amt. B. (74).

Canada Atlantic Ry.—Affected by Central Counties Ry., B. (38).

Kingston and Pontiac Ry., B. (89).

Kingston, Smith's Falls and Ottawa Ry., B. (94).

Canada Southern Ry.—Affected by St. Cath. and Niagara Central Ry., B. (61).

St. Clair River Bridge and Tunnel, B. (17).

Canadian Pacific Ry., Bs. (74, 75, 170).

Brandon Branch, and Man. S. W.

Colonization Ry. land grants.

—See "Rys., land subsidies,"

B. (173).

Rys. affected by C. P. R. Act Amt. B. (74) :—

Calgary and Edmonton Ry.

Columbia and Kootenay Ry.

Man. S. W. Colonization Ry.

Saskatoon and Saskatchewan Ry.

Souris Branch Ry.

Temiscamingue Colonization Ry.

C. P. R. affected also by :

Atikokan Iron Range Ry., B. (55).

Berlin and C. P. R. Junct. Ry., B. (64).

Brighton, Warkworth and Norwood Ry., B. (86).

Burrard Inlet and Westmr. Ry., B. (107).

Chatsworth, Georgian Bay, &c., Ry., B. (N).

Great Eastern Ry., B. (124).

Guelph Junction Ry., B. (66).

Kingston and Pontiac Ry., B. (89).

Man. and Assa. Gr. Junct. Ry., B. (Q).

Montreal and Atlantic Ry., B. (29).

New Brunswick Ry., B. (69).

Peterborough, &c., and Sault Ste. Marie Ry., B. (72).

Railways, land subsidies, B. (173).

Rocky Mountain Ry., B. (M).

St. Catharines and Niagara Ry., B. (61).

Shuswap and Okanagan Ry., B. (78).

Temiscamingue Colonization Ry., B. (22).

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Cape Breton Ry., Inqy.—Affected also by Inverness and Vict. Ry., B. (136);

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Carleton Branch, St. John, Ry., B. (158).

- Central Counties Ry., B. (38).  
 Chatsworth, Georgian Bay and L. Huron Ry., B. (N).  
 Chignecto Marine Ry., B. (97).  
 Cobourg, Northumb'd and Pacific Ry., B. (90).  
 Collingwood and Bay of Quinté Ry., B. (47).  
 Columbia and Kootenay Ry.—Affected by C.P.R. Act Amt. B. (74).  
 Credit Valley Ry.—Affected by Berlin and C.P.R. Junction Ry., B. (64).  
 Georgian Bay Ry.—Affected by Chatsworth, Georgian Bay and L. Huron Ry., B. (N).  
 Glencoe Branch Ry.—See "Grand Trunk."  
 Grand Trunk Ry. Glencoe Branch, B. (36).—Affected also by Chatsworth, Georgian Bay, &c., Ry., B. (N).  
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 Inverness and Victoria Ry., B. (136).  
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 Kingston and Pontiac Ry., B. (89).  
 Kingston, Smith's Falls and Ottawa Ry. B. (94).—For subsidy, see "Rys., subsidies," B. (175).  
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 Lake Huron Ry.—See Chatsworth, Georgian Bay and L. Huron Ry., B. (N).  
 Lake Temiscamingue Ry., B.—See "Temiscamingue."  
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 Man. and S. W. Colonization Ry.—See C.P.R. Act Amt B. (74); land grant, see "Railway, land subsidies," B. (173).  
 Medicine Hat Ry., B. (25).  
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 Affected also by Kingston, Smith's Falls and Ottawa Ry., B. (94).  
 New Brunswick Ry., Bs. (37 and 69).  
 New Brunswick, Govt. Rys.—See Intercolonial Ry., branches, B. (105).  
 New Glasgow Branch Ry.; Inqy.  
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 Ottawa, Arnprior and Parry Sound Ry., B. (96).  
 Oxford and New Glasgow Branch Ry.; Inqy.  
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 Affected by Kingston and Pontiac Ry., B. (89).  
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**Railways, land subsidies to; B. (169).—Mr. Abbott.**

- RED DEER VALLEY RY. (change of terminus, Calgary.)  
 1st R. \*, 601.  
 2nd R. m. (Mr. Abbott), 650; inqy. (Mr. Kaulbach), reply (Mr. Abbott), and M. agreed to, 651.  
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 Assent, 671.  
 (54-55 Vict., Cap. 9.)

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- C. P. R., BRANDON BRANCH;  
 M.A.S. S. W. COLONIZATION RY.  
 1st R. \*, 655.  
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 Assent, 671.  
 (54-55 Vict., Cap. 10.)

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- BROCKVILLE, WESTPORT AND S. STE. MARIE RY.;  
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 GREAT NORTHERN RY.;  
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 MONTREAL AND OTTAWA RY.;  
 OSHAWA RY.;

**QUEBEC AND LAKE ST. JOHN RY.;**

ST. LAWRENCE, L. LAURENTIAN AND SAGUENAY RY.;

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- 1st R. \*, 666.  
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 In Com. of the W. \*, and  
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 Assent, 671.  
 (54-55 Vict., Cap. 8.)

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- On M. (Mr. Abbott) for 3rd R. of Land Subsidies B. (169); debate on policy of land grants: Mr. Dickey, 653-4—Mr. Kaulbach, 653, 655—Mr. Dever, 653—Mr. Girard, 653-4—Mr. Abbott, 654—Mr. Almon, 654—Mr. Power, 654.

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- On M. (Mr. Abbott) for 2nd R. of Land Subsidies B. (173); debate on the policy: Messrs. Power, Kaulbach, Abbott, 655.

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- Inqy. (Mr. Wark), length and cost of Pictou Town Branch, Oxford and N. Glasgow line, C. B. line, Grand Narrows Bridge, 471; reply (Mr. Abbott), 471.

See also "Intercolonial Ry., acquisition of branch lines," B. (105).

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